

Town Council Minutes
April 13, 2015

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 13th day of April 2015 with the following members present:

Melody Paradise	Mayor
Russ Brewster	Mayor Pro-Tem
Fred Adair	Council Member
Jane Barrett	Council Member
Don Funderlic	Council Member
Don Surratt	Council Member

Members absent:
None.

Constituting a quorum. The following staff members were present:

Matt Fielder	City Manager
Julie Arrington	City Secretary
Jim Jeffrey	Town Attorney
Chad Joyce	Community Development Director
Scott Williams	Public Works Director
Tom Griffith	Chief of Public Safety
Barry Reeves	Assistant Police Chief
Robert Coker	Assistant Fire Chief
Thressa Householder	Court Administrator

Also in attendance:

Barbara Rogers	President, Community Relations Board
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WORK SESSION 6:30 P.M.

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

Mayor Paradise recessed the meeting to enter into the executive session at 6:37 p.m.

Mayor Paradise reconvened the Council meeting at 6:54 p.m.

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

1. City Manager Report

Mr. Fielder informed the Council the personnel vacancies of the Police Department continue. The challenge is receiving qualified applicants.

Mrs. Householder informed Council the 2015 Great Texas Warrant Roundup was not as profitable as last years due to the event being held the week of Spring Break, March 7-15th. There were 309 warrants cleared and \$17,815.20 collected. She clarified the time period is designated by TMCA; however, the Municipal Court plans to hold another one in July.

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Mr. Fielder informed Council the application for the Park Grant was submitted on time and he does not expect to hear from the Texas Parks & Wildlife Department until sometime in August regarding our acceptance.

The next Zoning meeting is scheduled for next Monday, April 20th, at 6:30 p.m.

2. Monthly Staff Reports

Council requested an update on the reimbursement from AT&T for damage that occurred while performing work on Park Row Drive. Mr. Williams explained AT&T has passed the responsibility onto their contractor. Mr. Williams has followed up with the contractor but there is not a resolution as of today.

The mosquito traps are already set and testing has begun. The first mosquito spraying will be on April 23rd. Mr. Fielder explained his plan is to send notifications out to the residents via Blackboard Connect, Newsletter, and the Town website. There was discussion on the EPA guidelines for re-packaging of the dunks and the cost of compliance with the EPA guidelines.

There was discussion on the variance request for a sidewalk located on Mistletoe Court and when the Zoning Board of Adjustments will meet to discuss the variance. Mr. Joyce explained there was one other home without a sidewalk on Mistletoe Court and due to quorum issues the Board is not able to meet until May 14th to discuss the variance.

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

There was discussion on the reimbursement for Barbara Rogers regarding the money spent on the Easter event. Mr. Fielder explained to Council the money for reimbursement will come out of the Community Relations Board (CRB) budget and that he was assured by the President of the Board they will remain under budget for the remainder of the fiscal year. He explained the Board has cut the Memorial Day expenses to a minimum and is attempting to get businesses to sponsor movie nights. There was clarification regarding Chuck White as the Treasurer of the CRB and a lack of inventoried items after each event. Council expects CRB purchases to come through Mr. Fielder or Ms. Arrington on the Board's behalf and following the Town's purchasing policies and procedures. It was never the Council's intention to have volunteers pay out of pocket for the event costs.

Ms. Arrington clarified with Council the Tyler University program is a recurring cost until it is cancelled upon written notification by the Town.

There was discussion on the re-cabling invoice of the court offices and the difference in the complete cost and the purchase order. Mrs. Householder explained Iwerks was billed separately and their cost is not in this purchase order.

Assistant Fire Chief Coker confirmed there is not a warranty on the Physio Control equipment, the only coverage for the batteries are within the maintenance agreement.

4. Approval and Acceptance of Minutes

Approval of Town Council Minutes:

- Town Council minutes from March 23, 2015

There was a change to page 2, paragraph 2 adding ", a town charge for beer sales instead of the vendor."

Acceptance of Minutes of Boards and Commissions:

- PEDC Minutes from March 11, 2015
- PEDC minutes from March 25, 2015

No comments.

