

Town Council Minutes
September 14, 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 14th day of September 2015 with the following members present:

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

Mayor
Mayor Pro-Tem
Council Member
Council Member
Council Member
Council Member

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
Court Administrator

Also in attendance:

None.

WORK SESSION 6:30 P.M.

Mayor Paradise called the work session to order at 6:36 p.m.

Mayor Paradise announced she will take some agenda items out of order and conduct the executive session first.

Mayor Paradise recessed the work session for the executive session at 6:37 p.m.

Mayor Paradise reconvened the work session at 7:05 p.m. and announce any action taken will be addressed when the item is reached on the agenda.

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

1. City Manager Report

Mr. Fielder informed Council on the following information:

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There are four vacant positions; 2 patrol officers, 1 dispatcher, and 1 community development director. Staff is actively interviewing for these positions; the patrol position must be re-posted to obtain a new applicant pool.

Park Row Construction is complete except for the final walk through and any punch items as a result of the walk through. Council inquired on the completion of the Bowen Rd. construction.

Pantegofest is in the final stages of planning. The layout is essentially the same as last years. The Kidzone is located in the PCA parking lot. The beer tent is located near Park Row to allow Ben E. Keith to have a delivery truck stationed for keg refills. Angelo's will handle the beer sales due to Pantego Bay's refusal to sell craft beer. They will sell Michelob Ultra and four different beers from Saint Arnold's Brewery. The beer will be sold in 16 oz cups at \$5.00 for domestic beer and \$6.00 for craft beer. There will not be any food sales next to the beer sales. There will be a winery selling wine and Fuzzy's Tacos will sell tacos and margaritas. The PEDC, CRB, Arlington Chamber of Commerce, and PYLC will share a tent located outside of Shirtwerx to allow Wi-Fi access. At this time there are 38-40 vendors and sponsorship is up to \$22,000.

Mr. Fielder attended the North Texas Commercial Association of Realtors annual conference with Pam Mundo, from Mundo & Associates, Inc. There were not a lot of leads generated this year; however, they were able to meet with approximately half of the owners of the shopping centers located in Pantego.

The PEDC Board authorized the purchase of a table for the Arlington Chamber Foundation Annual Award Dinner for \$1,000. There are 2-3 open seats left at the table.

There are two upcoming ribbon cuttings. The first one is at Colonial Savings on Saturday, September 19th at 10:00 a.m. They will also conduct a shredding event in conjunction with the ribbon cutting. The second is at Escapades on Saturday, October 3rd at 5:00 p.m.

The Tarrant Appraisal District is conducting elections for their board members and the paperwork is included in the packet. It will be on the next agenda item to give Council the option to nominate someone.

Mayor Paradise adjourned the Work Session at 7:28 p.m.

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

Mayor Paradise called the regular session to order at 7:39 p.m. and welcomed the audience.

Mayor Paradise led the invocation which was immediately followed by the Pledge of Allegiance.

MAYOR/COUNCIL/STAFF COMMENTS OF COMMUNITY INTERESTS

Councilmember Surratt welcomed the audience thanking them for their attendance, expressed appreciation for the individual who tied the blue ribbons on the trees all over the town, and announced the new turf at the playground is installed.

Councilmember Funderlic welcomed the spouses and families of the first responders and stated he has received many comments over the years stating people move to Pantego because of the first responders of the town.

Councilmember Barrett thanked the audience for being in attendance tonight.

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Councilmember Adair agreed with the comments of the previous councilmember's and agreed it is nice to see everyone at the council meeting tonight. He thanked staff, employees, and the first responders for the jobs they do, and their families.

Mayor Pro-Tem Brewster welcomed everyone tonight and thanked council and staff for working together to get things done. He enjoyed the Back the Blue campaign and hopes to see it continue. He commented on the 9-11 Memorial finding it very informative and a great presentation.

Mayor Paradise thanked Fire Lt. DeLeon for representing the Town in the annual Stair Climb in Dallas.

HONORS

- **Proclamation Constitution Week.**

Mayor Paradise welcomed the representatives of the Daughters of the American Revolution; Michelle Priester and Dorothy Rencurrel to the Dias with her this evening and presented a Proclamation declaring the week of September 17th as Constitution Week.

- **Introduction of Jessie Hanks as Support Specialist to the Community Development Department.**

Mayor Paradise requested Jessie Hanks and Julie Arrington to the front of the Dias with her. Ms. Arrington introduced Mrs. Hanks to Council, staff, and the audience as the new Support Specialists for the Front Office. Her responsibilities will be with the building permits, contractors, Planning & Zoning, and the Board of Adjustments.

- **Proclamation Honoring Firefighters Lt. Scott Mitchell, Matt Edmondson, and Lance Westman for their life-saving efforts at a house fire located in Arlington, Texas.**

Mayor Paradise requested Chief Griffith, Assistant Fire Chief Coker, Lt. Mitchell, and Firefighters Edmondson and Westman to join her in front of the Dias. Chief Griffith introduced the Firefighters and their families. Mayor Paradise presented each of them with a proclamation on behalf of the Town. Assistant Chief Coker said a few words regarding their work ethic and integrity. Chief Griffith said a few words on the details of the incident. Chief Griffith and Assistant Chief Coker presented each of them with a Meritorious Service Medal and the Firefighters Cross. Allison No with Representative Tony Tinderholt's office said a few words on their gratitude for the efforts of the Firefighters and announced they have additional recognitions and plaques from the Capital to present to the Firefighters.

