

**Town Council minutes
June 11, 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 11th day of June 2012 with the following members present:

Melody Paradise	Mayor
Don Surratt	Mayor Pro Tem
Russell Brewster	Council Members
Don Funderlic	
Charlie Price	

constituting a quorum. Council Member Jane Barrett and City Attorney Jim Jeffrey were excused from tonight's meeting. The following staff members were present:

Sean Fox	City Manager
Lindsay Wells	City Secretary
Fitzhugh Newsome	Finance Director
Tom Griffith	Chief of Public Safety
Barry Reeves	Police Lieutenant
Ron Edwards	Director of Public Works
Chad Joyce	Community Development Director

SPECIAL SESSION 6:00 P.M.

Mayor Paradise called the special session into order at 6:07 p.m.

1. Boards and Commissions Prospective Member Interviews.

Prospective board members were interviewed by Council. Applicants were advised that appointments would be made at the June 25, 2012 Council meeting and they would be notified shortly thereafter.

Council discussed applicants, open positions, and new applications received.

WORK SESSION 6:30 P.M.

Mayor Paradise called the work session to order at 6:41 p.m.

2. City Manager Report

- Arlington Parade – 4th of July – The Town has been invited to participate in the City of Arlington's annual July 4th parade. The Town's entry in the parade will be the Quint fire truck and a patrol car. City Manager Sean Fox requested that Council let him know if they would like to participate in the parade.
- June Business Meet & Greet – The next monthly Business Meet & Greet will be held June 28, 2012 at 5:30 p.m. at the Village Park Shopping Center in front of David's Barbeque. A presentation of the proposed Park Row improvements including park benches and trees will be given.
- Executive Session – Most of the employees appointed by the Council that will be reviewed tonight in Executive Session will be in attendance at the beginning of the Regular Session at 7:30 p.m. to answer any questions Council may have.

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3. Monthly Staff Reports

Council discussed the departmental expenditures and salary reports. Council received clarification on sales tax revenues from Finance Director Fitzhugh Newsome.

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

5. Minutes: Town Council – May 14, 2012, May 21, 2012, and June 4, 2012

Council discussed the minutes presented and directed staff to make changes and clarifications to the minutes from June 4, 2012.

6. Consider any action on a resolution regarding Atmos Energy Corp.'s requested rate change.

Council discussed the resolution presented and directed staff to make changes to wording regarding when the ordinance was approved.

7. Consider any action on a proposed resolution authorizing the City Manager to enter into a five year agreement with George, Morgan & Sneed P.C. for audit services.

Council discussed audit services with Finance Director Fitzhugh Newsome. Mr. Newsome stated that the previous contract with Patillo, Brown, and Hill had expired and a new Request for Proposal was issued for audit services. Mr. Newsome informed Council that an audit committee was formed including himself, City Manager Sean Fox, and Council Member Jane Barrett to review the submissions received. After review by the audit committee, Mr. Newsome stated that the accounting firm of George, Morgan & Sneed is being submitted for Council approval for audit services.

Council discussed issues including cost and the benefits of George, Morgan & Sneed.

8. Discuss, review, and direct staff on preparation for the 2012 TML Conference to be held in Grapevine, TX November 13-16, 2012.

City Secretary Lindsay Wells briefed Council on plans for the upcoming TML Annual Conference to be held in Grapevine, Texas November 13-16, 2012. Ms. Wells requested that Council inform her if they are interested in attending the upcoming conference.

9. Discuss and consider the appointment of a Council liaison to the Community Relations Board.

Mayor Paradise stated that Councilmember Barrett has requested to be appointed as the Council Liaison to the Community Relations Board. Council discussed the request and agreed to appoint Councilmember Barrett as the Council liaison.

SCHEDULED EXECUTIVE SESSION

The Council will convene in the City Manager'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
 1. Discussion of position of City Engineer
 2. Discussion of position of City Attorney
 3. Discussion of position of Municipal Judge
 4. Discussion of position of Municipal Magistrates
 5. Discussion of position of Municipal Prosecutor

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Mayor Paradise adjourned the work session into executive session at 7:19 p.m. and reconvened at 8:04 p.m. Council took the action to officially appoint Joyce Stanton of Di Scullo, Terry, Stanton, & Associates as City Engineer.

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

Mayor Paradise called the regular session to order at 8:04 p.m.

