

**Town Council minutes
November 12, 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 12th day of November 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
Barry Reeves	Assistant Chief of Police
Robert Coker	Assistant Fire Chief
Ron Edwards	Director of Public Works
Chad Joyce	Community Development Director

Also in attendance:

Fred Adair	Planning & Zoning Commissioner
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WORK SESSION 6:30 P.M.

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

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 Magistrate.
 2. Discussion of Board and Commissions appointments

Mayor Paradise adjourned the work session into executive session at 6:33 p.m. and reconvened at 7:09 p.m. with council taking the action to hire Sara Jane del Carmen as Magistrate for a 2 year appointment with a monthly fee of \$1,300.

For the executive agenda item relating to Boards and Commissions appointments, Council accepted the resignation of Paul Sturiale from the Pantego Economic Development Corporation effective immediately. The following appointments were made to vacancies with unexpired terms which expire in 2013:

Pantego Economic Development Corporation

Place 3 – Karen Kuczek

Place 7 – Doug Lovejoy

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1. City Manager Report

- ICSC Conference Recap – The conference was held last week at the Dallas Convention Center. City Manager Sean Fox, Community Development Director Chad Joyce and PEDC President Bill Brown attended. The purpose of the conference is to build relationships with developers and make Pantego known.
- TML Conference – The annual conference officially begins Tuesday, November 13, 2012 but Council and staff will be in attendance beginning Wednesday, November 14, 2012 through Friday morning for education sessions. Attendees have received invitations to visit vendor booths during the conference.
- Park Master Plan Update – The proposed plan has been uploaded to the Town's website for public review and a public meeting to allow for citizen input has been scheduled to be held Wednesday, December 5, 2012 at 6:30 p.m. A citizen petition to change the location of the proposed dog park was received at the last Council meeting and the City Secretary confirmed that the signatures on the petition appear to be Pantego residents.

Council discussed issues including transportation to the TML Conference.

2. Monthly Staff Reports

Council discussed issues including a negative balance in General Administrative funds, investments funds, and CERT training. Council also discussed issues regarding Public Information requests with City Secretary Lindsay Wells including creating documents and timeframes for complying.

Mayor Paradise adjourned the work session at 7:31 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:

Community Development Director Chad Joyce

PLEDGE OF ALLEGIANCE

MAYOR/COUNCIL/STAFF COMMENTS OF COMMUNITY INTERESTS

Mayor Pro Tem Surratt was not able to attend the Halloween event and hoped it went well. He also acknowledged all veterans and thanked them for their service. Councilmember Funderlic echoed Mayor Pro Tem Surratt's thoughts thanking veterans and thanked staff and community volunteers for their work on the Halloween carnival. Councilmember Barrett stated the Halloween event was great but additional volunteers are always needed. Councilmember Brewster echoed others comments thanking veterans and thanked Town staff for their continued hard work.

Mayor Paradise asked all veterans in attendance to raise their hand to be acknowledged and thanked them for their service to the country.

RECOGNITIONS

Mayor Paradise performed the oath of office for Magistrate Sara Jane del Carmen.

COUNCIL LIAISON TO BOARD REPORT

- **Community Relations Board**

Councilmember Barrett informed Council that the Community Relations Board met November 1, 2012 and discussed the Halloween event and the upcoming Candy Train and Tree Lighting to be held on Saturday, November 24, 2012. The Candy Train will begin at 4:00 p.m. leaving from Town Hall and the Tree

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Lighting will be at 6:30 p.m. at Bicentennial Park. There will be photo opportunities with Santa Claus and a train running through the park during the Tree Lighting event. A toy drive for Cook Children's Medical Center will take place at the park and there will also be opportunities to donate toys along the Candy Train as well.

The board will meet on Tuesday, November 20, 2012 at 6:30 p.m. in Council Chambers to stuff stockings to be handed out along the Candy Train. 600 stockings and 100 dog treat bags will be prepared.

- **Pantego Youth Leadership Council**

Mayor Paradise stated that PYLC will meet next on Tuesday, November 13, 2012. At their last meeting they elected the PYLC Mayor and Council. The new PYLC Council will select and appoint members to Town staff positions and Miss Pantego Molly Woehl will be in attendance to discuss issues including public speaking and representing your community.

PEDC REPORTS

Executive Director Sean Fox informed Council that members of PEDC attended the recent ICSC Conference in Dallas, Texas and PEDC will not meet on November 14, 2012 due to many staff members and Council attending the TML conference.

