

**Town Council minutes  
August 27, 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 27<sup>th</sup> day of August 2012 with the following members present:

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

constituting a quorum. The following staff members were present:

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

Also in attendance:

Paul Mayo	PEDC Secretary
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**WORK SESSION 6:30 P.M.**

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

**1. City Manager Report**

- Road construction projects complete – For the past month, the Town has partnered with Tarrant County on road repair projects on Miller Lane, Miller Court, Marathon Drive and Stockbridge Court. These projects were chosen because they could be completed with available budgeted funds. \$7,300 was needed in excess of what was initially approved because of required stabilization.

Council discussed issues including added costs for stabilization and future project costs.

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

Council discussed issues related to the purchase order for taser repairs including warranties and repair costs.

- 3. Minutes:**           **Community Relations Board – July 10, 2012**  
                              **PEDC – July 11, 2012 and August 8, 2012**  
                              **Town Council – August 13, 2012 and August 20, 2012**

Council discussed issues related to accessory buildings discussed in the August 13, 2012 Town Council minutes.

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- 4. Discuss and consider recognizing Miss Pantego 2013 Molly Woehl an ambassador to the Town of Pantego and approving a sponsorship for Miss Pantego USA in an amount not to exceed \$1,000.**

City Manager Sean Fox stated that Miss Pantego Molly Woehl came before Council on August 13, 2012 and received a Key to the City. Council inquired about sponsoring Ms. Woehl in the upcoming Miss Texas USA pageant. The issue was discussed with City Attorney Jim Jeffrey and TML to ensure that it was legal to provide her with sponsorship money. Mr. Fox offered the solution of appointing Ms. Woehl as an ambassador to the Town.

Council discussed the options presented by Mr. Fox with Mayor Pro Tem Surratt stating that he is against using Town funds for this type of expenditure and Councilmember Brewster suggesting a partnership with PEDC.

Council discussed and agreed to pay a total of \$500 with \$250 provided by the Town and \$250 provided by PEDC.

- 5. Discuss and consider any action on authorizing the City Manager to enter into a contract with David McCaskill Design Group for the West Pioneer Parkway median improvement project.**

City Manager Sean Fox informed Council that Pantego was awarded 2013 Green Ribbon Funds in an amount not to exceed \$188,000 for improvements to be made to the medians along Pioneer Parkway. Mr. Fox stated that Mr. McCaskill is presenting a proposed contract which includes work to medians owned by the City of Dalworthington Gardens as well as the Town's medians. If the City of Dalworthington Gardens participates in the contract, the amount would be \$22,620 and if they choose not to participate the cost would be \$19,800. The City of Dalworthington Gardens cost would be \$4,900 of the \$22,620 total. The Dalworthington Gardens City Council approved \$4,000 for this project. Staff recommends approving the contract with Dalworthington Gardens included because the overall cost to the Town would be less than without their participation.

Council discussed issues including maintenance, Dalworthington Gardens portion, continued budget constraints, how this item relates to the Master Advanced Funding Agreement, replacing plants, and collecting funds from Dalworthington Gardens.

- 6. Discuss and consider any action on a proposed resolution authorizing the Mayor to enter into a Master Advanced Funding Agreement with and between the State of Texas, acting by and through the Texas Department of Transportation, and the Town of Pantego.**

Community Development Director Chad Joyce informed Council that what is being presented is TxDOT's standard contract form. If the Town agrees to move forward, TxDOT will provide funds not to exceed \$188,000.

Council discussed issues including contract language.

- 7. Discuss and consider a resolution authorizing the City Manager to enter into a contract with the legal firm of Perdue, Brandon, Fielder, Collins & Mott L.L.P. and Grey Pierson for the collection of past-due Ad Valorem tax.**

Finance Director Fitzhugh Newsome requested that this agenda item be pulled from the agenda and resubmitted at the next meeting. The law firm will be increasing their rates and requested that the contract be approved as an ordinance rather than a resolution. Mr. Newsome stated that this will be the first increase in 4 years and is within state guidelines for increase percentages. Mr. Newsome also informed Council that the new contract will not have to be renewed annually, that the Town can cancel at any time.