INVOCATION BY:
Public Safety Chief Tom Griffith
PLEDGE OF ALLEGIANCE

MAYOR/COUNCIL/STAFF COMMENTS OF COMMUNITY INTERESTS

Mayor Pro Tem Surratt thanked Lt. Reeves and the police department for the escort from Hill Elementary. Mr. Surratt is thankful that the police and fire departments are so involved in the local elementary schools and the community. Mayor Paradise mentioned that The Cookie Machine is now open. A ribbon cutting was held on Saturday, June 2, 2012 and Mayor Paradise encouraged everyone to visit The Cookie Machine. She also mentioned that Augie Schellhammer passed away on May 29, 2012. He served on the Crime Watch board and the Ad Hoc Water Committee.

Mayor Paradise congratulated Lt. Reeves and welcomed him to the meeting. She also congratulated Tom Griffith who recently took over as Chief of Public Safety. Lt. Reeves thanked Council for welcoming him and stated that his new job keeps him busy.

COUNCIL LIAISON TO BOARD REPORT

- **Community Relations Board**

Mayor Pro Tem Surratt informed Council that the Community Relations Board did not meet in June and may meet again on July 3, 2012.

- **Pantego Youth Leadership Council**

Mayor Paradise stated that PYLC had a year-end celebration at a Texas Rangers game on May 27, 2012 and was well attended. The PYLC will meet near the end of the summer to discuss a new youth event.

PEDC REPORTS

City Manager Sean Fox informed Council that PEDC will meet on Wednesday, June 13, 2012 discuss audits and will have an executive session.

CITIZENS OPEN FORUM

Ed Linfante, 2702 Whispering Trail Cir. Pantego, TX 76013 – Mr. Linfante came before Council to discuss a grant program offered by Tarrant County for tornado shelters. He stated that Pantego is not included in the grant program and would like to know why Pantego is not included. Mr. Linfante next discussed the Gateway Arch along Park Row Drive and stated that the lettering that spells Pantego on each side of the arch should be changed to say Arlington on the east bound side with Pantego remaining on the west bound side.

Council directed staff to follow up with Mr. Linfante regarding the grant program offered by Tarrant County.

Betty Clark, 3406 Country Club Ct. Pantego, TX 76013 – Ms. Clark asked Council why she has not received a follow up from when she came before Council previously regarding the animal ordinance. Ms.

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Clark next discussed nuisances related to her next door neighbor and stated that her neighbor has illegally built structures on her property. Ms. Clark stated that she has had her property surveyed. She would like to know if anything can be done by the Town to help the situation.

Mayor Paradise informed Ms. Clark that the animal ordinance will be discussed at the next Council meeting on June 25, 2012. Mayor Paradise also stated that the Town could not get involved in a neighbor issue and the neighbor must be dealt with directly.

Harriet Irby, 3400 Peachtree Ln. Pantego, TX 76013 – Ms. Irby came before Council to discuss the JD Hollis cemetery. Ms. Irby stated that the City of Arlington has several cemeteries under its control and received \$7000 in gas drilling revenue from cemetery land. She asked why the money is not being spent to maintain the cemetery and feels JD Hollis cemetery should have an historical designation. Second, Ms. Irby discussed the issue of mosquitoes. She stated that mosquitoes are caused by standing water and unkempt pools, not chickens. She said that chickens are not carriers of West Nile virus. Ms. Irby asked that Council take these things into consideration when discussing the animal ordinance.

APPROVAL OF CONSENT AGENDA ITEMS

Mayor Pro Tem Surratt moved to approve Agenda Items 1, 2, 3, 4, 5, 6, 7, 8, and 9 on consent with changes as discussed. Councilmember Price seconded the motion.

The vote was as follows:

Ayes: Surratt, Brewster, Funderlic and Price

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

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

10. Discuss and consider the Water Infrastructure rate adjustment.

City Manager Sean Fox informed Council of the background of the water infrastructure fee and how the fee was implemented. Mr. Fox explained that this issue came to him from the largest commercial water account in the Town, Shady Valley Apartments. After review of previous ordinances and billing statements, Mr. Fox informed Council that Shady Valley Apartments has been overcharged approximately \$6,555 over many years and will issue a credit for that amount. Mr. Fox presented rate adjustment options for Council approval including lowering the infrastructure fee for all accounts, or implementing a super discount.

Barbara Brown, 2227A W. Park Row Dr. Pantego, TX 76013 – Ms. Brown manages the Park Row West shopping center and stated that once the infrastructure fee went into effect, her bill went up 284%. She informed Council that she has shut off water to vacant units in an effort to reduce her monthly bill and is concerned that the water bill is too high.

