

Town Council Minutes
May 12, 2014

STATE OF TEXAS §

COUNTY OF TARRANT §

TOWN OF PANTEGO §

The Town Council of the Town of Pantego, Texas, met in regular session at 6:30 p.m. in the Council Chamber of Town Hall, 1614 South Bowen Road, Pantego, on the 12th day of May 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
Thressa Householder

City Manager
City Secretary
City Attorney
Finance Director
Community Development Director
Chief of Public Safety
Assistant Police Chief
Assistant Fire Chief
Court Administrator

Also in attendance:

Fred Adair

PEDC Secretary

WORK SESSION 6:30 P.M.

Mayor Paradise called the work session to order at 6:37 p.m.

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

1. City Manager Report

Mr. Fielder informed Council there are not any changes to the road projects. There is a small area that needs asphalt repair. Since the Town's Contractor is a concrete contractor he has hired an asphalt contractor and is waiting on their schedule. Staff is working to make corrections to two properties at the request of the homeowners, mostly landscaping issues.

Mr. Fielder advised Council he will let the Department Heads discuss their personnel vacancies in their staff reports; except the Public Works Director, next week Mr. Fielder will start reviewing applications.

Mayor Paradise inquired if Council was aware of the Supreme Court Ruling. There was no discussion.

Mr. Fielder informed Council Ms. Carmona and he met with the Denitech staff. They have investigated the current settings with the printers and want to get a full month of history with the correct settings then come back and with a revised projection of what the Town's needs will be. We will have them back to speak with Council at the June Meeting. There was discussion on paying the bills for the overages until this is complete.

Mr. Fielder reminded Council the last meeting there was discussion on Laserfische and the Council asked what it would cost to fully upgrade to the current version. The upgrade would cost \$10,000 with an additional \$2,600 a year for maintenance. There was verbal discussion between staff and Laserfische on reimbursing this cost in the amount of the previous work approximately \$4,000. Mayor Paradise discussed the direction given to previous Department Heads no longer employed with the Town. Ms. Arrington was directed to research alternatives and present them to Council during the next budget year discussions. Council discussed the deficiencies in the system currently and the purpose of continuing the maintenance and support each year.

There was discussion regarding the Boards and Commissions appointments and the consequences of a new applicant that is a current recipient of a PEDC grant who wants to be on the PEDC Board. According to Mr. Jeffrey the only issue is an AG opinion that would prohibit them from receiving future incentives while on the Board and would need to recues themselves from any discussion or action regarding their business. There was discussion on the procedure for the Board Appointments. Ms. Arrington was directed to invite the new applicants up for a worksession the first meeting in June. Ms. Arrington informed Council she has spoken to every Board Member that is rolling off this year and three members do not want to return; Barbara Rogers with PEDC, William Nolen with P & Z, and William Holland with P & Z.

Mayor Pro-Tem Brewster expressed he is very concerned with PantegoFest this year. He is not comfortable with the Planner, the location, the money to be spent, etc. He thinks we may want to postpone this year and start working towards next year. He feels there is no confirmation of work being completed up to this point. There was discussion on the location compared to the turn out Council expects. Council requested April Coltharp to come to the next Council Meeting to discuss these concerns. Mr. Fielder informed Council the Sponsor Letter is complete and ready to be sent out, Ms. Coltharp has multiple contracts for Council, the stage has been reserved, and a couple of bands have been reserved. The businesses not wanting to participate drove the location. Council requested audio examples, and Morgan Elam's availability.

Mr. Fielder informed Council this item is a follow up to the events of last week. The Town had a Cyberlock Malware attack. The ransom for our records was \$5,000. This was not paid and iwerks was able to recover the majority of the data. The Town lost some CID files on the public safety server, everything else was recovered. There was discussion on the timeliness of the backups. Mr. Fielder informed Council there was a second issue with back-ups that was revealed by this incident and that too has been corrected. There have been several changes made to the files and back-ups due to this incident.