Council discussed issues including receiving feedback from a citizen saying how nice the company was.

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Council next discussed agenda item #8 regarding holiday lighting.

City Manager Sean Fox stated that representatives from Council, PEDC, and the Community Relations Board met and agreed to a recommendation for a unified holiday theme of "I'll be Home for Christmas...Pantego Salutes the Men and Women of the Armed Forces." Mr. Fox informed Council that CRB would like to reinstate the annual home decorating contest and PEDC wants to get the business decoration participation with a monetary award. Mr. Fox discussed issues including Town buildings and the Gateway Arch.

Council discussed issues including budgetary constraints and the overall theme.

Mayor Paradise adjourned the work session at 7:22 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:**

Chief of Public Safety Tom Griffith

**PLEDGE OF ALLEGIANCE**

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

Mayor Pro Tem Surratt welcomed all those in attendance and was impressed with the large turnout this evening. Councilmember Brewster echoed Mayor Pro Tem Surratt's statements and thanked Town staff for their continued hard work.

**RECOGNITIONS**

City Manager Sean Fox introduced new Public Works employees Joe Gillespie and Ron Johnson. Mayor Paradise and Council welcomed Mr. Gillespie and Mr. Johnson.

Mayor Paradise next recognized recently promoted Chief of Public Safety Tom Griffith, Chief Griffith briefly discussed the changes to the police and fire departments and introduced the two individuals who had been promoted to the rank of Captain of their respective departments; Barry Reeves of the police department and Robert Coker of the fire department. Chief Griffith explained that these men were being promoted to the rank of Assistant Chief rather than Captain and presented them with their new badges.

Chief Griffith introduced Darren Burkhart and Roy De Leon who had each been promoted to the rank of Lieutenant in the fire department and presented them with their new badges.

Chief Griffith explained a longstanding automatic aid agreement with the City of Arlington for fire and medical emergencies and presented Life Saving Awards to Assistant Chief Robert Coker, Lieutenant Darren Burkhart, and Firefighter Chris Rossing for an incident that occurred in the City of Arlington on May 22, 2012.

Finally, Chief Griffith introduced newly hired firefighters Brandon Guess and Brian Brown and presented them with their new badges. Mayor Paradise performed the oath of office for Firefighter Guess and Firefighter Brown.

**COUNCIL LIAISON TO BOARD REPORT**

- **Community Relations Board**

Councilmember Barrett informed Council that the next meeting will be held Thursday, September 6, 2012.

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- **Pantego Youth Leadership Council**

Mayor Paradise stated that PYLC's first meeting of the school year will be held Tuesday, September 18, 2012 at 6:30 p.m. and the Youth Event will be Saturday, September 15, 2012 from 5:00 p.m. – 9:00 p.m. at Bicentennial Park.

**PEDC REPORTS**

Mayor Pro Tem Surratt stated that PEDC discussed issues including the upcoming fiscal year budget, promotional materials for PantegoFEST, holiday lighting and decorations throughout the Town.

**CITIZENS OPEN FORUM**

None at this time.

**APPROVAL OF CONSENT AGENDA ITEMS**

Councilmember Brewster moved to approve Agenda Items 1, 2, 3, 4, 5, and 6 on consent with changes as discussed. Councilmember Price 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 and consider holiday lighting.**

This item was discussed during work session.

Council agreed to the concept in theory.

**9. Discuss, review, and consider any action to develop a policy for the maintenance of medians in the Town of Pantego.**

Public Works Director Ron Edwards stated that he had been given the task of researching who owns the Town medians several years ago. Mr. Edwards drafted a very basic policy for council review.

Council gave citizens the opportunity to speak.

