

**Town Council Minutes
January 9, 2012**

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 9th day of January 2012 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. City Attorney Jim Jeffrey was excused from tonight's meeting. The following staff members were present:

Sean Fox
Lindsay Wells
Fitzhugh Newsome
Joel McKinney
Tom Griffith
Ron Edwards
Chad Joyce

City Manager
City Secretary
Finance Director
Police Chief
Fire Chief
Public Works Director
Community Development Director

Also in attendance:

Bryn Meredith

Gas Well Attorney

WORK SESSION 6:30 P.M.

Mayor Paradise called the work session into order at 6:32 p.m.

1. City Manager Report

- Park Master Plan- Park Master Plan-A Stakeholders Meeting is scheduled for Monday, January 16, 2012 to discuss the Park Master Plan with David McCaskill.
- Business Owners Meet and Greet-PEDC will hold a business owners meet and greet in conjunction with Colonial Bank on January 26, 2012 with a presentation on the ten steps needs to apply for a commercial loan. Council is invited to attend.
- Arlington Handitran/library services-City Manager Sean Fox will meet with Interim City Manager Bob Byrd of Arlington tomorrow, January 10, 2012 to discuss an agreement between the Town of Pantego and the City of Arlington.
- Tarrant County Bond Issues-5 to 6 road projects were identified and Tarrant County does not feel that the sidewalk project is in the spirit of bond issue. Tarrant County has asked the Town to reconsider projects the projects presented and Public Works Director Ron Edwards is researching the repair of cross walks.

Council discussed Arlington Handitran/library services meeting.

2. Monthly Staff Reports

Council discussed interest rates and revenues with Finance Director Fitzhugh Newsome. A reported burglary and the Tickets for Tots program was discussed with Police Chief Joel McKinney. Fire Chief Tom

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Griffith discussed smoke alarms and batteries as well as the Shattered Dreams program to be held in conjunction with Pantego Christian Academy.

3. **Approval of Bills Payable and Purchase Orders in Excess of \$1,000 for December 26, 2011 and January 9, 2012.**

Council discussed purchase orders presented including an invoice for magistration services.

4. **Minutes: Community Relations Board-September 13, 2011
Community Relations Board-October 11, 2011
Town Council-December 12, 2011**

Council directed City Secretary Lindsay Wells to make changes to the Town Council minutes from December 12, 2011 as discussed.

Council discussed agenda item #5 regarding sewer use regulations with Public Works Director Ron Edwards. Mr. Edwards stated that the proposed ordinance comes from the City of Fort Worth and although the ordinance does not currently apply to any businesses in town, the Town would be in compliance should that happen. Mr. Edwards informed Council that City Attorney Jim Jeffrey recommended that this ordinance be approved as a first reading so changes could be made prior to final approval. Council discussed proposed changes including refunding water account deposits.

Council discussed agenda item #6 regarding an ordinance governing Boards and Commissions with City Secretary Lindsay Wells. Ms. Wells informed Council of this issues being clarified in the proposed ordinance including, term limits, vacancies, and a maximum number of board members. Council discussed how Franklin Legal Publishing takes the information from the ordinances and compiles it into book form for the Town Code of Ordinances.

Council discussed agenda item #9 regarding a Laserfiche contract with City Secretary Lindsay Wells. Ms. Wells informed Council of the history of this topic including the original contract, system specifications, current and future use of the system, and staff recommendations.

Mayor Paradise adjourned the work session at 7:27 p.m.

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

Mayor Paradise called the regular session to order at 7:36 p.m.

INVOCATION BY:
Terry Cagle, Christ Community Church
PLEDGE OF ALLEGIANCE

COUNCIL RECOGNITION

Fire Chief Tom Griffith presented Firefighter Darren Burkhart with recognition of 5 years of service as well as presenting him with the award for Firefighter of the Year.