5. **Discuss, direct, and consider action on Resolution 15-09 a resolution of the Town Council of the Town of Pantego, Texas, authorizing the City Manager to enter into a contract with Deltatek Engineering for basic engineering services associated with the construction of the Wagon Wheel Trail Bridge, Water, and Wastewater Line Replacement; providing for an effective date.**

Mr. Williams introduced this item as the initiation of the capital improvement projects on Wagon Wheel for a water and wastewater line replacement and bridge rehabilitation. The Request for Qualifications was published in the newspaper and five statements were received. Staff recommends the Deltatek Engineering Qualifications packet. Mr. Williams stated he initiated negotiations and received a draft contract with Deltatek, which is presented tonight. He explained the scope of work has expanded due to a water main break under the center concrete structure of the bridge that happened approximately three weeks ago. The depth of the Line is unknown but is estimated to be three feet under the concrete. Due to the depth and location a contractor would have to perform the work. He proposed an aerial crossing under the downstream side of the bridge with an additional water valve as a less expensive alternative. This will bypass the leak and prevent any possible damage to the structural integrity of the bridge.

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 7:31 p.m.

Councilmember Adair led the invocation which was immediately followed by the Pledge of Allegiance.

MAYOR/COUNCIL/STAFF COMMENTS OF COMMUNITY INTERESTS

Councilmember Surratt welcomed the audience; thanked Mr. Williams and Mr. Fielder for coming in to fix the water main break on their time off on the Good Friday holiday; and the employees of the Public Work Department for working overnight to minimize the disruption to the residents. Their efforts are really appreciated. He commented on the news organizations downplaying the fluid flow back at a gas well located in Arlington but close to Pantego.

Councilmember Funderlic agreed with Councilmember Surratt's comments regarding the Public Works Department and complimented Officer Meinke and Sergeant Moore on their commendations from the City of Arlington.

Councilmember Barrett agreed with the previous comments, welcomed the audience, and thanked staff for a successful Easter event.

Councilmember Adair agreed and commented on how nice the Easter event was and a great turn out of people it had. He appreciated everyone's hard work, the presence of the Police and Fire Department at the event, and the audience for coming out tonight.

Mayor Pro-Tem Brewster agreed with the other comments from Council, thanked everyone for coming tonight, Council and staff for working together, congratulated Officer Meinke and Sergeant Moore and appreciated Officer Alexander and Officer Hopkins for obtaining their certification and keeping up with their training.

Mayor Paradise instructed staff to ensure these and all future commendations and achieved certifications are announced on the Town website, Facebook pages, Twitter accounts, and Newsletters. She thanked

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Barbara Rogers for her hard work as the Chair of the Community Relations Board and for a great Easter event that was well attended and a lot of fun.

Honors/Recognitions

None.

COUNCIL LIAISON TO BOARD REPORT

Community Relations Board

Councilmember Barrett informed Council the last CRB meeting was April 7th and they discussed Easter, which was a great event. The Police Department estimated 1,000 people attended the event. The next event is the Memorial Day event in the Park on May 25th; they will have the essay contest with prizes for the top two winners of the High School and Middle School students, there will be a color guard, and a guest speaker. The Movie Nights in the Park will be the second Saturday of the month June through September. The movie for June depends on availability but the choices are Alexander's Terrible Horrible Day, Box Trolls, or Strange Magic. The July movie is Maleficent. In August it is Big Hero 6. September's movie will be Guardians of the Galaxy. The next meeting will be May 5th at 7:00 p.m.

Pantego Youth Leadership Council

Mayor Paradise informed the Council the PYLC will meet next Tuesday. She has invited the H.O.S.A. group from Arlington High School to attend and give their presentation; the group will conclude their constructive and persuasive presentations; and discuss the end of the year and summer plans. All the help and assistance she received from staff and Council was greatly appreciated.

PEDC REPORT

Councilmember Adair informed the Council the last meeting was brief with a public hearing that was required 60 days in advance of spending money for park improvements and discussed different advertising opportunities. There will be a presentation at the next meeting from the Arlington Citizen Journal on print and digital advertising.

CITIZENS OPEN FORUM

None.

