

Town Council Minutes
March 24, 2014

STATE OF TEXAS §

COUNTY OF TARRANT §

TOWN OF PANTEGO §

The Town Council of the Town of Pantego, Texas, met in special session at 6:30 p.m. in the Council Chamber of Town Hall, 1614 South Bowen Road, Pantego, on the 24th day of March 2014 with the following members present:

Melody Paradise
Russell Brewster
Jane Barrett
Don Surratt
Don Funderlic
Charlie Price

Mayor
Mayor Pro Tem
Council Members

Members absent:

None

constituting a quorum. The following staff members were present:

Matt Fielder
Julie Arrington
Jim Jeffery
Ariel Carmona
Chad Joyce
Tom Griffith
Barry Reeves
Robert Coker

City Manager
City Secretary
City Attorney
Financial Director
Community Development Director
Chief of Public Safety
Assistant Police Chief
Assistant Fire Chief

Also in attendance:

Joyce Stanton
Bill Brown
Fred Adair
Danny Lakey

City Engineer
PEDC President
PEDC Secretary
PEDC Board Member

WORK SESSION 6:30 P.M.

Mayor Paradise called the work session to order at 6:35 p.m.

Mayor, Council, and Staff discussed the following consent agenda items:

1. City Manager Report

Mr. Fielder informed the Council the road projects at Country Club Court and Peachtree were substantially complete. There are some minor issues that still need to be addressed.

Mr. Fielder advised Council there are two vacancies in the Police Department and one vacancy in the Fire Department. Mr. Coker made Council aware Firefighter McGill's last day was today. Mr. Reeves informed Council he has offered a candidate one of his vacant positions. This leaves one more vacant position for the Police Department. Mr. Fielder is currently interviewing for the Public Works Director opening.

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Mr. Fielder informed Council Ms. Carmona and he met with a representative from Denitech. They reviewed the issues with the contract and Council's questions. The representative recommended several changes. He will draft up an amendment to the contract agreement that will better reflect the Town's actual printing and copying needs and re-examine the annual increase; once completed he will meet with Town staff to discuss his recommendations. There was discussion on how the number of copies were determined previously, the penalties for early termination of the contract, and on the personal property taxes for leased property. Ms. Carmona informed the Council the Qube is leased; however, some of the printers are actually owned by the Town. Mr. Jeffery's explained this is customary with some contracts and Denitech was taxed on their property and passed this expense to the Town.

Mr. Fielder notified Council he spoke with a representative at Peak Energy. They are requiring information that the Town cannot generate. He explained the SCADA system was purchased to operate our system without all the bells and whistles it could have contained. Mr. Fielder presented 90 days of electricity use information from various facilities to Council and explained this was the best Ms. Carmona and he could generate with the information they can obtain. The Town Hall and the Police Department electricity use was removed from the report. The electricity billing cycle in December was a 45 day cycle instead of a 30 day cycle in an attempt to match the bill up with the calendar month. A representative from Peak Energy will come to the Town to evaluate the Town's system. There was discussion on the money back guarantee promised by SCADA, the sales pitch given, and the transparency of SCADA.

Mr. Fielder informed Council the Texas Legislature created the Northern Trinity Groundwater Conservation District in 2007 and the boundaries are the same as Tarrant County with the Board of Directors appointed by the Commissioners Court. Texas Legislature created the District to preserve groundwater for future use imposing fees and other regulatory authorities that can affect the Town; such as the financial requirement for the Groundwater Management Plan. The district was authorized to impose fees on groundwater production up to 20¢ per 1,000 gallons. The current fee is 10¢ per 1,000 gallons. The Town has budgeted for this fee but up to this point there has not been any engagement from the District. The District is essentially the Benbrook Public Works Department. After speaking to several surrounding cities they all pay the fee. There was discussion on the budget, consequences for not paying the fee, private well exemptions, unfunded mandates, and information contained on the Northern Trinity Groundwater Conservation District's website. Mr. Joyce informed the Council the contractors who service the wells are not allowed to service unregistered wells and will receive penalties for doing so. Council would like to have representation on the board and to invite Commissioner Nguyen to the next Council Meeting to address Council with their concerns.

Mr. Fielder told Council Mr. Joyce has collected information for the Boat and RV ordinance update and will present this information at the next Council meeting on April 14th. There was discussion regarding the information being placed on the newsletter to allow for citizen participation. Ms. Arrington advised Council the mailing of the newsletter is not scheduled until April 20th, to allow for citizen participation the ordinance will be heard at the April 28th Council meeting instead.

Mr. Fielder notified Council the Planning & Zoning Commission reviewed the Zoning ordinance at the March 3rd meeting and will hold a Public Hearing and vote on this ordinance on April 7th.

