

Town Council Minutes
July 14, 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 14th day of July 2014 with the following members present:

Melody Paradise
Russell Brewster
Jane Barrett
Don Funderlic
Fred Adair
Don Surratt

Mayor
Mayor Pro Tem
Council Members

Members absent:

None.

constituting a quorum. The following staff members were present:

Matt Fielder
Julie Arrington
Jim Jeffrey
Ariel Carmona
Scott Williams
Tom Griffith
Barry Reeves
Robert Coker
Thressa Householder

City Manager
City Secretary
Town Attorney
Finance Director
Public Works Director
Chief of Public Safety
Assistant Police Chief
Assistant Fire Chief

Also in attendance:

Bill Brown

President PEDC

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 introduced Scott Williams, the new Public Works Director and gave a brief background of his previous job history. There is still an open position for a Maintenance Worker. Fire Fighter Blake Slater was promoted to Lieutenant to replace Lt. Guess and our part-time Firefighter, Lance Westman, has agreed to fulfill a full-time position permanently. There are two new firefighter's David Nock and Ben Ogletree. The Police Department lost a dispatcher that was in training; Sarah Daniels.

2. Monthly Staff Reports

There was discussion on the 10% service fee in the Trust and Agency account; replacement of some plants in the 303 Beautification project; the location of the mosquito traps and the spraying schedule.

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

There was discussion on the Alan Plummer purchase order and the outlined scope of work. Council requested the purchase order to be pulled until the City Manager can get a better scope of work. There was discussion on the Collier Consulting invoice needing line item invoicing and the work defined in the DiSciullo-Terry invoice regarding swales.

4. Approval and Acceptance of Minutes

Approval of Town Council Minutes:

- Town Council minutes from June 9, 2014 Special Meeting
- Town Council minutes from June 23, 2014 Special Meeting
- Town Council minutes from June 23, 2014

The time on the both sets of the Special Meeting minutes need to be changed to 6:00 p.m.

Acceptance of Minutes of Boards and Commissions:

- PEDC minutes from June 11, 2014
- PEDC minutes from June 25, 2014

There was clarification on the June 25th minutes discussions regarding a concession stand.

Resolutions

8. Discuss, direct, and consider action on a Resolution Allowing the use of Town Hall as a Precinct Polling Place on Election Day, November 4, 2014 by the Tarrant county Elections Administrator.

Ms. Arrington reminded Council this item was discussed at the last meeting. According to the Election Code, if the Election Day is a day the building is normally open for business the governmental agency cannot charge for the use of the building. Tarrant County refused to negotiate a trade in services due to this law and Town Hall will be open on Election Day.

9. Discuss, direct, and consider action on Authorizing the City Manager to purchase two replacement Ticket Writers using the Court Technology Fund.

There was discussion on the condition of the existing writers, how they are functioning, the replacement make and model, receiving a better quality product, and receiving a maintenance agreement.

11. Discuss, direct staff on the Introduction and scheduling work session to discuss the revised Zoning Ordinance.

Mr. Fielder stated this is a very large and extensive ordinance with significant changes. He inquired on a Saturday meeting or two evening meetings to discuss the ordinance. Council would like to defer this until after the budget cycle and have two evening meetings. No action was taken.

12. Discuss, direct, and consider action on appointing Members to the Finance Committee.

Mr. Fielder reminded Council a Financial Policy was recently adopted which established a Finance Committee consisting of two Council Members, the Finance Director and the City Manager. The purpose is to review the policy's and the audits to create a better transparency and Council involvement allowing Council more time to review the financials. Councilmember Barrett and Councilmember Funderlic volunteered to be on the Committee.

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Mayor Paradise adjourned the work session at 7:16 p.m.

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

Mayor Paradise called the regular session to order at 7:32 p.m. and welcomed everyone.

Mayor Pro-Tem Brewster led the invocation which was immediately followed by the Pledge of Allegiance.

MAYOR/COUNCIL/STAFF COMMENTS OF COMMUNITY INTERESTS

Councilmember Surratt welcomed everyone, he was pleased to see a full house, and conveyed positive comments on the Town's involvement with the City of Arlington's 4th of July Parade and the attendance of the Town's Movie Night.