APPROVAL OF CONSENT AGENDA ITEMS

Councilmember Surratt made a motion to approve consent agenda items 1, 2, 3, and 4 with changes discussed during work session. Councilmember Adair seconded the motion.

The vote was as follows:

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

Nays: None.

Abstentions: None.

Mayor Paradise declared the vote passed unanimously. Mayor Paradise informed Barbara Rogers her invoice for reimbursement regarding the Easter expenses were approved. Barbara inquired on other expense items. Ms. Arrington explained Councilmember Barrett will address those items during the Council inquiry at the end of the meeting.

RESOLUTION

5. **Discuss, direct, and consider action on Resolution 15-09 a resolution of the Town Council of the Town of Pantego, Texas, authorizing the City Manager to enter into a contract with Deltatek Engineering for basic engineering services associated with the construction of the Wagon Wheel Trail Bridge, Water, and Wastewater Line Replacement; providing for an effective date.**

Mr. Williams introduced Bahram Niknam P.E., with Deltatek Engineering, and recapped the earlier discussion during the work session. Mr. Williams stated there is an additional expense for the bridge waterline crossing and it is included in the total amount associated with the contractual expense. He explained the leak is currently isolated and the water flow has been changed to bypass the leak. The aerial crossing will be installed in conjunction with the bridge. The crossover will be upgraded to an eight inch line. There was discussion on the decision to hire Deltatek, the scope of work, and the quality of work. Mr. Williams explained their client base is similar to the Town and he has previously worked with Deltatek. In answering Council's inquiries, Mr. Williams explained it is standard in the industry to upsize the lines each time they are replaced. Council inquired on the number of employees Deltatek has, a DBE, and insurance requirements. Mr. Niknam answered and stated he can provide Worker's Compensation and Auto Insurance information. There was discussion on the Worker's Compensation requirements. Council requested the Auto Insurance information to be added to the Certificate of Insurance and added to paragraph 20 of the contract. Council also requested staff to leave all contractual language out of all future resolutions regarding contracts. Mr. Jeffrey requested changes in the contract header, and in paragraph one changing professional to engineer. He felt this would clarify they are not employee's of the Town but a contractor.

Council clarified the timeline in the provided schedule. They also inquired if the street will be open one time or twice for the each line, the purpose of the temporary concrete overcoat, the reason for stopping at Peachtree, and if the street will have to be shut down completely. Mr. Williams informed them the waterline ends at Peachtree and it is too early to tell if the street will have to be shut down completely. He further explained the Town will have to rely on the schedule of the County to come in and perform the asphalt overlay that will be placed on top of the concrete. Mr. Williams stated the wastewater line has surpassed its life expectancy, and since the Town must replace the water line due to issues, the two lines should be done together to save cost. Council asked staff to ensure the residents are duly notified and all needs of the residents are met.

Councilmember Adair made a motion to approve Resolution 15-09 authorizing the City Manager to enter into a contract with Deltatek Engineering for engineering services for Wagon Wheel Trail bridge and water and wastewater replacement to include the changes as discussed and not to exceed \$39,450.00. Councilmember Barrett seconded the motion.

The vote was as follows:

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

Nayes: None.

Abstentions: None.

Mayor Paradise declared the vote passed unanimously.

ORDINANCE

8. **Discuss, direct, and consider action on zoning case Z-206, a proposed Special Use Permit, as requested by Ann Farrell to install a Multi-Tenant Pole Sign that is larger than allowed by Town Ordinance as requested by Matco Signs for the property at 2304 W. Park Row Drive, Tracts 1A3, 1A3A, 1A3B, 1A5, 1A5C of the William J Barry Survey, Pantego, Tarrant County, Texas. The property is generally located in the Lakewood Shopping Center on the south side of West Park Row Drive between South Bowen Toad and Milby Road.**

Mr. Joyce informed Council the Lakewood Shopping Center sign is in disrepair and the applicant is requesting to replace it with a new box sign. The square footage of the sign requires a special use

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permit. Since the last Council meeting he has investigated Councils questions. The Special Use Permit is treated as a new sign; therefore, requiring the new sign regulations.

