

**Town Council minutes  
October 22, 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 22<sup>nd</sup> day of October 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>Barry Reeves</b>	<b>Assistant Chief of Police</b>
<b>Robert Coker</b>	<b>Assistant Fire Chief</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 6:34 p.m.

**1. City Manager Report**

- Texas Municipal League – The 100<sup>th</sup> annual conference will be held in Grapevine, Texas November 13-16, 2012. It is a four day event with the majority of events occurring the last three days. Currently, four staff members, Mayor Paradise, and four Councilmembers are registered to attend.
- Annual Christmas Party – The Annual Volunteer Christmas party will be held Saturday, December 8, 2012 at Pantego Christian Academy. Ramiro Villarreal Jazz Band and Bob Nico will provide entertainment.
- PantegoFEST 2012 – Post festival information continues to be gathered. A procedure manual is being developed to assist in planning next year. The event brought in \$69,495 in revenue with \$52,022.41 in expenses with an overall net profit of approximately \$17,500. Attendance throughout the weekend is estimated between 5,900 – 6,100 people. Additional expenses have not yet been included but the festival made an overall profit.
- ICSC Conference – The Texas Dealmaking Conference will be held in Dallas at the Dallas Convention Center November 8-9, 2012. Members of PEDC and staff are scheduled to attend.
- Goings on around Pantego – Pantego Bay is tentatively scheduled to be completed December 1, 2012, 303 Liquor Depot is scheduled to open sometime in the next week, Papa Murphy's has purchased the building which housed the old Bicycles, Inc shop and is taking a portion of the space, and It's All Good Bistro is open for business.

**Town Council minutes  
October 22, 2012**

Council discussed issues including separate ticketed events for the TML Anniversary Gala, the ICSC conference, and the It's All Good music schedule, hours of operation, and noise, Council discussed lighting for 303 Liquor Depot prior to their opening as well.

**2. Monthly Staff Reports**

Council discussed issues including bids received for pool destruction, liens, and possible foreclosure for a property on Nora Drive with Community Development Director Chad Joyce. Council also discussed a certificate of occupancy for a hookah bar in relation to the recently passed smoking ordinance.

Council congratulated Firefighter Guess and Officer Marquez for their commendations.

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

Council discussed a payable received from Bill Lane.

- 4. Minutes:**
- Planning & Zoning – September 4, 2012**
  - Community Relations Board – September 6, 2012**
  - PEDC – September 19, 2012**
  - Town Council – September 24, 2012**

**5. Discuss and receive update on the recent Texas Open Meetings Act court ruling.**

City Attorney Jim Jeffrey informed Council that the United States 5<sup>th</sup> Circuit Court of Appeals affirmed the contested portions of the Texas Open Meetings Act. Mr. Jeffrey explained the contested portions and confirmed that there is an intermediate level of scrutiny of public officials and the language is not unconstitutionally vague.

**6. Discuss and consider any action on a resolution establishing energy conservation goals as required by Texas Health and Safety Code § 388.005, as amended by Senate Bill 898 of the 82<sup>nd</sup> legislative session of 2011.**

Community Development Director Chad Joyce informed Council that this is a requirement set by the state for municipalities to set a goal to decrease energy use. Mr. Joyce discussed small ways that the town has decreased energy usage including using LED lights for holiday lighting and higher efficiency lightbulbs in offices. Mr. Joyce explained that as long as a goal is set, the Town is in compliance.

Council discussed issues including passing a resolution of an unattainable goal of 50% reduction, penalties for not passing resolution, mandate to set the goal, and amending the proposed resolution.

City Attorney Jim Jeffrey clarified the language of the state requirement regarding annual reporting and made recommendations for verbiage changes to the resolution.

**7. Discuss and consider any action on a proposed resolution supporting the Arlington Independent School District federal "Race to the Top" grant application.**

City Manager Sean Fox explained that the Arlington Independent School District approached the Town regarding a federal grant application for a total of nine different initiatives totaling \$39 million. AISD requested a resolution from the Town Council in support of the federal grant application.

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

**Town Council minutes  
October 22, 2012**

Community Development Director Chad Joyce stated that the resolution and contract being considered is a follow-up to the Master Advanced Funding Agreement passed by Council on September 10, 2012. The agreement outlines what the Town will pay for during the revitalization of Pioneer Parkway.