Mayor Paradise stated that two new members of PEDC will be in attendance and sworn in at their next meeting scheduled to be held Wednesday, November 28, 2012. Doug Lovejoy and Karen Kuczek were appointed to join the board.

CITIZENS OPEN FORUM

Duane Smith, 3412 Peachtree Ln, Pantego, TX 76013 - Mr. Smith stated that this is his first meeting since leaving Council earlier this year and he wanted to take the opportunity to thank a particular department. At 2:00 a.m. last Friday, he was awoken by a door alarm going off in his home. He spoke to the alarm company who called the police. Mr. Smith said the police were very thorough in their inspection of the home in what turned out to be a false alarm. Mr. Smith commended Sgt. Hickey, Officer Alvarez, and Officer Marquez for their professionalism.

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

Council discussed issues including an invoice from the City Attorney and SCADA repairs.

- 4. Minutes:** **Planning & Zoning – October 1, 2012**
 Community Relations Board – October 2, 2012
 Town Council – October 22, 2012

- 5. Discuss, consider, and approve the purchase of approved capital budget item, two 2013 Chevrolet Police Package Tahoes.**

Assistant Police Chief Barry Reeves stated that the vehicles being purchased were previously approved in the current fiscal year budget. The two vehicles will cost less than the amount previously approved.

Council discussed issues including using Government Capital for tax exempt financing, different financing options, interest rate paid, best vehicle for police use, and how long the old vehicles will last.

APPROVAL OF CONSENT AGENDA ITEMS

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

Council stated for the record that financing options for agenda item #5 need to be reviewed.

PUBLIC HEARINGS

6. Public Hearing and consider any action on a proposed ordinance approving the 2012 Comprehensive Plan and Revitalization Strategies.

Community Development Director Chad Joyce informed Council that the plan being presented is the final draft after changes were directed at the last Council meeting on October 22, 2012. The plan was uploaded to the Town's website on October 30, 2012 for public review. The Planning & Zoning Commission held a public hearing on November 1, 2012 and the Commission voted unanimously to approve the plan.

Mayor Paradise opened the floor for a Public Hearing at 8:05 p.m. and called for citizens and businesses owners speaking for approval of the 2012 Comprehensive Plan and Revitalization Strategies. Hearing no speakers, Mayor Paradise closed the Public Hearing at 8:06 p.m. and gave Council the opportunity to discuss the Comprehensive Plan.

Council discussed issues including discussion at the Planning & Zoning Commission meeting and the Chairman's Report. Mayor Paradise recognized Planning & Zoning Commissioner Fred Adair. Mr. Adair stated that there was very little public feedback. The Commission had a lot of dialogue regarding aspects of the plan and discussed the changes Council recommended at the last meeting with Mr. Joyce.

Council discussed two proposed streets near Pantego Christian Academy included as a recommendation in the plan and discussed issues including the concept of the roads.

Commissioner Adair stated that P&Z spoke extensively about the proposed roads and discussed retail solutions included in that plan. Bill Romsik of Jacobs Engineering stated there are several flexible ways to see the road plan and it is difficult to foresee what would happen to a commercial area in 20-30 years.

Mayor Pro Tem Surratt made a motion to approve the 2012 Comprehensive Plan and Revitalization Strategies. Councilmember Brewster seconded the motion.

Councilmember Funderlic stated that he was concerned about two streets dissecting and running parallel to Pantego Christian Academy and that the shopping centers and Pantego Christian Academy have not provided feedback on the proposed plan.

The vote was as follows:

Ayes: Surratt, Barrett, Brewster, and Price

Nays: Funderlic

Abstentions:

Mayor Paradise declared the motion passed 4-1.

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

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7. Discuss and receive an update on the findings of median ownership in the town.

Public Works Director Ron Edwards informed Council that staff has researched town ownership of medians. Staff has been able to confirm that 9 of 13 medians in question are owned by the Town. There are four medians on Arrowhead Court, Cobble Court, Country Club Court, and Woodwind that have not yet been confirmed as to ownership. Mr. Edwards recommended approving a previously submitted median policy.

Council discussed issues including ownership of all medians, removing landscaping, xeriscape landscaping, and the median policy.

City Manager Sean Fox explained that staff has done extensive research and citizens will be contacted for their input regarding an updated median policy.

