

**Town Council minutes  
August 13, 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 13<sup>th</sup> day of August 2012 with the following members present:**

<b>Melody Paradise</b>	<b>Mayor</b>
<b>Don Surratt</b>	<b>Mayor Pro Tem</b>
<b>Jane Barrett</b>	<b>Council Members</b>
<b>Russell Brewster</b>	
<b>Don Funderlic</b>	
<b>Charlie Price</b>	

**constituting a quorum. The following staff members were present:**

<b>Sean Fox</b>	<b>City Manager</b>
<b>Lindsay Wells</b>	<b>City Secretary</b>
<b>Jim Jeffrey</b>	<b>City Attorney</b>
<b>Fitzhugh Newsome</b>	<b>Finance Director</b>
<b>Tom Griffith</b>	<b>Chief of Public Safety</b>
<b>Ron Edwards</b>	<b>Director of Public Works</b>
<b>Chad Joyce</b>	<b>Community Development Director</b>

**Also in attendance:**

<b>Fred Adair</b>	<b>Planning &amp; Zoning Commissioner</b>
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**WORK SESSION 6:30 P.M.**

Mayor Paradise called the work session to order at 6:30 p.m.

**1. City Manager Report**

- August Business Meet & Greet – The monthly business Meet & Greet will be Thursday, August 23, 2012 from 5:30-6:30 p.m. at SCM Real Estate in Northlake Centre and hosted by Judy Nitzinger. Discussion will include plans for holiday lighting and decorations and a possible contest.
- FY 2013 Green Ribbon Funds – Pantego was selected as a recipient for the 2013 Green Ribbon Funds within the Fort Worth district of TXDOT along with other area cities. Staff will meet with David McCaskill to discuss the scope of the project as well as attend the Dalworthington Gardens Council meeting to garner their support.

**2. Monthly Staff Reports**

Council discussed warrants issued by the Arlington Police Department with Public Safety Chief Tom Griffith. Chief Griffith updated Council on the status of West Nile virus and stated that there is one confirmed case in Pantego. Chief Griffith discussed the controversy regarding mosquito spraying versus the use of mosquito dunks. Council discussed areas of town in danger of mosquito infestation including creeks and Camp Thurman with Public Works Director Ron Edwards.

Council discussed the confirmed West Nile virus case and issues including mosquito spraying, other cities plans, and purchasing materials and equipment for spraying. City Manager Sean Fox stated that Tarrant County Public Health provided him an update and stated that the Town has been much more proactive regarding mosquitoes than other communities due to the Town's use of mosquito dunks.

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Mr. Edwards reminded Council that water conservation is important. Council discussed overall water usage with Mr. Edwards.

Mr. Fox informed Council that sales tax figures for the month of July were received and for the second month in a row, sales tax is above projections.

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

Council discussed purchase orders for repairs to the Quint and the removal of a tree in front of Town Hall.

**4. Minutes:           Zoning Board of Adjustments – November 7, 2011  
                          Planning & Zoning – July 2, 2012  
                          Town Council – July 23, 2012 and August 6, 2012**

Council discussed how the Planning & Zoning Commission determines stipulations of Special Use Permits with Community Development Director Chad Joyce.

**5. Discuss, review and consider any action approving the renewal of the contract with the Tarrant County Tax Assessor Collector for assessment and collection of Ad Valorem taxes.**

Finance Director Fitzhugh Newsome informed Council that the Tarrant County Tax Assessor Collector has increased rates 38.5% to 90 cents per account but it is a necessary expense for the collection of Ad Valorem taxes. Council discussed issues including the rate increase.

**6. Discuss and approve authorizing the City Manager to enter into an Interlocal Agreement with the City of Kennedale for Fire Services.**

Public Safety Chief Tom Griffith explained to Council that the Kennedale Fire Department has been a good neighbor over the years and their Fire Chief has asked to enter into an Interlocal Agreement with the Town of Pantego for assistance in fire situations.

Council discussed issues including mutual aid and automatic aid between area cities, and answering a call so far from Pantego. Chief Griffith confirmed that Arlington has a policy to always have the area covered if Pantego's fire department is on a call elsewhere and explained that staff has the discretion to cancel the aid on a case by case basis.

**7. Discuss, review and consider any action on a proposal from CMA for architectural services and streetscape improvements on Park Row Drive.**

Public Works Director Ron Edwards confirmed to Council that staff is finalizing plans for the Park Row Drive improvements. Council discussed issues including owning all documents and work of the contract, native autocad files rather than pdf files, reimbursable costs, and crosswalks including gaining right of way.

City Attorney Jim Jeffrey discussed a Dunaway subcontractor issue and proposed changing the language of the contract.