Council discussed issues including requirements within the contract.

Mayor Paradise adjourned the work session at 7:23 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:**

Mayor Pro Tem Don Surratt

**PLEDGE OF ALLEGIANCE**

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

Mayor Paradise thanked all those in attendance for taking the time to come and participate this evening and was glad to see a full Council chamber.

Councilmember Brewster thanked everyone in attendance for their passion and thanked Town staff for their hard work. He also stated that PantegoFEST was great fun in spite of the weather.

Councilmember Barrett agreed that PantegoFEST was a lot of fun. She mentioned the Town's only school, Pantego Christian Academy, sent 100% of its 2012 graduates to college. Councilmember Price welcomed everyone.

Mayor Pro Tem Surratt thanked Public Works Director Ron Edwards and the entire Public Works Department for their work during Clean-Up Day. He thanked City Manager Sean Fox for his vision in bringing PantegoFEST to the Town. Mayor Pro Tem Surratt thanked the entire staff and especially the police and fire departments for their presence during the festival as well as acknowledged Officer Marquez and Firefighter Guess. Finally, Mayor Pro Tem Surratt mentioned that the City of Dalworthington Gardens donated police officers to PantegoFEST and members of Council and staff went to their Council meeting on October 18, 2012 to thank them.

Mayor Paradise also acknowledged Officer Marquez and Firefighter Guess for their work in the community.

**COUNCIL LIAISON TO BOARD REPORT**

- **Community Relations Board**

Councilmember Barrett informed Council that the Community Relations Board will next meet Tuesday, November 6, 2012. The Halloween Carnival will be Saturday, October 27, 2012 at Bicentennial Park from 5:00-8:00 p.m. There will be a pumpkin carving contest, costume contest and carnival games.

- **Pantego Youth Leadership Council**

Mayor Paradise stated that PYLC is the Town's youth leadership council and during the last meeting they held their elections where a Mayor and five Councilmembers were elected. Those new officials will be sworn in at their next meeting on Tuesday, November 13, 2012. For those interested, PYLC meets the 3rd Tuesday of every month.

**Town Council minutes  
October 22, 2012**

**PEDC REPORTS**

Executive Director Sean Fox informed Council that the last meeting held on Wednesday, October 10, 2012 covered the upcoming ICSC conference.

Mayor Pro Tem Surratt stated that the monthly Business Meet and Greet will be held Thursday, October 25, 2012 at Annie's Freeze from 5:30-6:30 p.m.

**CITIZENS OPEN FORUM**

**Mary McEvers, 9 Preston Trail Ct, Pantego, TX 76013** – Ms. McEvers stated that she is representing her neighbors as well as herself. She is upset that the dog park in the proposed park master plan will be directly behind her home. She stated that an appraiser has told her that her home would be devalued and an environmental expert told her that dog waste would be harmful. She suggested a study be done prior to the plan being implemented. Ms. McEvers stated that she went to speak to her neighbors and circulated a petition ultimately receiving 26 signatures opposing the dog park. She asked Council to drive to her street and see how close the homes the proposed dog park would be.

**Howard Lackman, 4 Preston Trail Ct, Pantego, TX 76013** – Mr. Lackman stated that he served on the Park Board for many years and is not surprised that the Council is unaware of the issues surrounding this proposed dog park. He stated that a lawyer and other experts have been contacted to fight this plan. He does not understand why people would want dogs to be confined to a small area when there is a whole park available.

Mayor Paradise informed the citizens that an item later on the agenda will decide when a meeting to hear public comment on the proposed Park Master Plan will be held.

**APPROVAL OF CONSENT AGENDA ITEMS**

Mayor Pro Tem Surratt made a motion to pull item 6 for further discussion. 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.

Councilmember Funderlic moved to approve Agenda Items 1, 2, 3, 4, 5, 7, and 8 on consent as discussed. 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.

Council next discussed agenda item #6. City Attorney Jim Jeffrey discussed changes made to the resolution based on Council direction.

Councilmember Brewster made a motion to approve a resolution establishing energy conservation goals as required by Texas Health and Safety Code. Councilmember Price seconded the motion.