Mr. Fielder informed Council he received a letter from the Public Utility Commission proposing a rate increase to the maximum access line rates. This increase is tied to the Consumer Price Index and Council has the right to deny the increase. He explained this is an automatic increase unless stated otherwise by April 30th. There was some discussion on who pays for the increase and who receives the benefits of the increase. Council requested this item on the next agenda.

2. Monthly Staff Reports

Council inquired about the Infrastructure Fee that is billed on the water accounts and why it was down. Staff informed Council the collections are down for the water bills. Council would like to look at a water billing analysis at the next meeting.

Council applauded the efforts of the Court Department for the warrant charges and collections increase.

There was discussion on the mowing of the median located on Pioneer Parkway and the plant survival guarantee made by TxDOT. Mr. Joyce informed the Council the maintenance period of one (1) year starts in April. He has been waiting on TxDOT to transfer the care of the median to the Town after their final sign offs for the construction.

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

No comments at this time.

4. Approval and Acceptance of Minutes

Approval of Town Council Minutes:

- Town Council minutes from February 24, 2014

There was a minor change made to the minutes of February 24th. Council stated they continue to notice improvements in the minutes.

Acceptance of Minutes of Boards and Commissions:

- PEDC minutes from February 12, 2014
- PEDC minutes from February 26, 2014
- Planning & Zoning minutes from November 4, 2013
- Zoning Board of Adjustment minutes from May 30, 2013

There was not any discussion on the PEDC Minutes.

Mayor Paradise adjourned the work session at 7:26 p.m.

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

Mayor Paradise called the regular session to order at 7:41 p.m.

Chad Joyce, Community Development Director, led the invocation which was immediately followed by the Pledge of Allegiance

MAYOR/COUNCIL/STAFF COMMENTS OF COMMUNITY INTERESTS

Councilmember Surratt welcomed everyone to the Council meeting. He gave his appreciation and thanks to the Police Department for the house patrol he received while out of town and to the Fire Department for the service provided to a family member. He felt it was stellar service.

Councilmember Funderlic welcomed everyone to the Council meeting and believes Councilmember Surratt summed it up eloquently and commends the Fire Department for their skills in patient care.

Councilmember Barrett welcomed everyone to the Council meeting and agreed with Councilmember Surratt.

Councilmember Price welcomed everyone to the Council meeting and agreed with Councilmember Surratt.

Mayor Pro-Tem Brewster welcomed everyone to the Council meeting and agreed there is not enough that could be said about the service provided by the Police Department and the Fire Department.

RECOGNITION/RECEPTION

Mayor Paradise invited Council to join her in front of the Council Dais.

- **Proclamation Poison Prevention Week**

Mayor Paradise read the Proclamation and declared the week of March 16-22, 2014 as Poison Prevention Week.

- **Proclamation Multiple Myeloma Month**

Mayor Paradise requested Phil Westine to join Council as she read the Proclamation and declared the month of March as Multiple Myeloma Awareness Month. She presented Mr. Westine with the Proclamation. Mr. Westine is involved in the North Texas Multiple Myeloma Foundation which is made of approximately 200 families. He informed the audience there is a National Foundation. He gave thanks to Council for the proclamation and recognition.

- **Proclamation Mayors Day of Recognition for National Service**

Mayor Paradise read the Proclamation and declared April 1, 2014 as the National Service Recognition Day. Mayor Paradise gave thanks to all volunteers who serve as staff members, first responders, business owners, and volunteers.

- **Recognition of Firefighter Reynolds for his Military Service**

Mayor Paradise requested Firefighter Reynolds, Chief Griffith, and Assistant Chief Coker to join Council as she presented Firefighter Reynolds with a plaque honoring him for his work in Afghanistan for the Military. Chief Griffith presented him with a ribbon for his uniform signifying his military service.

Firefighter Reynolds thanked the Council and Town Staff for his recognition and discussed some of his duties in Afghanistan.

COUNCIL LIAISON TO BOARD REPORT

Community Relations Board

Councilmember Barrett informed the Council the Easter event is scheduled for April 19th from 2:00 p.m. to 4:00 p.m. and the proper requests have been made for the different departments that are involved in the event set up. The Easter Bunny costume has been order and the Easter Bunny has confirmed his appearance.

Pantego Youth Leadership Council

Mayor Paradise informed Council the PYLC went on their annual field trip to the Perot Museum on March 14th. They started at the Museum, walked across the street to have lunch at El Fenix, after lunch they walked across the street to visit Klyde Warren Park, and then went back to the Perot Museum to finish out the day. The kids and the parents all enjoyed the day. They held the monthly meeting last week and discussed Social Media and the impact the youth have on economic development. The next meeting will involve a project on social media and economic development.

PEDC REPORT

Councilmember Surratt missed the last meeting; therefore, President Bill Brown of the PEDC Board addressed the Council informing them the Board discussed the lighting of the Arch on Park Row and the Spring Shop Pantego promotional event.