Councilmember Funderlic agreed with Councilmember Surratt and thanked everyone for coming tonight. He expressed his satisfaction in the selection of the new employees and believes Council has a set team that will work well together.

Councilmember Barrett welcomed everyone and the new Public Works Director.

Councilmember Adair appreciated having a full house. He thanked staff for their support and help with the Arlington 4th of July Parade.

Mayor Pro-Tem Brewster welcomed everyone and appreciated having such a full house. He thanked staff and Council for working together so well.

Mayor Paradise recognized Sgt. Ben Moore and the Fire Department for their participation in the 4th of July Parade. She was pleased to have such positive feedback regarding the Town; having the Quint represented, some Councilmembers, and PYLC represented by Councilmember Surratt's daughter Kaitlyn.

COUNCIL LIAISON TO BOARD REPORT

Community Relations Board

Councilmember Barrett informed Council there were two new CRB members; Bridgett Potter and Victoria Roemmich, at the last meeting. She thanked the Public Work Department for their help with the Movie Night. The next Movie Night will be August 9th showing Despicable Me 2. Mayor Paradise informed the audience CRB is taking suggestions on a movie for September if they have a suggestion to let the City Secretary know.

Pantego Youth Leadership Council

Mayor Paradise explained the purpose of PYLC to the audience and informed them the group is currently on summer vacation until August.

PEDC REPORT

Councilmember Adair informed Council the Board received the same presentation given by Mark Joeckel on Social Media at a Council meeting last month; painting of the park equipment and facilities; the lights on the archway on Park Row for Pantego Fest; loan past due procedures; and passed their budget for Council recommendation.

CITIZENS OPEN FORUM

Nancy Tice, 2615 Smith Barry Road, discussed the cemetery maintenance and informed Council she called Town Hall and spoke to the City Manager. The next day the maintenance was performed. She also expressed gratitude for the Town's involvement in the 4th of July Parade.

APPROVAL OF CONSENT AGENDA ITEMS

Mayor Pro-Tem Brewster made a motion to approve the Consent Agenda items 1, 2, 3, 4, 8, 9, and 12 with the corrections and comments during the work session and item number 3 pulling the Alan Plummer purchase order. Councilmember Surratt seconded the motion.

The vote was as follows:

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

Nays: None

Abstention: None

Mayor Paradise declared the vote passed unanimously.

PUBLIC HEARING

- 5. Public Hearing, discuss, direct, and consider action on zoning case Z-202, a proposed Special Use Permit, as requested by Pat Myers, to allow the sale of beer for on-premise and off-premise consumption at an existing business located at 2420 W. Park Row Drive, Tract 1A56B if the William J. Barry addition, Pantego, Tarrant County, Texas. The Property is generally located on the south side of W. Park Row Drive between S. Bowen Road and Milby Road.**

Mr. Fielder gave Council the history of this item from 2012 and the events surrounding the original SUP. The Planning & Zoning Commission heard this case on Monday and recommended approval to Council with the permit contingent of the sale to Nicole Myers.

Public Hearing Opened at 7:53 p.m.

Pat Myers spoke on behalf of Nicole Myers and explained the information they had received from TABC. He gave a brief summary regarding the purpose of his business and the SUP.

Public Hearing Closed at 7:54 p.m.

There was no discussion. Councilmember Surratt made a motion to approve Zoning Case Z-202 as presented. Councilmember Funderlic seconded the motion.

The Vote was as Follows:

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

Nays: None.

Abstentions: None

Mayor Paradise declared the motion passed unanimously.

ORDINANCE

- 6. Public Hearing, discuss, direct, and consider action on an Ordinance Amending the Town of Pantego Municipal Code of Ordinances Chapter 12 – Traffic & Vehicles, Article 12.05 – Parking, Stopping, Standing by Adding Restrictions, Regulations, and Removal of Some Terms; Containing a Savings Clause; Repealing all Ordinance in conflict Herewith, and Declaring an Effective Date.**

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Mr. Fielder introduced the Boat and RV ordinance and stated it includes the changes requested by Council and a comparison of the Peidmont, Oklahoma Ordinance. The differences are the Pantego Ordinance addresses aesthetic issues and the Peidmont Ordinance addresses the blocking of driveways and sidewalks.