**Town Council minutes  
October 22, 2012**

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**

- 9. Public Hearing and consider any action on Zoning Case Z-174, a proposed Special Use Permit as requested by the Salvation Army, for the permission to establish a church and activity center in buildings on two adjacent lots at 1503 Nora Drive, Abstract 1432, Tract 4Q of the Nathan Smith Survey and 3216 West Park Row Drive, Block 1, Lot 1 of the Park Row West Addition, Pantego, Tarrant County, Texas. The property is generally located on the southeast corner of West Park Row Drive and Nora Drive.**

Council discussed the Mayor being a member of the Salvation Army Advisory Council and a possible conflict of interest. City Attorney Jim Jeffrey confirmed that since the Advisory Council is not a decision making body, the Mayor has no conflict of interest in discussing the proposed Special Use Permit.

Community Development Director Chad Joyce explained that the Salvation Army has made an application to establish a church and activity center while a nearby facility in Arlington is being renovated. Mr. Joyce stated that the Planning & Zoning Commission voted 3-2 to deny the application. Staff recommends approving the Special Use Permit for a period of eight months.

Mayor Paradise opened the floor for a Public Hearing at 8:06 p.m. and called for citizens and businesses owners speaking for approval of the Special Use Permit.

**Lt. Patrick Jones, 401 Dorcas Lane, Arlington, TX 76013** – Lt. Jones introduced Jared Graf and Maj. Ward Matthews of the Salvation Army in attendance this evening. He stated that the primary use for the facility will be as a church center during the renovations of their permanent building in Arlington. All activities will be performed indoors. The other activity that will be conducted is related to the Red Kettle Campaign in November and December. On January 1<sup>st</sup> when the campaign is over, the facility will only be used on Sunday mornings and Wednesday and Thursday evenings.

Lt. Jones addressed concerns that were raised during the Planning & Zoning Commission. He stated that the Salvation Army would gladly repair or replace a fence that might become damaged, there will be no outdoor activities, Angel Tree functions will be moved across the street so parking will not be an issue, and if parking became an issue, the Salvation Army would work with the Town.

He discussed police reports related to the shelter that will not affect this temporary location.

**Calvin Kost, 2806 Whispering Trail Circle, Pantego, TX 76013** – Mr. Kost stated that the Salvation Army is in need of a short term facility and Pantego cannot be judgmental of a church whose members are asking for help. He does not want to see the headline "Small town turns down the Salvation Army."

**Paul Mayo, 2704 Kidd Drive, Pantego, TX 76013** – Mr. Mayo stated that he is the son of a Baptist missionary and he feels The Salvation Army does God's work. He understands that there are concerns but he does not want Pantego to be known to turn away a church. Mr. Mayo feels this is a unique community and he does not want to lose the great qualities. He would like to see an approval of a limited time such as through December 31, 2012 to allow them to get through the holiday season.

**Town Council minutes  
October 22, 2012**

**Howard Lackman, 4 Preston Trail Ct, Pantego, TX 76013** – Mr. Lackman stated that he and his wife were one of the first Jewish people in the area and founded a synagogue in Arlington. He donated the land and is in favor of approving the Salvation Army request.

Mayor Paradise read letters received from citizens, Pat Richardson and Joseph Sessions, who were unable to attend tonight's Public Hearing but wished their comments to be read into the record and are in favor of approving the Special Use Permit for The Salvation Army.

**Pat Richardson, 1904 Silver Leaf Drive, Pantego, TX 76013** – Mayor Paradise read a letter from former Pantego Mayor Pat Richardson who wished to convey his support for the Salvation Army Special Use Permit being considered by Council.

**Joseph Sessions, 2806 Woodwind Drive, Pantego, TX 76013** – Mayor Paradise next read a letter from Joseph Sessions who stated that he has lived in Pantego for many years and does not understand why a facility that has been utilized as a youth ministry building in the past should not be allowed to be used a temporary facility for the Salvation Army. He stated that much has been done to make Pantego a more visible as a viable community for residents and businesses and it will be difficult to achieve that if the Town does not approve a church temporary use of a building. Mr. Sessions does not want Pantego to be seen as anti-Christian.

Mayor Paradise read into the record a resolution passed by The Salvation Army of Arlington Advisory Council in support of the use of Trinity United Methodist Church as a temporary space to continue to run programs without interruption while their permanent facility is being renovated in the City of Arlington.

Mayor Paradise called for citizens and businesses owners speaking against approval of the Special Use Permit.