2. Monthly Staff Reports

Council inquired if the positive variances in Police and Fire Accounts were due to personnel shortages. There was discussion on the recycling sales tax not making the actual expected income for the budget. Ms. Carmona informed Council they do not reflect the 1/12th of the month and any outstanding accounts are not reflected. There was discussion on the changing of providers for recycling and the difference in their costs as a possible cause.

Assistant Chief Reeves discussed the Police Department vacancies; one of the part-time officers will return to full time and there are two new dispatchers starting very soon. There was discussion in the recent training at Atmos regarding gas leaks and recurring well site emergency preparations. Chief Griffith informed Council the policies and procedures that were in place with

Carrizo prior to the transfer to Enervest are still in place. The contact information is up to date. As far as shutting things off the Department does not do this. If there is a gas leak the wells have systems on them to protect against this. If there is an explosion in the tank Public Safety's job is evacuations, mitigating exposure, and to protect the surroundings until the gas well experts get there. Assistant Chief Coker discussed the Fire Department vacancies explaining there are two vacancies and he has received ten applications after a month of advertising. The Department will start the written testing for the new applicants on Friday.

Mr. Joyce informed Council the Public Works Department is two workers down with one being the most tenured. There was discussion on the location of the mosquito traps. There was discussion on the timing of the review of the updated Zoning Ordinance review. Mr. Jeffrey explained he is about half way through his review and expects to be finished in June. There was discussion on the booster pipe repair on the well invoice.

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

There was discussion on withholding the payment for the Denitech invoices until the credit is received and the removal of the sales tax on the invoices. There was discussion on the number of colored copies and the newsletter changing to black and white.

4. Approval and Acceptance of Minutes

Approval of Town Council Minutes:

- Town Council minutes from April 28, 2014

Council requested a change in the heading and clarified the spraying for mosquito's is \$1,000 not \$100 each time they come out.

Acceptance of Minutes of Boards and Commissions:

- CRB minutes from April 1, 2014

No comments were given.

Mayor Paradise adjourned the work session at 7:29 p.m.

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

Mayor Paradise called the regular session to order at 7:40 p.m. and welcomed the audience.

Julie Arrington, City Secretary, led the invocation which was immediately followed by the Pledge of Allegiance

MAYOR/COUNCIL/STAFF COMMENTS OF COMMUNITY INTERESTS

Councilmember Surratt informed Council he recently received training on Parliamentary Procedures. He will get the presentation to Ms. Arrington to have the powerpoint uploaded onto Dropbox.

Councilmember Funderlic thanked the citizens for showing up tonight and staff and employees operating on a short staff.

Councilmember Barrett thanked everyone for being here this evening and a special thanks to Mr. Fielder and Mrs. Carmona for attending the CRB meeting.

Councilmember Price has no comments this evening.

Mayor Pro-Tem Brewster thanked everyone for coming out tonight, staff and Council for working together it takes cooperation to make everything come together, and hoped all the mothers in the audience had a wonderful Mother's day.

Mayor Paradise thanked the audience and commended the staff, Ms. Arrington, Mr. Fielder, Assistant Police Chief Reeves, dispatch, and Mr. Joyce for helping with a dog that was located on Smith Barry Road Friday afternoon after hours recovering from surgery and wearing a cone. By Saturday morning her family was able to reunite the dog with its owner with the help of Tara who is a dispatcher and knew the dog owner. It was very heartwarming to know so many individuals will pull together to help reunite the dog with its owner. I also want to commend Assistant Chief Reeves and Officer Alvarez on their Motorcycle competition in Grand Prairie this past weekend.

RECOGNITION/RECEPTION

None.

COUNCIL LIAISON TO BOARD REPORT

Community Relations Board

Councilmember Barrett informed Council the Memorial Day Event will be held Monday, May 26th at 7:00 p.m.; there will be readings from Essay Contest winners, the Board received 337 essays for the essay contest; and movie night will be the second Saturday of the month on June 14th they will show Frozen, on July 12th Monsters University, on August 9th Despicable Me 2, and on September 13th is to be determined.