CITIZENS OPEN FORUM

None

APPROVAL OF CONSENT AGENDA ITEMS

Mayor Paradise reminded Council the motion needs to include the change to the minutes addressed in the work session.

Councilmember Funderlic made a motion to approve the Consent Agenda items 1 thru 4 as discussed in the work session. Mayor Pro-Tem Brewster seconded the motion.

The vote was as follows:

Ayes: Surratt, Funderlic, Barrett, Price, and Brewster.

Nayes: None

Abstention: None

Mayor Paradise declares the vote passed unanimously.

RESOLUTIONS

5. Discuss and consider action on a Resolution regarding an Interlocal Agreement with the City of Fort Worth for Animal Control.

There was discussion on the timeliness of the receipt of the Interlocal Agreement from Fort Worth. Council was informed another municipality received their agreement later than Pantego. Council inquired about the not to exceed limit discussed in the contract. Mr. Joyce explained Fort Worth likes to have a cut off limit. Mr. Joyce felt \$6,000 would ensure the Town was covered if the limit was imposed.

Councilmember Price made a motion to approve the Interlocal Agreement with Fort Worth along with the Resolution. Councilmember Funderlic seconded the motion.

The vote was as follows:

Ayes: Surratt, Funderlic, Barrett, Price, and Brewster.

Nayes: None

Abstention: None

Mayor Paradise declares the vote passed unanimously.

6. Discuss and consider action on a Resolution authorizing the City Manager to enter into a contract with Neopost for Postal Services.

Mr. Fielder informed Council Pitney Bowes no longer services the machine the Town currently uses. They will require the use of a new machine with an increased cost. The contract for Neopost is for use and maintenance of their machine. There was a discussion on the tax inclusion and the amount of mail generated by the staff at Town Hall.

Councilmember Surratt made a motion to allow the City Manager to enter into a contract with Neopost for the use of the IM6000 digital mailing system on a 60 month lease. Councilmember Barrett seconded the motion.

The vote was as follows:

Ayes: Surratt, Funderlic, Barrett, Price, and Brewster.

Nayes: None

Abstention: None

Mayor Paradise declares the vote passed unanimously.

ORDINANCES

7. **Discuss, direct, and consider action on the acceptance of the Certificate of Unopposed Candidates by the City Secretary.**

Ms. Arrington presented Council with the Certificate of Unopposed Candidates per Chapter 2 Section 2.052 of the Election Code. There was no discussion and no action required.

8. **Discuss, direct, and consider action on an ordinance of the Town of Pantego declaring unopposed candidates in the May 10, 2014 General Election of the Town of Pantego, Texas; cancelling the election for Council Members Place 1, 2, and 3; providing for a severability clause; and providing for an effective date.**

Ms. Arrington read the caption of the ordinance and recommended the acceptance of the ordinance per the Election Code Chapter 2 Section 2.053

Council Member Price made a motion to accept the ordinance as submitted by the City Secretary. Councilmember Funderlic seconded the motion.

The vote was as follows:

Ayes: Surratt, Funderlic, Barrett, Price, and Brewster.

Nays: None

Abstention: None

Mayor Paradise declares the vote passed unanimously.

9. **Discuss, direct, and consider action on an ordinance of the Town of Pantego declaring unopposed candidates in the May 10, 2014 Special Election of the Town of Pantego, Texas; cancelling the election for Council Member Place 5; providing for a severability clause; and providing for an effective date.**

Ms. Arrington read the caption of the ordinance and recommended the acceptance of the ordinance per the Election Code Chapter 2 Section 2.053

Council Member Surratt made a motion to accept the ordinance as submitted by the City Secretary. Mayor Pro-Tem Brewster seconded the motion.

The vote was as follows:

Ayes: Surratt, Funderlic, Barrett, Price, and Brewster.

Nays: None

Abstention: None

Mayor Paradise declares the vote passed unanimously. The Mayor requested an agenda item on the next agenda for discussion and consider action on holding a special meeting Monday, May 19th for canvassing the election.

Mayor Paradise recessed the regular session at 8:27 p.m.

Mayor Paradise called the executive session to order at 8:31 p.m.

SCHEDULED EXECUTIVE SESSION ITEMS

- The Council will convene in the City Manager's Office pursuant to the Texas Government Code

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for an executive session on the following items:

1. Pursuant to Government Code Section 551.072, to discuss the purchase, exchange, lease, or value of real property – Nolan County Property
2. Pursuant to Government Code Section 551.071 Litigation Matters, to discuss pending or contemplating litigation, settlement offers, and other legal matters that implicates the attorney-client privilege – Litigation Wells
3. Pursuant to Government Code Section 551.071 Litigation Matters, to discuss pending or contemplating litigation, settlement offers, and other legal matters that implicates the attorney-client privilege – Van Hoosier
4. Pursuant to Government Code Section 551.071 Litigation Matters, to discuss pending or contemplating litigation, settlement offers, and other legal matters that implicates the attorney-client privilege – Litigation Monica S Cooper
5. Pursuant to Government Code Section 551.087 to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations. – Anything Goes.