**Charles Merrill, 4 Country Club Ct., Pantego, TX 76013** – Mr. Merrill stated that he has lived in Pantego for 42 years and the situation regarding the medians has blindsided him and other residents. He was unaware that he was required to be responsible for additional property. Mr. Merrill stated that he is concerned that if citizens are given control of more property, how would issues such as dividing gas well profits be resolved? He suggests coming to a resolution that everyone can agree on.

Mayor Paradise recognized Ray Furtner who also lives on Country Club Court.

**Bob Griffin, 2 Country Club Ct., Pantego, TX 76013** – Mr. Griffin recognized Nancy Forosisky who lives at 15 Country Club Court and Gloria Cox who lives at 16 Country Club Court. Mr. Griffin stated that all residents on Country Club were sent a notice that Council would be discussing this issue tonight. He is glad that there are representatives from the streets here. He thanked the City Manager and Ron Edwards for placing this item on the agenda. He stated that he has lived here for 28 years and median

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maintenance was never an issue. He admitted that someone took care of the medians but he did not know who had done the work. Mr. Griffin discussed hiring an artist to create sculptures from the dead trees in the medians. Mr. Griffin feels that a reasonable solution can be attained by neighbors contributing to the maintenance rather than with a bureaucratic solution. He feels that a good solution would be to implement a policy requiring that the residents maintain a median.

Council discussed issues including property ownership, resident maintenance and ownership, and homeowner association responsibility.

City Manager Sean Fox discussed a proposal presented to Council in 2006 regarding Town ownership and logistics regarding the determination of ownership.

City Attorney Jim Jeffrey discussed issues including deed dedication, ownership of medians, and researching ownership.

Mr. Griffin explained what he learned from officials in other cities and the Attorney General's website including that if a city uses a right of way, the city is responsible even if they have denied responsibility. Mr. Griffin mentioned similar issues in the City of Arlington.

Mr. Jeffrey clarified what Mr. Griffin discussed including that the City of Arlington is a chartered, home-rule city and Pantego is a General Law city. He reiterated the need for clarification and discussed the cost of researching.

Mr. Edwards stated that the medians along Arkansas Lane and Pompano Court are being maintained by the Town. He presented a slide show of all medians in Town including those medians being maintained by residents. Mr. Edwards discussed removing dead trees from the medians and provided estimates for tree removal.

Council discussed the status quo of having residents continue to do median maintenance and researching home owners associations.

Council directed Mr. Jeffrey to bring back information regarding inexpensive title searches and directed Mr. Edwards to research if residents are willing to partner with the Town to maintain the medians.

**10. Discuss and consider a proposed ordinance amending Town Code Chapter 14, Zoning, by adding definitions of smoking establishment and smoking product, by establishing C-3 zoning for smoking establishments, and by amending Table of Use regulations to include regulations for smoking establishments in a C-3 zone.**

Community Development Director Chad Joyce informed Council that this issue is being brought back for discussion with statistics from the police department regarding criminal activity.

Council discussed issues related to the report including the inclusion of John B's in the statistics, officer initiated calls, increase in officer investigations, and statistics not supporting the notion that hookah bars increase crime.

City Manager Sean Fox discussed the reasons for implementing zoning including how many are allowed in Town and where they are located. Currently, there is no zoning requirement to specify where a business of this type would go.

Mayor Pro Tem Surratt made a motion to approve an ordinance amending Town Code, Chapter 14, Zoning, by adding definitions of smoking establishment and smoking product, by establishing a C-3 zoning for smoking establishments, and by amending Table of Use regulations to include regulations for smoking establishments in a C-3 zone. Councilmember Price seconded the motion.