Jordan Wehner, 3206 Green Tee Dr. Pantego, TX 76013 – Mr. Wehner informed Council that he and his wife own Shady Valley Apartments. He was in the military and began buying properties around the country to refurbish and manage. Mr. Wehner stated that he has put a lot of work into the property and he and his wife care about the tenants and the community. The Wehners are currently in the process of refinancing the property and the infrastructure fee has reduced their property value and jeopardized their refinance.

Paige Wehner, 3206 Green Tee Dr. Pantego, TX 76013 – Ms. Wehner is excited to meet the Council and stated that she loves Pantego. They have put a lot of work into the property and want to continue making improvements. Ms. Wehner stated that they have previously hired a water conservation consultant to ensure they were not wasting water. Ms. Wehner is concerned that the fee has greatly

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devalued the property and their refinancing for the property is in jeopardy. She acknowledged that the fee is necessary and is requesting an adjustment that is fair.

Warren Norred, 200 E. Abram St. Ste. 300 Arlington, TX 76010 – Mr. Norred represents Mr. and Mrs. Wehner. He came before Council to say that the information presented to residents and businesses based the fee on a per account basis rather than on the number of units per account. He recommended that more water usage ranges be added to be fairer. Based on his recommended accounting, Mr. Norred states that his clients should pay \$500-\$600 a month as opposed to the \$2,000 they currently pay. Mr. Norred stated that he wants what is fair.

Council discussed the proposed rate amendments.

City manager Sean Fox discussed property owner responsibility and fairness. Ms. Wehner stated that the 65% solution that Mr. Fox mentioned is close to what they feel is appropriate.

Councilmember Price made a motion to table the issue until the next Council meeting. Councilmember Funderlic seconded the motion.

The vote was as follows:

Ayes: Funderlic and Price

Nays: Brewster, Surratt, and Paradise

Abstentions:

Mayor Paradise declared the motion failed.

Mayor Pro Tem Surratt made a motion to approve the 95% factor. No second.

Motion failed due to lack of a second.

Council discussed issues including taking action tonight and needing additional information for a solution between 75%-95%.

Councilmember Brewster made a motion to approve the 75% factor. No second.

Motion failed due to lack of a second.

Council directed staff to bring this back to Council at the next Council meeting with more information.

Mr. Norred stated that the Town is charging an illegal amount of money because all information presented to the public stated that the fee for high end users would be \$48.

Jim Floyd, 1305 W. Magnolia, Fort Worth, TX 76104 – Mr. Floyd is an attorney who also represents Mr. and Mrs. Wehner and apologized for Mr. Norred's comments at the end of his statements.

11. Discuss and consider the possibility of adopting regulations regarding smoking within the Town Limits and what those regulations might be, and direct staff.

Community Development Director Chad Joyce explained that Council had directed staff to present information regarding smoking ordinances and has submitted ordinances from the cities of Austin, Arlington, and Allen as examples. Mr. Joyce stated that the ordinances vary from very strict by not allowing smoking at all to making concessions for employee health.

Council discussed grandfather clauses, change of ownership, and agreed with aspects of the City of Allen's ordinance. Council directed staff to bring this before Council at a future Council meeting.

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12. Consider any action on a resolution setting a moratorium on the establishment of businesses featuring smoking, and setting the duration for a moratorium.

Community Development Director Chad Joyce stated that this issue has been brought back to Council from a previous meeting. The moratorium presented would provide for no approvals of new Certificate of Occupancy for a specific period of time while a smoking ordinance is discussed.

Council discussed issues including current studies, time periods and current Certificates of Occupancy in the process of approval.

Mayor Pro Tem moved to approve a resolution authorizing a moratorium on the establishment of new businesses featuring smoking for a period of 90 days. Councilmember Brewster seconded the motion.

Council further discussed issues including the language of the resolution.

Mayor Pro Tem amended his motion to approve a resolution authorizing a moratorium on the establishment of new businesses featuring smoking for a period of 90 days, striking the wording of "existing businesses" and change the wording of "studying" to "consideration." Councilmember Brewster seconded the motion.

The vote was as follows:

Ayes: Surratt, Brewster, Funderlic and Price

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

COUNCIL INQUIRY

None at this time.

SCHEDULED EXECUTIVE SESSION

The Council will convene in the City Manager'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
 1. Discussion of position of City Secretary

Mayor Paradise adjourned the regular session into executive session at 10:13 p.m. and reconvened at 11:50 p.m. taking no action on the executive session agenda item.

ADJOURNMENT

Mayor Paradise adjourned the regular session at 11:50 p.m.

APPROVED:



Melody Paradise, Mayor

ATTEST:

Lindsay Wells, City Secretary