Mayor Paradise adjourned the Executive Session at 8:48 p.m.

Mayor Paradise reconvened into Regular Session at 8:51 p.m.

Mayor Paradise opened Executive Item #1 Nolan County Property for discussion. There was no discussion.

Mayor Pro-Tem Brewster made a motion to accept the bid from Stan Payne for Nolan County Property and to allow the City Manager to execute all necessary documents. Councilmember Funderlic seconded the motion.

The vote was as follows:

Ayes: Surratt, Funderlic, Barrett, Price, and Brewster.

Nayes: None

Abstentions: None

Mayor Paradise declared the motion passed unanimously.

Mayor Paradise declared no action was taken on Executive Session items # 2, 3, and 4.

Mayor Paradise opened Executive Session item # 5 Anything Goes for Discussion. There was no discussion.

Council Member Surratt made a motion to accept the PEDC recommendation for a one-to-one match not to exceed \$8,000 for a new sign. Councilmember Barrett seconded the motion.

The vote was as follows:

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

Nayes: None

Abstentions: None

Mayor Paradise declared the vote passed unanimously.

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

10. Discuss, direct, and consider action regarding the hiring of an event planner for PantegoFest 2014.

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Mr. Fielder reminded Council the direction to staff was to send out Requests for Proposals for Event Planners to conduct the planning of PantegoFest 2014. Mr. Fielder explained some of the challenges in finding an event planner. Two companies were already booked. Two other companies could not perform the duties for the budget the Town was proposing. He received a proposal from April Coltharp with Flair Events. Mr. Fielder introduced Ms. Coltharp and Mayor Paradise opened the floor for Council discussion. Mayor Paradise opened the floor for Ms. Coltharp's presentation. She discussed her experience, a timeline she has created, and a budget based off the information she has. She informed Council she would provide weekly progress reports to Mr. Fielder. Council confirmed her fees are capped. There was some discussion on closing the street and re-directing traffic. Ms. Coltharp proposed a stakeholders meeting at the beginning of the planning stage. There was discussion on other events she has planned for the City of Kennedale. There was some discussion on Council's previous experience with PantegoFest 2012 and 2013. Council discussed their expectations of the planner who secures the position. Mr. Fielder verified Ms. Coltharp's references and recommends hiring Flair Events. There was discussion on allowing PEDC to pick up the planning of PantegoFest 2014 since its purpose is to drive recognition and business to the local businesses of Pantego.

Councilmember Funderlic authorized the City Manager to enter into a contract with Flair Events for the Planning and Organizing of PantegoFest 2014. Councilmember Surratt seconded the motion.

The vote was as follows:

Ayes: Surratt, Funderlic, Barrett, and Brewster.

Nays: Price

Abstentions: None

Mayor Paradise declared the vote passed 4-1.

11. Discuss and direct staff on the relocation of the utilities on West Park Row.

Mr. Joyce presented this item and informed Council the cost to move the light poles was not considered by the contractor. There was a presumption the poles may need to be adjusted but not sure how or where to. Once the contractor was informed of how the poles needed to be adjusted they realized there was a conflict. The cost to raise the poles is estimated at \$12,000. AT&T will remove the poles that are not needed. Originally the poles were to be left where they are currently. There was discussion on what the consultant knew and when he knew it. Council directed staff to review the scope of work for CMA and to have them present at the next Council meeting to explain why this was missed. There was discussion on the Rights of Way and spacing for the poles.

COUNCIL INQUIRY

Mayor Paradise requested Ms. Arrington to prepare the Board appointments and a list of who will roll off the boards this year along with who is interested in keeping their appointment.

Councilmember Funderlic would like to have a pre-budget discussion on invoices from the Tarrant County Appraisal District and why the invoices are not lumped into one for each property. He requests this item on the agenda with Commissioner Nguyen. He also requested to find out about the Rush Creek Flooding Analysis performed by Arlington.

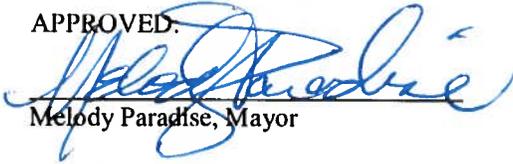
Councilmember Barrett inquired about CERT team training programs.

ADJOURNMENT

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

APPROVED:


Melody Paradise, Mayor

ATTEST:


Julie Arrington, City Secretary