Mayor Paradise adjourned the work session at 7:28 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:**

Community Development Director Chad Joyce

**PLEDGE OF ALLEGIANCE**

**MAYOR/COUNCIL/STAFF COMMENTS OF COMMUNITY INTERESTS**

Councilmember Brewster thanked everyone in the audience for their attendance and thanked the town staff for their continued hard work. He also recognized Public Safety Chief Griffith and his staff for the many trainings and commendations received. Councilmember Funderlic echoed Councilmember Brewster's comments. Mayor Pro Tem Surratt thanked the police department and specifically Officer Marquez and Officer Cisneros for their diligent work watching his home while he was away as part of the Vacation Watch program.

Chief Griffith issued a reminder to citizens to lock the doors to vehicles parked outside of homes due to recent burglaries of unlocked cars.

**RECOGNITIONS**

Mayor Paradise stated that she was unaware the Town of Pantego was represented by a Miss Pantego and was pleased to introduce Miss Pantego USA Molly Woehl. Ms. Woehl thanked City Manager Sean Fox for his work in arranging a time for her to come speak before Council and thanked the Mayor and Council for the opportunity to represent Pantego. She discussed the upcoming Miss Texas USA pageant and mentioned the need for sponsorship.

Mayor Paradise inquired about the Town sponsoring Ms. Woehl and discussed events that Ms. Woehl could be present.

Mayor Paradise presented Miss Pantego USA Molly Woehl a Key to the City.

**COUNCIL LIAISON TO BOARD REPORT**

- **Community Relations Board**

Councilmember Barrett informed Council that the Community Relations Board met August 7, 2012 where the upcoming PYLC Youth Event was discussed. This event will be held Saturday, September 15 from 5:00 – 9:00 p.m. at Bicentennial Park. Other issues discussed included the need to organize the Community Relations Board decorations and the Halloween event. Councilmember Barrett stated that the next meeting will be held Thursday, September 6, 2012.

- **Pantego Youth Leadership Council**

Mayor Paradise stated that PYLC is the Town's youth leadership council and invited Miss Pantego Molly Woehl to come to their October meeting and discuss the pageant.

**PEDC REPORTS**

Mayor Pro Tem Surratt stated that new members of the PEDC are spurring discussion and each member is participating with great ideas. One idea discussed is for two members of PEDC, CRB, and Council to meet for a brainstorming session to discuss holiday decorations for the town. Councilmember Brewster and Councilmember Barrett volunteered as the council representatives.

**CITIZENS OPEN FORUM**

**Pete Shryock, 2003 Melbourne Dr. Pantego, TX 76013** - Mr. Shryock informed Council that he recently moved to town and utilized the police department's Vacation Watch. He was grateful for the police department for this great service. He also stated that his homeowner's insurance dropped 50% because of the police and fire response times.

**APPROVAL OF CONSENT AGENDA ITEMS**

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

The vote was as follows:

Ayes: Surratt, Barrett, Brewster, Funderlic and Price

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

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

- 8. Discuss, review and consider a vote on the proposed 2012 Ad Valorem tax rate to be acted upon during the Town Council agenda of September 10, 2012 and September 24, 2012 and schedule two public hearings for August 27, 2012 at 7:30 p.m. and September 4, 2012 at 6:30 p.m.**

Finance Director Fitzhugh Newsome informed Council that they will vote on a proposed tax rate in September and citizens will be given the opportunity to discuss the budget during public hearings scheduled for August 27, 2012 and September 4, 2012. Staff is recommending that the tax rate remains the same as last year at \$.41 per \$100 valuation. Mr. Newsome explained the current, effective, and rollback rates and discussed the projected revenues based on the proposed tax rate.

Council discussed issues including setting the proposed tax rate and raising the tax rate.

Mayor Pro Tem Surratt made a motion to propose a tax rate of .41 per \$100 valuation for the 2012 tax rate. Councilmember Barrett seconded the motion.

The vote was as follows:

Ayes: Surratt, Barrett, Brewster, Funderlic and Price

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

- 9. Discuss, review and receive the 2012 Ad Valorem tax roll from the Tarrant County Appraisal District.**

Finance Director Fitzhugh Newsome stated that the next two agenda items are for informational purposes only and no action is required. Mr. Newsome stated that homestead values have decreased slightly.

- 10. Discuss, review and receive the certified anticipated collection rate for tax year 2012 from the Tarrant County Tax Assessor Collector.**

Finance Director Fitzhugh Newsome informed Council that the information in this agenda item states that Tarrant County will collect 100% of the taxes imposed.

- 11. Public Hearing and consider any action on zoning case Z-170, a proposed Special Use Permit as requested by Paul Stamp, of Vision Open Bible Church, for the use of 2401 West Pioneer Parkway, Suite 135, Lot 1R of the Pecan Park Shopping Center, Pantego, Tarrant County Texas, as a church. The property is generally located in the Pecan Park**

**Shopping Center on the north side of West Pioneer Parkway between South Bowen Road and Duluth Drive.**

Community Development Director Chad Joyce informed Council that Vision Open Bible Church has been open for three years and they have recently renewed their lease to stay in their current location. Mr. Joyce stated that the Planning & Zoning Commission approved the Special Use Permit for two years.