Public Hearing opened at 7:56 p.m.

All speakers listed are against the passing of this ordinance as it is written.

Rob Jasper, 1707 Dickerson Dr., expressed appreciation for Council and stated he does not see any provision in the ordinance for a 26 foot trailer that is inside an enclosed garage stating they would be in compliance. He does not want the City to conduct themselves as an HOA. He just met the gentleman that owns an RV near him on Smith Barry Road and Stolper and if this ordinance eliminates that RV then he believes this ordinance is way too restrictive. He does not feel this RV is an eyesore. He owns a 37 foot RV at Lake Fork and if he was to bring it home he would not be compliant. He also owns a 20 foot bass boat with a 6 inch hydraulic jack plate, a 250 HP engine, and a trailer. He believes this is right at the 25 foot mark. He suggested easing up on the 30 foot from the curb, add language stating if a 25 foot trailer is stored in a garage it is accepted, provide 1 week in the driveway, and allow landowners who have enough property for this to sit on their property to do so. He asked for reconsideration of the ordinance.

Doug Bradham, 1604 Trail Glen Ct., expressed appreciation to Council and staff. He does not support the ordinance as it is written right now. It needs some retuning. He has had RV's the entire time he has lived here. He was here when Nora Street was rebuilt. At that time he asked the City for permission for the new driveway for an RV and was granted permission. This gave him an extra driveway on the side of the property. Then they were required to have a fence to screen the RV and it was put in place. He asked Council to fine tune this ordinance and asked does this ordinance represent the citizens they are serving.

Johnny Ed Scheuermann, 2701 Whispering Trail Cir., thanked Council for the opportunity to speak. He is in favor of allowing the residents the right to keep trailers, motor homes, campers and boats on their property as long as they are safely out of the way of traffic and does not cause damage to neighbors or properties. He believes when the items are moved to a storage lot it hurts the economy causing the neighbors to shell out more money to keep these items in places away from where they can protect them. If there is a bad storm with damaging winds they will know right away if their property has been damaged and can protect it at home instead of trying to get over to a storage lot. His trailer is 20 feet and asked if the length is measured from the tip of the tongue to the spare tire? He feels if he is limited to space then he may be limited in his purchase. He does not want to be restricted. The requirement of a rental lot affects our economic status and affects the residents who are on a fixed income.

Gordon Cannoles, 2818 Peachtree Ln., thanked Council for the opportunity to speak and thanked them for their job on council. He asked why this ordinance came up to begin with, whose idea was it, and prior to passing this ordinance was there any effort in attempting to find out how many residents would be affected by it. He feels the residents were not given any notice when this ordinance was built stating there were no public hearings or discussion before this was put in place. He state there was no consideration given to grandfathering boats and RV like the other ordinances.

Jim Wetmore, 1807 Conley Dr., asked several questions; such as how Council came up with the 25 foot restriction and not a 30 foot or 15 foot. His house is surrounded by a wood fence, the front has an iron gate, the house is L shaped, and is blocked by his neighbors. He asked why he has to abide by the 25 foot rule when his trailer is hidden and stored away. He would like to have some privacy on his property and would like to do things on his property. If Council changes the 25 foot restriction he will be happy.

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Wayne Couch, 1811 Roosevelt Ct., he would like to thank Council for their service to the City and understands they are as proud of the city as he is. He would like to thank Officer Meinke for closing his gate this morning after Mr. Couch left it open. He would like to present some alternatives; the side yard and back yard there should not be any restrictions, the front drive he suggested allowing 30 foot trailers and they should be allowed to be parked like cars and not allowed to overhang the sidewalk or the street. The last issue he addressed was the allowance to bring the vehicle home twice in a two week period. He expressed this is not good for weekenders who need Friday and Monday, which is four times in a two week period. He would like to request two 36 hour periods in lieu of a 72 hour period. He feels the twice in two weeks will work for some RV'ers who are loading and unloading but not the weekenders.