MAYOR/COUNCIL/STAFF COMMENTS OF COMMUNITY INTERESTS

Councilmember Brewster thanked those in attendance and thanked staff for their hard work. Councilmember Smith commended the fire department for their professionalism and courtesy during an injury he suffered. Councilmember Barrett congratulated Darren Burkhart and wished everyone a happy new year. Councilmember Funderlic acknowledged the police and fire departments and welcomed the citizens in attendance.

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Mayor Pro Tem Surratt thanked all those in attendance and congratulated Darren Burkhart for his award and service to the Town. Mayor Pro Tem Surratt thanked Police Chief Joel McKinney for implementing the Tickets for Tots program. He also congratulated Mayor Paradise for reaching her goal of \$3,000 in the Salvation Army Mayoral Red Kettle Challenge.

Mayor Paradise acknowledged that the goal of \$3,000 was more than double what was raised the previous year and the Town was able to raise \$3,056.72 allowing Pantego to win the per capita prize once again. Mayor Paradise thanked the citizens and staff for their hard work and mentioned that she presided over a ribbon cutting for the Kiwanis International the same day, December 17, 2011. Mayor Paradise thanked the staff and citizens for the Volunteer Christmas Party held Friday, December 9, 2011.

COUNCIL LIAISON TO BOARD REPORT

- **Community Relations Board**

Mayor Pro Tem Surratt stated that the board met Tuesday, January 3, 2012 and was pleased with the Volunteer Christmas Party. Issues including previous events and membership were discussed and Mayor Pro Tem Surratt stated that strengthening the board is very important.

Mayor Paradise stated that the board meets the first Tuesday of each month.

- **Pantego Youth Leadership Council**

Mayor Paradise stated that the PYLC will meet next Tuesday, January 17, 2012 when they will learn about non-profit organizations and discuss community youth events as well as plan a field trip during Spring Break.

PEDC REPORTS

City Manager Sean Fox informed Council that PEDC will meet Wednesday, January 11, 2012 and will discuss goals, objectives, and a mission statement.

CITIZENS OPEN FORUM

Barbara Rogers, 1808 Stolpher, Pantego, TX 76013 - Ms. Rogers inquired as to where to learn about Pantego's codes as they relate to the visibility or obstruction of street signs in regards to landscaping or other sight obstructions.

Mayor Paradise stated that this topic can be found in the Town of Pantego Code of Ordinances online through the Town of Pantego website.

Udell Bell, 2012 Pioneer Pkwy. Pantego, TX 76013 - Mr. Bell of the Bedroom Shop inquired about temporary signs being allowed along Pioneer Parkway. Mr. Bell stated that he has temporary signs in front of his building and was told to take the signs down. He feels that not allowing the signs has hurt his business and asked Council to consider changing that rule.

Council directed staff to research this item.

APPROVAL OF CONSENT AGENDA ITEMS

Mayor Pro Tem Surratt moved to approve Consent Agenda Items 1, 2, 3, and 4 with changes as discussed. 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

5. Discuss, review and consider any action on an ordinance amending Chapter 13, Section 13.03 "Sewer Use Regulations."

This item was discussed during work session.

Public Works Director Ron Edwards stated that this is an amendment brought by the City of Fort Worth and changes discussed during work session include language and the definition of director.

Councilmember Funderlic moved to approve the first reading of an ordinance amending Chapter 13, Section 13.03 Sewer Use Regulations with changes as discussed. Councilmember Brewster seconded the motion.

The vote was as follows:

Ayes: Surratt, Barrett, Brewster, Funderlic and Smith
Nays:
Abstentions:

Mayor Paradise declared the motion passed unanimously.

6. Consider any action on a first and final reading of an ordinance amending the Town of Pantego Code of Ordinances Article 1.05 Boards and Commissions by updating and revising sections regarding membership and term limits of members.

This item was discussed during work session.

Mayor Pro Tem Surratt made a motion to approve the ordinance amending the Town of Pantego Code of Ordinances Article 1.05 Boards and Commissions by updating and revising sections regarding membership and term limits of members. 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.