Mayor Paradise opened the floor for a Public Hearing at 8:29 p.m. and having no citizens or business owners coming to speak before Council, closed the Public Hearing at 8:29 p.m.

Council discussed issues including the number of churches in the town, limiting the length of the SUP to one year, no longer waiving fees, and the church's long term plans,

Councilmember Funderlic moved to approve zoning case Z-170, a proposed Special Use Permit as requested by Vision Open Bible Church for the use of 2401 West Pioneer Parkway as proposed with a change to notate that the Special Use Permit will expire in one year. Councilmember Brewster seconded the motion.

The vote was as follows:

Ayes: Surratt, Barrett, Brewster, and Funderlic

Nays: Price

Abstentions:

Mayor Paradise declared the motion passed 4-1.

**12. Public Hearing and consider any action on zoning case Z-171, a proposed Special Use Permit as requested by Christ Apostolic Church, for the use of 3610 West Pioneer Parkway, Suite A & B, Lot 9R of the Lanes Industrial Park Addition, Pantego, Tarrant County Texas, as a church. The property is generally located on West Pioneer Parkway between Smith Barry Road and Tierce Boulevard.**

Community Development Director Chad Joyce stated that Christ Apostolic Church is applying for a renewal of their Special Use Permit and the Planning & Zoning Commission voted unanimously to approve the renewal for two years.

Mayor Paradise opened the floor for a Public Hearing at 8:37 p.m. and the following citizens and business owners came before Council to speak.

**Valentine Nze, 3610 W. Pioneer Parkway Ste. A and B Pantego, TX 76013** – Pastor Nze thanked the Council for their time. Pastor Nze stated that this is his second time coming before Council and asked for their approval for his application. He also requested the waiving of his application fee since they are a small church as well as asked for an extended amount of time on his Special Use Permit.

Council discussed with Pastor Nze issues including the length of time approved.

Mayor Paradise closed the Public Hearing at 8:43 p.m.

Council discussed issues including approving the Special Use Permit past the term of the lease as well as waiving fees.

Mayor Pro Tem Surratt moved to approve zoning case Z-171, a proposed Special Use Permit as requested by Christ Apostolic Church for the use of 3610 West Pioneer Parkway for a period of three years. Councilmember Brewster seconded the motion.

The vote was as follows:

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

Mayor Paradise declared the motion failed.

Councilmember Funderlic made a motion to approve zoning case, Z-171, a proposed Special Use Permit as requested by Christ Apostolic Church for the use of 3610 West Pioneer Parkway for a period of two years as approved by the Planning & Zoning Commission.

Motion failed due to lack of a second.

Councilmember Barrett made a motion to approve zoning case, Z-171, a proposed Special Use Permit as requested by Christ Apostolic Church for the use of 3610 West Pioneer Parkway for a period of two years and waive the \$300 fee.

Motion failed due to lack of a second.

Mayor Pro Tem Surratt moved to approve zoning case Z-171, a proposed Special Use Permit as requested by Christ Apostolic Church for the use of 3610 West Pioneer Parkway for a period of two years. Councilmember Brewster seconded the motion.

The vote was as follows:

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

Mayor Paradise declared the motion passed 4-1.

Pastor Nze inquired as to why his fee was not waived when fees for other churches have been waived in the past. Council informed Pastor Nze that Council has become more unwilling to waive fees as a business practice.

**13. Public Hearing and consider any action on zoning case Z-172, a proposed Special Use Permit as requested by Ann Farrell, to establish a snow cone concession stand at 2304 West Park Row Drive, Tracts 1A3, 1A3A, 1A3B, 1A5, 1A5B, and 1A5C of the William J. Barry Survey, Pantego, Tarrant County Texas. The property is generally located in the Lakewood Shopping Center on the south side of West Park Row Drive between South Bowen Road and Milby Road.**

Community Development Director Chad Joyce informed Council that Ms. Farrell became interested in this topic during previous Council discussions on food trucks. Mr. Joyce discussed concerns the Planning & Zoning Commission had regarding the snow cone stand including the stipulation that the snow cone stand approved be a specific model.

Mayor Paradise opened the floor for a Public Hearing at 8:59 p.m. and having no citizens or business owners coming to speak before Council, closed the Public Hearing at 8:59 p.m.

Council discussed issues including the design of the proposed snow cone stand.

Councilmember Brewster moved to approve zoning case Z-172, a proposed Special Use Permit as requested by Ann Farrell for a snow cone concession stand at 2304 West Park Row Drive. Councilmember Funderlic seconded the motion.