Pantego Youth Leadership Council

Mayor Paradise informed the Council the last meeting will be next week. The group will meet at 6:30 p.m. walk to Texas Fitt to learn about Economic Development Dollars at work. She would like to have the PEDC Board join in this event. The parents, family, staff, and Council are invited. We will end the meeting at Saljo's for dinner and awards. There will be a youth event, scavenger hunt, at Bicentennial Park to kick off the new year in August.

PEDC REPORT

Secretary Adair from PEDC informed the Council the Board has not met since the last Council meeting and there is nothing to report.

CITIZENS OPEN FORUM

Phyllis Gillette, 10 Country Club Court, addressed Council on behalf of Patrick Myers, owner of Dr. Jeckle, regarding waiving a Special Use Permit Fee for PantegoFest 2014. He has received the approval from TABC. He would like to request the Town to waive the SUP fee as the Town has in the past. Mayor Paradise requested her to have Mr. Myers submit this in writing to the City Manager or City Secretary to be placed on the next Agenda.

APPROVAL OF CONSENT AGENDA ITEMS

Councilmember Surratt made a motion to approve the Consent Agenda items 1, 2, 3, and 4 as discussed during the work session. 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 declared the vote passed unanimously.

ORDINANCES

- 5. Discuss, direct and consider action on an Ordinance Amending the Town of Pantego Municipal Code Chapter 1 – General Provisions; Article 1.04 Town Officers; Division 2 City Manager; Section 1.04.031 Office, Created; Appointment and Removal; Term; Compensation by Adding a Requirement For A Municipal Bond in the Amount of \$50,000 and by Adding Section 1.04.041 Financial Director; Containing a Savings Clause; Repealing all Ordinances in Conflict Herewith; and Declaring an Effective Date.**

Ms. Arrington read the caption of the ordinance and informed the Council this ordinance requires a 2/3 majority vote to pass. Mr. Fielder reminded the Council this was discussed at the last meeting and the consensus from Council was \$50,000 each and State Law requires Council to set the amount of the bonds. There was discussion on the estimates and on subsection (a) of the City Manager and the Finance Director portions of the ordinance. Mr. Jeffrey informed Council this was a housekeeping item. The Finance Director responsibilities are discussed in a separate subchapter but the position was never actually created and this creates that position. There was discussion on changing the "his" in the ordinance to "his/her".

Councilmember Funderlic made a motion to adopt the ordinance amending the Town of Pantego Municipal Code Chapter 1 – General Provisions; Article 1.04 Town Officers; Division 2 City Manager; Section 1.04.031 Office, Created; Appointment and Removal; Term; Compensation by adding a requirement for a municipal bond in the amount of \$50,000 and by adding section 1.04.041 Financial Director. Councilmember Surratt seconded the motion.

The vote was as follows:

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

Nays: None

Abstention: None

Mayor Paradise declared the vote passed unanimously.

RESOLUTION

- 6. Discuss, direct, and consider action on a Resolution Authorizing the City Manager to enter into an Interlocal Agreement with the City of Fort Worth for the Collection of Household Hazardous Waste.**

Mr. Joyce informed Council this is the same Interlocal Agreement the Town has had in the past. When the Town made the new agreement with Republic it was decided to keep this and everything the same. It did expire.

Mayor Pro-Tem Brewster made a motion to approve the Resolution authorizing the City Manager to enter into an Interlocal Agreement with the City of Fort Worth for the collection of household hazardous waste. Councilmember Barrett seconded the motion.

The vote was as follows:

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

Nays: None

Abstention: None

Mayor Paradise declared the vote passed unanimously.

7. Discuss, direct, and consider action on a Resolution Denying the Rate Increase Requested by Atmos Energy Corp., Mid-Tex Division under the Company's 2014 Annual Rate Review Mechanism Filing in all Cities Exercising Original Jurisdiction.