7. Discuss, review and consider amending Chapter 4, "Business Regulations," Article 4.06 "Gas Drilling and Production," of the Code of Ordinances of the Town of Pantego, Texas, and direct staff.

City Manager Sean Fox stated that tonight's discussion will only be to further direct staff. No action will be taken. Mr. Fox informed Council of events that have taken place since the amendment was passed in November including a meeting with Carrizo, Mayor Paradise and himself. Mr. Fox explained how the history of the amendment and presented the proposed changes including noise requirements, masonry requirements, and ambient noise study.

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Council discussed the information presented by Mr. Fox including an ambient noise study, including holidays in operating times, vibration study, and citizen quality of life.

Gas Well Attorney Bryn Meredith stated that any ordinance should pass a rational basis test and feels Council should take the opinion of the ambient expert into account.

David Nelson, 1910 Sarah Ct. Pantego, TX 76013 - Dr. Nelson is concerned about noise from the gas well site. He feels that Carrizo would state what noise level they need rather than accept the opinion of an ambient expert. Dr. Nelson stated that he wants no noise.

Chen Lee, 2001 Melbourne Dr. Pantego, TX, 76013 - Mr. Lee stated that he is concerned that Carrizo is not concerned about the quality of life for Pantego's citizens.

Jim Siddens, 1710 Robin Rd. Pantego, TX 76013 – Mr. Siddens stated that he was on the Planning & Zoning Board when the SUP was passed and he thought ambient noise was covered. He is disappointed with what is happening at the site and feels ambient noise should be thoroughly documented and the masonry wall issue should be settled. He feels cost of gas is irrelevant.

Nancy Tice, 2615 Smith Barry Rd. Pantego, TX 76013 - Ms. Tice asked Mayor Pro Tem Surratt if it is a conflict of interest for him to help shape the ordinance.

Dr. Nelson feels that it is a conflict of interest for anyone on Council who benefitted from mineral rights lease agreements to shape an ordinance related to gas wells.

Community Development Director Chad Joyce informed Council of the cost of constructing a masonry wall.

Council directed City Manager Sean Fox to meet with Mayor Pro Tem Surratt and the ambient noise expert to discuss amendments to the gas well ordinance.

PUBLIC HEARINGS

8. Public hearing and consider any action on a proposed water infrastructure rate increase and sewer rate winter averaging.

City Manager Sean Fox presented a proposal to Council to implement a fee on water bills to fund water infrastructure improvement projects as laid out by the Citizens Ad-Hoc Water Committee. Mr. Fox detailed the projects deemed necessary by the Town and explained the calculations he conceived to pay for these projects. Mr. Fox next explained the concept of winter averaging as a way to lessen the increase and presented examples of how a water rate increase and new winter averaging would affect different water consumers.

Mayor Paradise opened the floor for a public hearing and the following citizens came before Council regarding the water infrastructure rate increase:

Michael Robertson, 1701 Arrowhead Dr. Pantego, TX 76013 - Mr. Robertson stated that Pantego is the only town in the rate comparison chart provided in the council packet that gets its water from wells and that is virtually free. He feels that water should be much less expensive than it is now because we do not incur fees as neighboring cities do. Mr. Robertson stated that the water rate increase that was recently passed should pay these improvements.

Nancy Tice, 2615 Smith Barry Rd. Pantego, TX 76013 - Ms. Tice disagrees with Mr. Robertson and feels that he is not looking at the big picture. Ms. Tice is in favor of the plan presented by Mr. Fox and asked him if future increases to sewer rates have been accounted for since sewer fees are paid to another entity. She stated that, in her opinion, bonds are a bad idea and the "pay as you go" option presented is better.

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Jim Siddens, 1710 Robin Rd. Pantego, TX 76013 - Mr. Siddens asked Sean Fox what the net effect would be by increasing water rates and decreasing sewer rates. He next asked if other cities utilize winter averaging and stated that he was in favor of the winter averaging idea.