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The vote was as follows:

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

Mayor Paradise declared the motion passed unanimously.

- 14. Consider any action on a proposed ordinance amending Town Code Chapter 14 "Zoning", Division 2, Section 14.052 "Definitions" by adding new definitions for "Smoking Establishment" and "Smoking Product" and amending Division 8, Table 14.02.451 "Use Regulations" pertaining to smoking establishments and by amending section 14.02.456 "Permitted Uses in a C-4 Commercial District."**

Community Development Director Chad Joyce stated that this issue was discussed at the previous meeting and has been brought back with changes as discussed. Mr. Joyce stated that the Planning & Zoning Commission voted in a 3-3 tie and felt that this type of issue should be handled as a Special Use Permit.

Council discussed issues including criminal activity reports and zoning requirements including light industrial.

Councilmember Funderlic made a motion to table this agenda item until the next Council meeting. Mayor Pro Tem Surratt seconded the motion.

The vote was as follows:

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

Mayor Paradise declared the motion passed unanimously.

- 15. Discuss and consider any action on a proposed ordinance amending Town Code Chapter 3 building regulations, Division 2 Swimming Pool Fences by removing it in its entirety and adding Section 3.04.053 Swimming Pool Enclosures and Safety Devices and Section 3.04.112 Swimming Pool Barrier Requirements.**

Community Development Director Chad Joyce stated that this agenda item was discussed at a previous Council meeting.

Council discussed issues including going beyond International Building Codes regulations, small children having access to pools, minimum standards of compliance, automatic requirements for in-ground pools versus above ground pool requirements,

Councilmember Price moved to approve an ordinance amending Town Code Chapter 3 building regulations, Division 2 Swimming Pool Fences by removing it in its entirety and adding Section 3.04.053 Swimming Pool Enclosures and Safety Devices and Section 3.04.112 Swimming Pool Barrier requirements. Councilmember Barrett seconded the motion.

The vote was as follows:

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

Mayor Paradise declared the motion passed 3-2.

**16. Consider any action on a proposed ordinance amending Chapter 14 “Zoning” of the Code of Ordinances of the Town of Pantego, Texas, by revising Article 14.02 “Zoning Ordinance”, Division 6 “Residential District Regulations”, Section 14.02.263 “Accessory Building Regulations” by amending listed structures, placement and height requirements.**

Community Development Director Chad Joyce informed Council that he has received negative feedback from citizens regarding this ordinance and wanted to put forward these changes now rather than waiting for changes to the Comprehensive Plan. Mr. Joyce stated that he is proposing including car ports in accessory buildings. The Planning & Zoning Commission requested clarification as to what defines an accessory building. Mr. Joyce discussed the changes in the ordinance including the heights of a garage, storage buildings, and children’s play structures.

Council discussed issues including setbacks, children’s play structures, and fire code regulations. Council directed changing children's playhouses to a maximum height of 12 feet. An additional foot of height is allowed for each additional foot of setback above the required five foot setback with a total increase of no more than four feet for a maximum total height of 12 feet.

Mayor Pro Tem Surratt moved to approve an ordinance amending Town Code Chapter 14 regarding accessory buildings with changes as discussed. Councilmember Brewster seconded the motion.

The vote was as follows:

Ayes: Surratt, Barrett, Brewster, Funderlic and Price

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

**COUNCIL INQUIRY**

Councilmember Brewster inquired about food trucks and possibly finding an area in town for a food truck park. Community Development Director Chad Joyce stated that it will come back before Council once research is complete.

Mayor Paradise inquired about projects that had been previously approved and had not been completed. City Manager Sean Fox stated that if the project had been approved but not spent in the fiscal year, the project must come before Council again for approval.

In regards to uncompleted projects, Mayor Paradise asked about illuminated street sign and confirmed that the funds would need to be approved again by Council to finish the project.

Mayor Paradise requested that Public Safety Chief Tom Griffith submit an article regarding fire hazards related to gas cans storage in the next Monthly News Journal. Chief Griffith confirmed that that it is safest to store gas cans in a fire safe cabinet but the cabinets are very expensive.

**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 Attorney

Mayor Paradise adjourned the regular session into executive session at 10:04 p.m. and reconvened at 10:46 p.m. with council taking no action on the executive session agenda item.

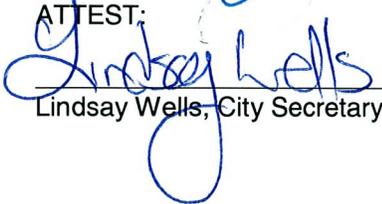
**ADJOURNMENT**

Mayor Paradise adjourned the regular session at 10:46 p.m.

APPROVED:

  
Melody Paradise, Mayor

ATTEST:

  
Lindsay Wells, City Secretary