Bob Griffin, 2 Country Club Ct, Pantego, TX 76013 – Mr. Griffin stated that he had seen the median policy before and thanked Mr. Edwards for his clarification. He recognized citizens in attendance from various neighborhoods. Mr. Griffin liked that the policy stated it was in line with the small town values.

Harry "Rocky" Robison, 18 Country Club Ct, Pantego, TX 76013 – Mr. Robison stated that he has received bids for improving the median and informed Council that there is a water meter that is attached to 15 Country Club in the median. He recommends making improvements and allow the neighbors to split the cost of the water usage.

Council discussed issues including potential cost sharing for improvements to the medians.

Tina Dale, 9 Country Club Ct, Pantego, TX 76013 – Ms. Dale has spoken with several neighbors and stated that she and her neighbors desperately want a dead tree removed. She and her neighbors have been maintaining the median for 15 years and would continue to do so but they do not want it covered over with concrete.

Mr. Edwards confirmed that the reason the dead tree has not been removed is because citizens had requested additional time to decide how to proceed with tree stumps.

Mike Weedman, 1803 Arrowhead Dr, Pantego, TX 76013 – Mr. Weedman stated that one tree is dead in his median and several bushes are alive with five people maintaining the median. If the town approves, the neighbors would pay the expense themselves to sculpt the dead tree.

Council discussed issues including staff maintenance, right of way ownership, and an updated policy to include maintenance.

City Manager Sean Fox stated that staff is supportive for citizens wanting to take responsibility for maintenance but he is concerned that each median would take a different approach to maintenance.

8. Consider any action on a resolution approving a Public Information Act policy.

City Secretary Lindsay Wells introduced a policy for Public Information requests received in the Town and clarified issues including final and draft minutes, creating documents, costs, and responding to requests. City Attorney Jim Jeffrey stated that he was comfortable approving the policy as written even without clarification regarding final minutes versus notes.

Mr. Jeffrey discussed issues including Attorney General Opinions, holding back draft minutes, and employees eligible to receive requests.

Council discussed issues including final minutes versus notes and working papers, and designating an official person to receive open records requests.

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Councilmember Brewster made a motion to approve a resolution a Public Information Act policy with changes 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.

9. Discuss and receive a 30% review and update on the Park Row Corridor.

City Manager Sean Fox informed Council that a large map is available for Council to review. There will also be a 60% review and a 90% review. Staff brought concerns to CMA including lighting. CMA then did a photometric study for lights and having originally recommended 55 street lights brought the number down to 40 lights.

Council discussed issues including lighting, parking lot resurfacing, drainage, and upgraded utility poles.

COUNCIL INQUIRY

Mayor Pro Tem Surratt asked if the Town currently has a policy covering sound and noise levels down to the decibel level.

Community Development Director Chad Joyce stated that the policy is vague currently. Asst. Chief Reeves stated that the Penal Code lists a nuisance limit of 85 decibels but it is vague as to where the decibels are to be measured.

Mayor Pro Tem Surratt inquired if the Town can pass an ordinance or if the Town is held to the Penal Code. City Attorney Jim stated that he would like to do additional research and discussed issues including PantegoFEST noise and issuing permits.

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:

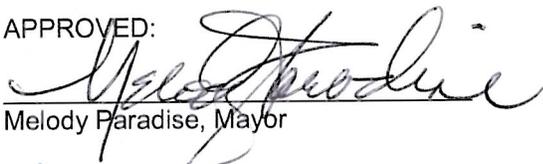
- Pursuant to Government Code Section 551.071, the Council will meet in private or non-public executive session with its attorney for consultation, discussion, and to receive advice regarding – Rebecca Van Hooser v. Town of Pantego, Texas & Eric Alvarez

Mayor Paradise adjourned the regular session into executive session at 10:25 p.m. and reconvened at 11:23 p.m. with council taking no action on the executive session agenda item.

ADJOURNMENT

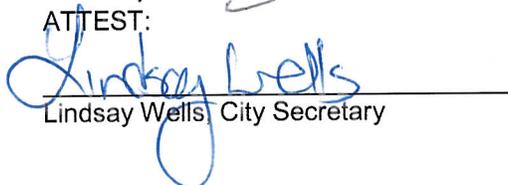
Mayor Paradise adjourned the regular session at 11:23 p.m.

APPROVED:



Melody Paradise, Mayor

ATTEST:



Lindsay Wells, City Secretary