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The vote was as follows:

Ayes: Surratt, Barrett, Brewster, and Price

Nays: Funderlic

Abstentions:

Mayor Paradise declared the motion passed 4-1

**11. Presentation of the 2012 Comprehensive Plan and Revitalization Strategies final draft that has been submitted for review by Jacobs Engineers. Discuss and direct staff on needed changes, if any, to proceed to public hearings.**

Community Development Director Chad Joyce informed Council that this issue was last discussed in April 2012. Since that time, there has been turnover at Jacobs Engineering which delayed final presentation to Council. Mr. Joyce discussed changes to the Plan including high density residential area and spelling errors.

Council pulled agenda item #11 to allow additional time for review by Council.

**12. Discuss, review, and consider the Park Master Plan with David McCaskill.**

David McCaskill presented the changes he is proposing to the final Park Master Plan. Mr. McCaskill clarified that Council liked the idea of a Veterans plaza and made clear that they wanted feedback from the community on a proposed dog park in the North Park. In the South Park area, Council directed to remove the soccer field and lake and separate bigger kids from smaller kids. In the West Park, the basketball court and skate park were flipped and included a boardwalk area.

Council discussed the different areas and the amenities including a neighborhood park that residents can walk to.

Mr. McCaskill recommended tabling the agenda item to allow Council time to review the cost estimates that were just received. Council discussed issues including making a priority list of projects.

**PUBLIC HEARINGS**

**13. First Public Hearing to consider Tax Rate of \$0.41 per \$100 valuation for the Town's 2012-2013 Fiscal Year Budget.**

Mayor Paradise opened the floor for a Public Hearing at 9:55 p.m. and having no citizens or business owners coming to speak before Council, closed the Public Hearing at 9:55 p.m.

**14. First Public Hearing regarding a proposed budget for Fiscal Year October 1, 2012 through September 30, 2013.**

Mayor Paradise opened the floor for a Public Hearing at 9:56 p.m. and having no citizens or business owners coming to speak before Council, closed the Public Hearing at 9:56 p.m.

**BUDGET WORK SESSION #4**

**15. Budget Wrap Up**

City Manager Sean Fox informed Council that the most recent budget rendition with all changes highlighted has been sent to Council. Mr. Fox discussed Council questions received on the budget including draw down amounts, court revenues, and hazmat upgrade costs.

Public Safety Chief Tom Griffith explained the budget item for fire engine and ambulance cooling equipment for the storage of medicines.

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Council discussed the issues brought by Chief Griffith including additional costs of medicines and the effect of heat on stored drugs.

Council discussed issues including negotiated electric rates, part time police wages, Council chamber upgrade, revision to police building maintenance, Arlington's assistance with MDCs, and items that can be cut from the fire budget.

Mr. Fox stated that the budget would be drawing down reserves in the amount of \$162,300 and clarified that recreational activities include PantegoFEST and the Community Relations Board budget

**COUNCIL INQUIRY**

Mayor Pro Tem Surratt inquired about grants issued to Dr. Jeckyll's Beer Lab and Mom's Liquor Cabinet in the amount of \$10,000. Laws were discovered that wouldn't allow the business plan as presented to come to fruition. Mayor Pro Tem Surratt inquired as to whether the return on investment originally presented to Council is still reasonable or has the return on investment changed now that the business plan changed?

City Manager Sean Fox informed him that the owner of Dr. Jeckyll's Beer Lab and Mom's Liquor Cabinet, Pat Myers, proposal stated that the business would generate over \$1 million a year in business. Mr. Fox discussed the business options that Mr. Myers has available and return on investment and stated that it is still within the confines of PEDC's approval.

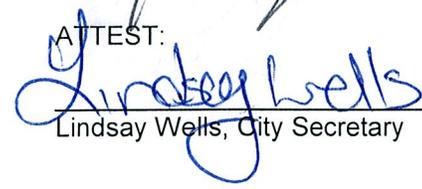
**ADJOURNMENT**

Mayor Paradise adjourned the regular session at 11:23 p.m.

APPROVED:

  
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Melody Paradise, Mayor

ATTEST:

  
\_\_\_\_\_  
Lindsay Wells, City Secretary