**Ovetta Hitchcock, 2733 Whispering Trail Circle, Pantego, TX 76013** – Ms. Hitchcock stated that she has concerns because the upstairs of the facility overlooks her garage and backyard. She is a recent widow and is concerned for her safety as a person who lives alone. She stated that she is not unfeeling or un-Christian.

**Gary House, 1801 Cresthaven Drive, Pantego, TX 76013** – Mr. House does not have a concern with the church. He feels that the City of Arlington is a big enough organization to handle the Red Kettle Campaign. He is concerned, however, at the number of people that will come through Pantego and asked if the Town can manage the increased traffic.

**Ed Holder, 9 Nora Court, Pantego, TX 76013** – Mr. Holder is concerned about the traffic generated by the Salvation Army. He is also concerned that they moved in prior to the public hearings being held. Mr. Holder does not understand why residents were not notified earlier so they could make their feelings heard.

**Elaine Herring, 8 Nora Court, Pantego, TX 76013** – Ms. Herring was in attendance at the Planning & Zoning Commission as well and is concerned that she was not notified even though she is only one street away from the property. She understands the 200 foot rule in regards to notifications. Ms. Herring stated that she attends a large church in Fort Worth that serves the Tarrant County Food Bank and informed Council that her church understands that crimes will happen. The church in question is in a neighborhood and she does not feel safe. Ms. Herring feels that the citizens were deceived by the Town by not notifying them before The Salvation Army moved in. She requested that Pantego police officers monitor this property.

**Lt. Jones** answered questions that came up during the Public Hearing including increased traffic, use of the second floor of the building, and Council not giving prior approval. Lt. Jones stated that no homeless shelter services are coming to Pantego.

**Virginia Brooks, 1 Nora Court, Pantego, TX 76013** – Ms. Brooks asked why only certain functions of the facility were being utilized and if The Salvation Army could keep all functions in one facility.

**Town Council minutes  
October 22, 2012**

**Asst. Police Chief Reeves** stated that Pantego's response time is 2 – 2½ minutes. Reports he received from the City of Arlington showed very little crime coming from the current Salvation Army location. Asst. Chief Reeves confirmed that if approved, the entire police department will be giving this property their full attention. He stated that he wants all residents and businesses to be safe.

Mayor Paradise closed the Public Hearing at 8:55 p.m. and gave Council the opportunity to discuss the issues brought by the citizens.

Council discussed issues including parking concerns, space utilization, administrative hours, length of the Special Use Permit, application for church and business, bussing in people for church services, and ad valorem taxes on the property while it is designated as a church. City Attorney Jim Jeffrey confirmed that the property would be exempt from ad valorem taxes as long as it is owned by Trinity Church even if the property is being sublet by an organization such as The Salvation Army.

Council was concerned that the Salvation Army went in without any approvals from or notification to the public and the amount of traffic along Park Row. Mayor Paradise confirmed that non-profit organizations do not need to apply for a Special Use Permit to conduct business activities and The Salvation Army was able to move in and begin administrative work because of this.

Council discussed a compromise regarding the length of time for the Special Use Permit proposed by staff and a shorter period of time to account for the holiday season.

Councilmember Price made a motion to approve Zoning Case Z-174, a proposed Special Use Permit as requested by the Salvation Army through December 31, 2012. Councilmember Brewster seconded the motion.

Council stated that they were still concerned about traffic, blacking out second floor windows, and reimbursement for police officers.

The vote was as follows:

Ayes: Surratt, Barrett, Brewster, Funderlic and Price

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

**10. Consider any action on a proposed resolution authorizing the City Manager to enter into an agreement with and between iWerk and the Town of Pantego for Information Technology services.**

City Manager Sean Fox explained that the Town currently employs two Information Technology companies-one for Town Hall and one for the Police Department. Mr. Fox explained that changes within the company employed by the Police Department prompted a change in service provider and stated that iWerk came highly recommended. iWerk submitted a proposal which has been included in the Council packet for review.

Representatives from iWerk, Case Martinec and Rob Thurston, were in attendance to answer Council questions.

Council discussed issues including billable hours, and contract terms.

Councilmember Price made a motion to approve a resolution authorizing the City Manager to enter into an agreement with iWerk. Councilmember Barrett seconded the motion.