Mr. Fielder informed the Council as a member of the Atmos Steering Committee the Town is one of a large number of communities that has the power to approve the rate increases by Atmos. There has been a rate increase proposed. The recommendation of the Steering committee is to deny it which will move it to Austin forcing the attorneys to negotiate the rate increase. The negotiated rate increase should be lower than the proposed increase now. If the Town chooses not to join with the Steering Committee and accept the rate increase then the Town would just do nothing and lose the opportunity for future denials.

Councilmember Surratt made a motion to approve the Resolution of the Town of Pantego denying the rate increase requested by Atmos Energy Corp. Councilmember Price seconded the motion.

The vote was as follows:

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

Nays: None

Abstention: None

Mayor Paradise declared the vote passed unanimously.

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

8. Discuss and direct staff on the possible amendments to the solicitation regulations.

Chief Griffith informed Council the original comments from March along with the current recommendations of our attorney are provided in this updated version. Chief Griffith stated Mr. Jeffery and he has looked over the comments and recommendation. They do not foresee any issues with the amended regulations. Mayor Paradise thanked Chief Griffith for being so thorough and the effort he put into this. Mr. Jeffrey informed Council the City of Arlington will take up another reading of their solicitation ordinance tomorrow. Their revisions are similar to ours. There was discussion on creating a new position of the License Officer and creating this position administratively through the current officers. According to Mr. Jeffrey this is typically the Police Chief and/or his designees. There was discussion on exemption number three (3) and the definition of Anonymous Political Speech as it relates to knocking on resident's doors or standing on the intersections with further discussion on the Right of Way regulations. Council inquired about the requirements for a claim in writing for the exemptions and the handling of an organization; such as religious organizations, the Boys Scouts of America, or the Girl Scouts of America. The exemptions require a written claim requesting the exemption to the policies of the ordinance and why the organization believes they are exempt. Council believes this is restrictive of the Boy Scouts or Girl Scouts but relaxed on religious organizations. Mr. Jeffrey explained he will make the proper changes to require organizations to register with the Town. There was discussion on how school fundraisers can be exempt for charitable purposes and the procedure for the school with the different groups having different fundraisers. It was explained one of the exemptions that would apply to the children soliciting for school is receiving permission from the home owner. There was concern on the power of the Town to enforce acceptable behavior of the solicitors especially at intersections. Mr. Jeffrey explained if the person representing the organization is a distraction or disruption to traffic or exhibits aggressive or confrontational conduct the Town can take action through the Penal Code. Council clarified the Permit Fees amount, length of the permit, and the waiving of the fees for organizations; such as the Independent School Districts, the Girl Scouts, and the Boy Scouts. Mayor Paradise requested staff to ensure the word gets out to these organizations. There was discussion on the Town Fire Department's MDA Fill the Boot Campaign and donations for the Town or its employees. Mr. Jeffrey explained this activity is covered under the Texas State Law and tracked in our ordinance.

There was discussion of the insurance requirement in the ordinance that is required by State Law. Assistant Chief Coker informed the Council the Muscular Dystrophy Association carries the insurance for the Firefighters in the Fill the Boot Campaign.

9. Discuss and direct staff on the possibility of relocating overhead utilities that is in conflict with the Park Row Project.