Ed Robertson, 1603 Arrowhead, has a long driveway on his property and has always had bass boats and a trailer. His trailer is okay and meets the 25 foot minimum. He is here to support the other members of the community who has issues with the 25 foot and parking rules. He would like the ordinance reconsidered instead of rubber stamping as it is now. Most RV's that are of any quality will be in the 25-30 foot range. He suggested making this restriction 30 foot as long as it is not sitting across the sidewalk. He believes 30 feet would incorporate a lot of RV's.

Michael DeGray, 3410 Peachtree Ln., thanked Council for bringing this back to the fore front. When he moved here from Amarillo there was not a requirement. Currently he owns a 22 foot deck boat and stated he is not covered when adding the tongue; however, he is still 35 feet from the curb line. This is far better than what was passed in 2012 and agrees with a lot of the residents who have already spoken. He does not feel residents should have to pay to store their boats.

Joe Box, 1701 Hilltop Ln., has left but has a check box for against this item.

Roger Owen, 2009 Silver Leaf Dr., appreciated the opportunity to speak and stated he was not aware of the ordinance. He has always been able to keep his boat in the driveway because that is what is convenient for him. He has listened to everyone tonight talk about their needs and wants and how to fix things for them. He believes the 25 foot seems to be an arbitrary number. He has a pontoon boat that is 20 foot long but the trailer sticks out about 4 foot in the front and motor about 2 feet, which is 27 feet total and puts him in violation. He believes he is 35 feet from the curb with his boat against the fence. He also has a 16 foot trailer that is kept behind the fence in the backyard. He cannot keep both of them there because he has to move one to get to the other and he cannot park the boat behind the fence it is too wide to get through the gate and he does not meet the height requirement. His boat sits about 9 feet tall with the cover on it. He believes any ordinance that states a person has to pay to store their boat or they are in violation is wrong. He feels nearly everything everyone said tonight covers their own needs and he is trying to cover every resident and say do away with the ordinance.

Nancy Tice, 2615 Smith Barry Dr., to sum up what everyone here is saying regarding pursuit of happiness you are trying to legislate our happiness. She believes the ordinance in 2012 was in the section of Nuisance and now it has been moved to the section of Traffic & Vehicles. She questioned if an ordinance can be moved like this. Council is updating an ordinance from a time when most trailers and boats were smaller. A lot of residents have lived here for a long time and when they purchased their vehicles there was not an ordinance. Updating is a good thing but what do you do with the people who purchased these items before the ordinance. She would like to see a grandfather clause for this ordinance. In the past Council has told people they can have an RV. She commented on the lack of people to voice their opinion that these items are an eyesore and do not look good in this town. She asked Council to reconsider and take some of these considerations into play.

Bob Burns, 2819 Peachtree Ln., he does not have a front drive but a side drive. He asked if Council has stopped to think these recreational vehicles exude wealth. It also makes the men do their honeydo's a lot quicker.

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Randall Cates, 1502 Newsom Ct., he has always had a boat and has improved his property with a pad for his 24 foot boat on his 28 foot trailer. He thinks this ordinance discriminates not only from those who own RV's and trailers but from those who will come in wanting to buy our properties and cannot because they have a RV and a boat. He believes this ordinance needs to be washed away and not have an ordinance at all.

Public Hearing closed at 8:38 p.m.

Mayor Paradise thanked the speakers for their comments and answered questions raised on Public Information Requests and why this ordinance is currently under review. The City Secretary will keep the list of speakers and notify them when this item is on a future agenda. Councilmember Funderlic discussed the ordinance adoption procedures that require one public hearing and two readings before the passage of an ordinance. The Town Attorney, Jim Jeffrey's addressed the grandfather clause and stated he will review the rulings of a grandfather clause and possible permits for residents affected by the 25 foot restriction.