Ms. Ferrell addressed Council in regards to her PEDC Loan denial at the last PEDC meeting. Mayor Paradise directed her to speak with the City Manager regarding her options and concerns.

Matt Wesolowski, with Matco Signs, presented new drawings showing the details of the proposed planter using faux limestone and manual irrigation. The existing parking spaces would remain as they are. Staff confirmed this fully complies with the ordinance requirements. There was discussion on the connection to the asphalt and possible maintenance issues with the sign being hit by cars. Mrs. Farrell suggested adding concrete posts to the corners of the planter to add protection. Mr. Wesolowski stated the planter will be reinforced with rebar down into the asphalt. Ms. Arrington read the caption of the ordinance (above) for the record.

Mayor Pro-Tem Brewster made a motion to approve zoning case Z-206 and Ordinance 15-755 with the additions presented this evening. Councilmember Surratt seconded the motion. Mr. Jeffrey addressed adding the new documents provided to the Special Use Permit.

The vote was as follows:

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

Nays: None.

Abstentions: None.

Mayor Paradise declared the vote passed unanimously.

RESOLUTION

- 6. Discuss, direct, and consider action on Resolution 15-10 a resolution of the Town Council of the Town of Pantego, Texas, authorizing the City Manager to award a bid for the construction, to negotiate, and to enter into a contract with the bid recipient for the Park Row Waterline Project; providing for an effective date.**

Mr. Fielder informed Council that notices for bids were posted for a three week period and a pre-bid meeting was held prior to the end of the period with the assistance of Alan Plummer and Associates. Four sealed bids were received in the request for bids. SYB Construction, Inc. was the low bidder. Alan Plummer Associates has checked references and verified the proposal for accuracy and completeness and recommends the Town approves SYB Construction, Inc. The contract was provided to Council in Dropbox due to the size. Mr. Fielder recommends moving forward with SYB Construction Inc., authorizing the contract, and starting construction around May 1st.

There was discussion on the large monetary differences within the bids regarding the cost of materials. Mr. Fielder explained the proposals will come in with a cost spread for profits built into the materials and a lot of larger companies will bid with the intent of marketing, not to receive the bid. Mr. Williams informed Council the bottom line number is decided first by the bidder and then the cost for materials is included to ensure they reach the bottom line number. Council inquired on the contingency costs being part of the contract and if the contract should exclude the cost of the contingency items and instead authorizes the City Manager to have them available to spend. Mr. Fielder explained the contract expresses all costs must be authorized by him before they can be spent by the contractor.

There was discussion on who wrote the contract and why the Town Attorney has not reviewed the contract prior to Council. Mr. Jeffrey explained historically when Council has authorized a Contractor, such as Alan Plummer Associates, to create the contract for construction he has not reviewed the contract because they are experienced in these types of contracts. There was discussion on the contract, not to exceed clause, and the resolution adding a section 3. Mr. Jeffery added a new section 3 to read the City Manager may enter into a contract not to exceed \$658,508.50 and suggested

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rewriting Section 2 to state the Town Council has selected SYB Construction, Inc. There was discussion on wage determination and according to Tarrant County a wage determination clause was not required.

Mr. Fielder stated the next step is to hold a pre-construction meeting with the contractor. The high priority of the meeting will be a Traffic Control Plan due to the work in the intersection of Bowen Road and Park Row Drive. He will hold meetings with the Businesses, the City of Arlington, Bailey Junior High School, and Pantego Christian Academy. Information will be presented in the PEDC and Town Newsletters. The contractor will have 150 days to complete the project. If not completed they will be penalized. Construction is expected to start on May 2, 2015.

Councilmember Funderlic made a motion to approve Resolution 15-10 authorizing the City Manager to enter and negotiate a contract with SYB Construction, Inc. in an amount not to exceed \$658,508.50 with changes to the resolution as discussed. 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 vote passed unanimously.