Mr. Joyce informed Council this provision was discussed in an earlier meeting regarding the Park Row Project and needing to relocate the overhead utilities by either raising them or removing them completely. Staff needs direction on whether Council wants to expend money to investigate possible conflict solutions, or expend money to investigate aesthetic conflicts, or consider increasing the budget and/or decrease the scope of the project to address the conflicts. Mr. Joyce informed Council the 90% plans are in Dropbox and a memo from Mr. Elliot was handed out this evening. Mr. Joyce introduced Steve Elliot with CMA Architects. Mr. Elliot reminded Council in August the design development set was presented to Council and authorization was received from Council to proceed with the project. Based on the comments of that meeting the 90% plans were drafted. During this time CMA reiterated there had not been coordination with the overhead utilities at this point. CMA went as far as they could without the input from the utilities. The electrical engineer was waiting to verify the input Oncor would have on the service to their poles to provide power to Town's poles. On an unrelated note the contract with the electrical engineer was canceled due to other issues not related to the Town and a new electrical engineer was hired, K & E. The first week of December, the Town and CMA met to go over the comments of the 90% and obtain a game plan of all the contacts with the different utilities. CMA, Town staff, and the utility companies met in later to obtain the requirements. Oncor requires 10 foot of clearance from anything in the Right Of Way to their utilities. After performing a survey to verify what facilities are there and if any are in conflict, it was determined there were three poles in conflict; two on the West and one on the East side. Mr. Elliot informed Council there were several meetings between CMA, Town staff, and the utility companies to discuss different options to the project regarding utility placement. Oncor informed everyone the cost of raising the three poles and decommissioning the overhead lines not in use would be \$12,000. There still has not been a cost estimate received by AT&T and Time Warner Cable. The Second option discussed was moving all utility poles behind the sidewalk. This will be more expensive but more aesthetically pleasing. Oncor informed CMA this would result in a more expensive survey of \$2,000. Mr. Joyce informed CMA and the utility companies he would need to speak to Council before committing to the survey.

Council discussed the budget and planning process and how this was not mentioned in that process inquiring about the issue of moving the utilities and how it was missed. Mr. Elliott explained he asked for utility input as a prerequisite and mentioned it several times among all the engineers and planners. He feels he could have done a better job in explaining they were missing this information and needed it to complete the project. There was discussion on the Businesses located on Park Row and their knowledge of the impact the project construction may bring to their business. Mr. Joyce informed Council two years ago the information was sent out to the businesses and a meeting was held with PEDC and the businesses to discuss the issues. The business owners discussed the trees and the visibility from Park Row in the PEDC meeting. There was discussion by Council on a heads up to the businesses for the change in traffic patterns and to their entrances. Council inquired about what the \$1.6 million budget covers and was informed this amount covers the foundations; one type that is a straight shaft pier and will be used as often as possible, but in the case of areas with many underground utilities there will be a cantilever pier used, the foundation will be a matrix of combinations of the two piers for the project, water line relocations and hydrant relocations will be coordinated with the Alan Plummer Associates project, inspection and contract services are included. There was discussion on the remaining cost of the contract; such as any additional costs in the remaining engineering and third party contractors. Mr. Elliot will be on the project for inspections periodically. There was discussion of who will perform the Construction Management. Mr. Fielder would like to have a discussion with Council on hiring a third party for this. Mr. Elliot explained he took the numbers

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used at the very onset in August 2012 and determined they can do the project for \$1.6 million but had to identify a base bid scope. The construction from east of Braums to the Waterford will cost more like \$1.8-\$1.9 million. They are breaking the bid package into a base bid scope with various alternatives with pricing broken out so that Council has choices to complete parts of the project at different times. Based on what Mr. Elliot has seen he is concerned the entire scope will not come in at \$1.6 million. The water line project went from \$360,000 to \$560,000 all coming out of the same \$1.6 million. Council clarified the water line project is a different construction project. Mr. Elliot explained Council has choices and his recommendation is since the documents are being prepared by a separate firm, CMA and Alan Plummer Associates can work together on the bid form and can be set up as two different packages but the same contractor can bid both of them and put the bids out at the same time. He explained this will give one set of general conditions and will help save in not paying twice for general conditions. Since they are two projects that will run concurrently with two different contractors, it could create a situation of the contractors pointing fingers at each other and Council is left with trying to sort the situation out. CMA would rather have a single source of responsibility. There was discussion on the Plummer Contract including the construction manager and inspections, etc. Mr. Joyce will look into Council's concerns. There was discussion on the resolution of the issues at the last meeting in August. All items that Council requested at the 60% meeting were incorporated in the 90% plans. This resulted in additional poles and changes to the concrete. There was a request for Mr. Joyce to refresh Council's memory as to how the sidewalks and everything will look. Council would like to place on a future agenda an item to review all of the costs associated with the project, including the streetscape, waterline, construction management, utility relocations, etc., as currently projected by each consultant. There was discussion on the existing electrical and telephone boxes on Bowen Rd as it relates to utility relocation costs. Mr. Elliot explained they are behind the 10 foot setback so they do not need relocating. He went on to explain closer to the Waterford there is a berm that will require additional costs. Mr. Elliot stated the optimum would be to relocate all utilities out of the way but this is not in the realm of possibility due to cost. There was discussion on Time Warner and their survey costs. Mr. Joyce explained AT&T has requested money upfront but stated it may be a while for their engineers to get out; however, they have a third party the Town can pay for upfront to have the relocation cost survey done quicker. AT&T did not have a price for the survey. There was discussion on how much money is needed to cover the surveys for Oncor and AT&T. Mr. Joyce suggested \$5,000, giving \$2,000 to Oncor and leaving the remainder to cover the additional cost of AT&T and any others. Council confirmed this will just take care of the investigative funds they will then regroup and go over the costs. Mr. Fielder stated Tarrant County has committed \$225,000 from their road bonds and that money remains available to use until September 30, 2015. The only catch is the Town has to enter into an agreement and funds have to be used by the end of the agreement. There was discussion of the lighting standards and the ramp at Milby and Bowen the cost for compatibility will be additional cost for it to look like they did not go around the poles. Council confirmed this is an aesthetic issue not a structural issue.