RESOLUTION

7. **Discuss, direct, and consider action on a Resolution of the Town of Pantego in Support of the Application of David R. Warwick to the Texas Commission on Environmental Quality for a Municipal Settings Designation for the Properties located at 912 and 920 North Collins Street and Adjacent Right-of-Way on East Randol Mill Road in Arlington, Texas.**

Mr. Fielder presented this item and introduced Dick Record with Cirrus who gave a Power Point presentation of the application to Council. Council inquired about the depth and direction of flow for the plume and the distance to the nearest Pantego water well.

Councilmember Funderlic made a motion to adopt the Resolution of the Town of Pantego in support of the application by David R. Warwick to the Texas Commission on Environmental Quality for a Municipal Settings Designation. Councilmember Barrett seconded the motion.

The Vote was as Follows:

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

Nays: None.

Abstentions: None

Mayor Paradise declared the motion passed unanimously.

8. **Discuss, direct, and consider action on a Resolution allowing the use of the Town Hall as a Precinct Polling Place on Election Day, November 4, 2014 by the Tarrant county Election Administrator.**

Discussed and passed with the consent agenda.

Council recessed into Executive Session at 9:30 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

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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 – Denitech

Council reconvened from Executive Session at 10:06 p.m.

Mayor Paradise declared there was no action taken on the Executive Session items.

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

9. **Discuss, direct, and consider action on Authorizing the City Manager to purchase two replacement Ticket Writers using the Court Technology Fund.**

Discussed and passed with the consent agenda.

10. **Discuss, direct, and consider action on a Proposal from Henry Lewczyk, Vice President Marketing & Member Business Development with the Arlington Chamber of Commerce regarding the Town of Pantego becoming a member of the Arlington Chamber of Commerce.**

The Mayor introduced Henry Lewczyk to Council. Mr. Lewczyk gave a Power Point Presentation to Council on the purpose, mission, and strategic plans of the Chamber of Commerce and the benefits offered to the Town of Pantego as a President Advisory Group member. There was discussion on obtaining engagement from the Pantego businesses.

Councilmember Adair made a motion to approve the recommendation by the PEDC to join the Arlington Chamber of Commerce and to approve the \$10,000 annual membership fee to be paid by the PEDC Board. Councilmember Surratt seconded the motion.

The Vote was as Follows:

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

Nays: None.

Abstentions: None

Mayor Paradise declared the motion passed unanimously.

11. **Discuss, direct staff on the Introduction and scheduling work session to discuss the revised Zoning Ordinance.**

Discussed with the Consent Agenda and no action was taken.

12. **Discuss, direct, and consider action on appointing Members to the Finance Committee.**

Discussed and passed with the consent agenda.

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

14. **Discuss, direct, and consider action on an update from the City Manager regarding PantegoFest 2014.**

Mr. Fielder informed Council there are logistic items to consider; the rental of the restrooms, fence, tables, chairs, generators, etc. April Coltharp with Flair Events informed Council some of the estimates had changed since the packet was released and the pricing includes limited set up. She notified them Morgan Elam-Shine will open Pantego Fest Friday night. There has been \$8,300 worth of sponsorship money received and vendors are starting to sign up.

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Councilmember Surratt made a motion authorizing the City Manager to execute contracts with Taylor Rentals not to exceed \$9,300 and United not to exceed \$3,300. Councilmember Funderlic seconded the motion.

The Vote was as Follows:

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

Nays: None.

Abstentions: None

Mayor Paradise declared the motion passed unanimously.

13. Discuss, direct, and consider action on the Introduction of the 2014-2015 Fiscal Year Budget by the City Manager.

Mr. Fielder delivered the Budget Workbook to Council and staff. Council set all Budget Workshop meetings to start at 6:30 p.m. Mr. Fielder explained the topics of each Budget Workshop meeting. The Mayor advised CRB to approve their budget by motion at their next meeting prior to Council discussion on the CRB Budget. Council requested all changes to be outlined as redlined version of the page containing the change.

COUNCIL INQUIRY

None.

ADJOURNMENT

Mayor Paradise adjourned the regular session at 11:45 p.m.

APPROVED:


Melody Paradise, Mayor

ATTEST:


Julie Arrington, City Secretary