The vote was as follows:

**Town Council minutes  
October 22, 2012**

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

Mayor Paradise declared the motion passed unanimously.

**11. Consider any action on a proposed resolution authorizing the City Manager to enter into an agreement with and between Denitech and the Town of Pantego for a Xerox copier/printer and managed print services.**

City Secretary Lindsay Wells informed Council that this agenda item has come back again for Council discussion and to answer additional questions. David Sullivan from Denitech was in attendance to answer questions as well.

Council discussed issues including replacement cost, sunk costs, and print allowances.

Councilmember Brewster made a motion to approve authorizing the City Manager to enter into agreement with Denitech. Councilmember Price seconded the motion.

The vote was as follows:

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

Mayor Paradise declared the motion passed 4-1.

**12. Discuss and receive update on Code Enforcement procedures.**

Community Development Director Chad Joyce provided Council with a report concerning Code Enforcement in the Town and stated that he is available to answer any questions regarding code enforcement. He gave a brief history of code enforcement and stated that Animal Control is handled by the Public Works Department, tall weeds and grass are handled by the Fire Department and all other issues are handled by him.

Mr. Joyce stated that one goal of his is to be more proactive in staying on top of issues as they arise. He stated that there have been several compliance areas put into place over the past year and discussed issues including inspections and timeframes.

Council discussed issues including cross departmental information.

**13. Discuss and consider proposed dates to allow for public comment on the Park Master Plan.**

Mayor Paradise informed Council that this agenda item is to allow Council to decide on a meeting date for public input on the proposed Park Master Plan. Council discussed and agreed to hold a meeting separate from a regularly scheduled Council meeting.

Council discussed possible dates for a meeting and agreed on Wednesday, December 5, 2012 at 6:30 p.m. for public input. Details about the meeting will be published in the monthly News Journal that gets distributed in the water bill, the holiday newsletter, as well as being posted on the Town website.

**14. 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.**

**Town Council minutes  
October 22, 2012**

Community Development Director Chad Joyce informed Council that representatives from Jacobs Engineering are in attendance and introduced Director of Community Planning Paul Culter. Mr. Culter stated that he has taken direction received from Council and staff and is presenting a more finalized version of the Comprehensive Plan. Mr. Culter reviewed all changes made throughout the document including Pioneer Parkway corridor revitalization, Pantego Christian Academy impact, and a concept downtown street.

Mr. Joyce explained the proposed downtown concept.

Council discussed issues including redevelopment zones, adding streets along the Park Row corridor, big box retail stores, and investigating a parks and recreation department.

Council directed staff to publish the Comprehensive Plan to the website and schedule public hearings for both the Planning & Zoning Commission and Council.

**COUNCIL INQUIRY**

Mayor Pro Tem Surratt mentioned the Carrizo Well site which vents a substance from the site that is both audible and able to be seen. Mayor Pro Tem Surratt provided a video to City Manager Sean Fox and he is interested in learning what Carrizo says the substance is and stated that the present ordinance does not allow venting.

City Manager Sean Fox stated that he has spoken to Carrizo who informed him that the substance is most likely water vapor. Mr. Fox also stated that he spoke to Engineer Larry Hulseley who informed him that there should be no danger to residents from the venting.

**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:

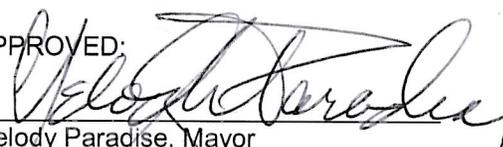
- Pursuant to Government Code Section 551.074, to deliberate the appointment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee
  1. Discussion of Board and Commissions appointments

Mayor Paradise adjourned the regular session into executive session at 11:05 p.m. and reconvened at 11:17 p.m. with council taking the action appoint Fred Adair to Place 2 of the Pantego Economic Development Corporation.

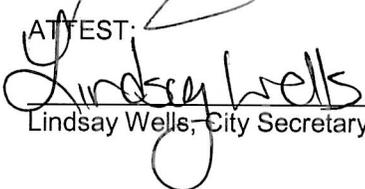
**ADJOURNMENT**

Mayor Paradise adjourned the regular session at 11:17 p.m.

APPROVED:

  
\_\_\_\_\_  
Melody Paradise, Mayor

ATTEST:

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