Councilmember Funderlic made a motion to authorize an additional \$5,000 for the investigation of Oncor relocation and related utilities. Councilmember Surratt seconded the motion.

The vote was as follows:

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

Nays: None

Abstention: None

Mayor Paradise declared the vote passed unanimously.

10. Discuss and direct staff on possible amendments to the Boat and RV regulations.

Mr. Joyce explained to Council he has placed the requested changes from Council into the ordinance with 30 foot setbacks from the curb line. There was discussion on how this will affect

the resident on Peachtree. If the item is parked right up against the fence or property line the setback is 1 foot horizontally for every foot the item is over the height of the fence. For example, if the item is 11 feet then it needs to be 5 feet from the fence line. The loading and unloading is set to no more than 72 hours at one time no more than two times in two weeks and a free permit for servicing for 30 days per calendar year. Council wants to keep the screening from view clause especially when the item is in the back yard with no fence or a chain length fence it is still seen. The suggestion was made for a 6 foot stockade fence required plus the fence line setback of 1 foot for every foot over the height of the fence. There was discussion on the burden of the cost to enforce the screening to the resident owner is there is such a requirement versus the burden of cost to his neighbors if there is not a screening requirement. There was discussion on Section A regarding vehicles with a carrying capacity of 2000 pounds or less may be parked on an all-weather surface or any surface if screened from view. A camper applies to Section B requiring all Motor homes, RV's, Campers, Boats, and Trailers have to be parked on an all-weathered surface. There was discussion on valid registration requirements. There was discussion on enforcing the parking on the street ordinance by the Police Department.

Mayor Paradise recessed the regular session at 9:58 p.m.

Mayor Paradise called the executive session to order at 10:02 p.m.

SCHEDULED EXECUTIVE SESSION ITEMS

- The Council will convene in the City Manager's Office pursuant to the Texas Government Code for an executive session on the following items:
 1. 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

Mayor Paradise adjourned the Executive Session at 10:11 p.m.

Mayor Paradise reconvened into Regular Session at 10:12 p.m.

Mayor Paradise declared no action was taken on Executive Session item number 1.

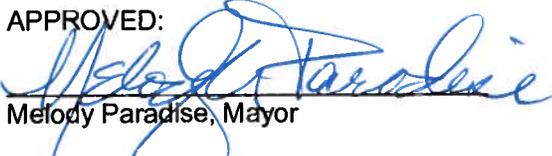
COUNCIL INQUIRY

No inquiries at this time.

ADJOURNMENT

Mayor Paradise adjourned the regular session at 10:13 p.m.

APPROVED:


Melody Paradise, Mayor

ATTEST:


Julie Arrington, City Secretary