- 7. Discuss, direct, and consider action on Resolution 15-11 a resolution of the Town Council of the Town of Pantego, Texas, authorizing the City Manager to establish an account with Terracon and approval of a purchase order in the amount of \$10,000 for anticipated costs for material testing associated with the construction of the Wagon Wheel Trail and Park Row Drive projects; providing for an effective date.**

Mr. Fielder reminded Council the material testing was pulled from the Alan Plummer and Associate's contract, which allows the Town to obtain an account with Terracon for materials testing. He is asking for approval of two purchase orders for \$5,000 for each project and explained this is an on-call service where staff will call Terracon for testing when ready. He assured Council this is a large business related to asphalt and concrete testing and will ensure the quality of the materials used on the projects. Council discussed the confusion of the use of the word agreement instead of establishing an account. Mr. Fielder explained this is a basic form used by Terracon for all their accounts and due to the purchase order process this item needs Councils approval. Mr. Jeffrey requested changes in the contract to reflect Texas Law instead of Kansas Law and stated he is okay with the resolution and the contract. There was discussion on the overtime charges and minimum charges outlined within the contract. Mr. Fielder assured Council the purchase order sets the not to exceed number.

Councilmember Barrett made a motion to approve Resolution 15-11 authorizing the City Manager to establish an account with Terracon and approve a purchase order in the amount of \$10,000 with changes in paragraph 11. Councilmember Adair seconded the motion.

The vote was as follows:

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

Nays: None.

Abstentions: None.

Mayor Paradise declared the vote passed unanimously.

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

- 9. Discuss, direct, and consider action on a waterline extension and possible crossover on Pioneer Parkway.**

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Mr. Williams presented a power point presentation outlining the issues with the water main distribution line and pictures of the water main leak on Pioneer Parkway that occurred on April 2, 2015. They installed a new hydrant valve and two ten inch control valves. It was discovered the turning off of the water valve at the corner of Bowen Road and Pioneer Parkway left all water connections east and south of the intersection without water, approximately 18% of the Town, and prevents water from the 303 Water Well and ground storage reaching the residents. He proposed establishing a new cross connection on the west side of the intersection allowing for distribution to the southeast side of the intersection by boring under Pioneer Parkway and providing redundancy. There was discussion on the condition of the existing water valves, lack of needed water valves, and the complications caused by the waterline being next to a Texas Department of Transportation (TxDot) roadway. Mr. Williams informed Council this will prolong the project schedule due to the permitting process involved with TxDOT. He suggested using Deltatek for this repair after they complete the Wagon Wheel repairs. There was a discussion on the infrastructure fund and its intent. Staff was tasked with researching the answer to the intent of the infrastructure fund and was authorized to move forward to obtain an estimated cost for the project. Mr. Williams stated he plans to have options and a contract for them the first meeting in May.

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 Consultation with Attorney, seeking advice, on pending or contemplating litigation, settlement offers, and other legal matters that implicates the attorney-client privilege – Van Hoosier.

Following the Scheduled Executive Session, the Council will reconvene in public session and may take any and all action necessary concerning the Executive Session agenda item.

Mayor Paradise declared this item was held during the work session and no action was taken on the Executive Session item listed above.

COUNCIL INQUIRY

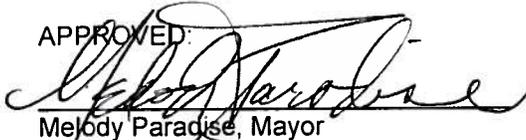
Councilmember Barrett informed the Council the Community Relations Board (CRB) requested an agenda item to discuss the \$114 volunteer lunch charge for the Candy Train event that was charged to the CRB Budget without authorization by the Board. They also requested her to ask Council to change the number of members to seven giving them a four member quorum requirement.

Councilmember Funderlic inquired on the GIS as built drawings on the water/wastewater line maps. Staff informed him there is a meeting on April 22nd with Alan Plummer regarding the maps. He also requested the Infrastructure and Street Funds records of how the money is coming in and going out of the Town making the financial statements and audits match.

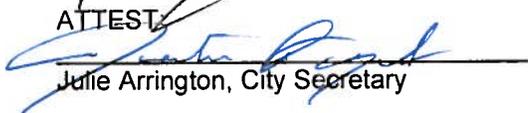
ADJOURNMENT

Mayor Paradise adjourned the regular session at 10:00 p.m.

APPROVED:


Melody Paradise, Mayor

ATTEST:


Julie Arrington, City Secretary