City Manager Sean Fox stated the sewer fund account has had a surplus in the last few years and that money has been transferred to the water construction fund to fund infrastructure improvement projects. Mr. Fox informed Mr. Siddens that implementing water averaging has been accounted for in the proposal presented. Mr. Fox next answered that, yes, other cities do utilize winter averaging and discussed different sewer billing options including the use of a private well and a sewer meter.

Chris Sarandis, 3309 Peachtree Ln. Pantego, TX 76013 - Mr. Sarandis inquired about the Town's engineering firm and how projects have been scheduled to coincide with road work. Mr. Sarandis next inquired about a letter sent to new residents informing them of plants that would grow best using the Town's water.

Public Works Director Ron Edwards stated that projects have been scheduled so underground water lines are repaired or replaced first and then road work would begin.

Mayor Paradise closed the public hearing and gave Council the opportunity to discuss the issues brought by the citizens. Mayor Pro Tem Surratt discussed a recent article in the Fort Worth Star Telegram regarding infrastructure improvements and hoped that citizens saw that the Town is attempting to implement a project that has never been planned before. Council discussed specifics of the proposed rate increase including how costs were calculated, minimum usage, and bonds.

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

9. Discuss, review and consider directing the City Secretary to enter into a contract with Laserfiche for document management services.

This agenda item was discussed during work session.

City Secretary Lindsay Wells presented options by Municipal Code Corp who provide maintenance for Laserfiche to reinstate the maintenance agreement for the Laserfiche software currently in place in Town Hall.

Council discussed the options presented as well current system requirements.

Councilmember Brewster made a motion to postpone the agenda item for 60 days. Councilmember Smith seconded the motion.

The vote was as follows:

Ayes: Surratt, Barrett, Brewster, Funderlic and Smith

Nays:

Abstentions:

Mayor paradise declared the motion passed unanimously.

COUNCIL INQUIRY

Mayor Pro Tem Surratt was contacted by Michael Paroulek, 3111 Smith Barry Rd. Pantego, TX 76013 who contacted him regarding a recently passed ordinance related to parking vehicles in backyards or unimproved areas. Mr. Surratt asked Community Development Director Chad Joyce if residents are no longer allowed to park on an unimproved driveway in front of their house. Mr. Joyce confirmed that

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residents will be required to either discontinue parking in certain areas or pave unimproved land to allow for parking. Council directed staff to research this topic for future Council discussion.

Also, Mayor Pro Tem Surratt informed Council about an essay contest held by the City of Arlington regarding the care and well-being of animals and would like information about starting a contest for Pantego residents similar to Arlington, possibly using the restricted Shamberger fund. Council directed City Secretary Lindsay Wells to present information at the next Council meeting.

Councilmember Barrett inquired about Pebble Beach. She stated that this street ends in a cul-de-sac and a garbage truck had trouble getting around parked cars. Public Works Director Ron Edwards stated that it is currently not an against Town ordinance to park on the street.

City Secretary Lindsay Wells updated Council on the status of the local option liquor election. Ms. Wells informed Council that the petition cannot be presented to Council until 30 days has passed since its filing. In order for the petition to be brought on the May ballot, the petition would need to be filed with the City Secretary by January 27, 2012.

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 10:07 p.m. and reconvened at 10:17 p.m. with council taking the action to make the following appointments to the Community Relations Board. The following appointments were made for two year terms expiring in June 2014:

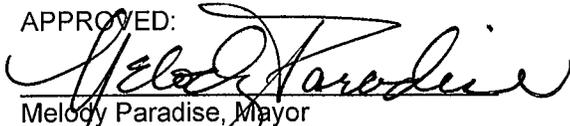
Community Relations Board

Eric Fox
Tracy Fox

ADJOURNMENT

Mayor Paradise adjourned the regular session at 10:17 p.m.

APPROVED:


Melody Paradise, Mayor

ATTEST:


Lindsay Wells, City Secretary