RECEPTION

Mayor Paradise recessed the Council meeting for a brief reception for the above honors at 8:07 p.m. Mayor Paradise reconvened the Council meeting at 8:28 p.m.

COUNCIL LIAISON TO BOARD REPORT

Community Relations Board

Councilmember Barrett stated the last meeting was September 1st. The last Movie in the Park showed Guardians of the Galaxy and had an approximate attendance of 65-70 people. Enervest purchased the hot dogs that were provided by Dairy Queen for the movie attendees for August and September. The Halloween event will be in the park on Saturday, October 31st. They will conduct a cake walk, scavenger hunt, pumpkin decorating contest, costume contest, and arts and crafts for the children. There is a special meeting on September 22nd and the next regular meeting will be on October 6th at 7:00 p.m. at Town Hall.

Pantego Youth Leadership Council

Mayor Paradise announced the first meeting for the next school year is tomorrow night. The first meeting is typically a welcome, introductions, and a discussion on Campaigning and Elections. This year the focus will be on first responders and hot topic controversial issues facing not only the community but the nation as well. She will be interested in obtaining the youth perspective on what's going on in the community; what municipalities do to address these issues, awareness and how we all work together. For instance, Back the Blue and Black lives matter versus all lives matter and would like to tie these issues in on how the communities address them.

PEDC REPORT

Councilmember Surratt stated the board discussed the North Texas Commercial Association of Realtors tradeshow and the Deal Making tradeshow in November; their involvement in PantegoFest stating this Saturday, September 19th, at Noon the board will stuff the shopping bags at Texas Fitt. The Board discussed the incentive program in partnering with a local financial institution, and approved the expense for the Arlington Chamber dinner on September 24th.

CITIZENS OPEN FORUM

None.

2. Monthly Staff Reports

Council confirmed the Finance Director intends to move more money into the TexPool Prime account. They commented on the water revenue increase and catching up to what was budgeted. Council clarified the deficit shown in the Park Row Fund is from the pending reimbursement from Tarrant County. Public Works staff members were appreciated for their late hours working with the contractor while they pave the road.

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

Council confirmed the Perdue, Fielder, Motts & Collins invoice was their 30% payment for collection fees. Public Works verified the Park Row project actually had seven hours worth of change orders, the SCADA upgrade will catch the town up with all changes and confirmed the cost also includes one year of support services. Mr. Williams confirmed he received several estimates for his window repair and this one is the most cost effective. Council discussed the age of the hot water heater, the issues with the heater, other options for the hot water heater, and requested more estimates for comparison. Public Works will chlorinate the entire system first prior to replacing the tank.

4. Approval and Acceptance of Minutes

Approval of Town Council Minutes:

- Town Council minutes from August 3, 2015
- Town Council minutes from August 10, 2015
- Town Council minutes from August 17, 2015
- Town Council minutes from August 24, 2015
- Town Council minutes from August 31, 2015

The Town Council minutes from August 3rd and 31st are accepted as presented. The minutes from August 10, 2015 councilmember Funderlic would like his name in item # 7 discussing the Park Row Streetscape Project. The minutes from August 17, 2015 located in the discussion regarding raising the water rates, council would like to clarify that it was the City Manager who advised raising the rates 6.5% to meet the budget. The minutes from August 24, 2015 during the purchase order discussion the name Texas Commission on Fire Protection should be changed to Texas Municipal League.

Acceptance of Minutes of Boards and Commissions:

- CRB minutes from August 4, 2015

APPROVAL OF CONSENT AGENDA ITEMS

Councilmember Funderlic made a motion to approve Consent Agenda items 1-4 as discussed in the work session with exception to the Ernie's Plumbing invoice which is a not to exceed authorization of \$1,505.00 with additional estimates and to include the chlorination of the lines and changes to the minutes of August 10th, 17th, and 24th. 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.

PUBLIC HEARING

5. Second and final public hearing to receive comments and to consider the proposed Tax Rate of \$0.42 per \$100 valuation for the Town's 2015-2016 Fiscal Year Budget.

Mayor Paradise opened the public hearing at 9:08 p.m.

No comments were given.

Mayor Paradise closed the public hearing at 9:08 p.m.

Mayor Paradise announce the Pantego Town Council will vote on the adoption of a tax rate on September 28, 2015 at 7:30 p.m. during a regularly scheduled meeting of the Town council at the Pantego Town Council Chambers located at 1614 S. Bowen Road, Pantego, Texas 76013. No comments from Council.

6. First public hearing to receive comments to consider the proposed Budget for the Fiscal Year beginning October 1, 2015 through September 30, 2016.

Mayor Paradise opened the public hearing at 9:09 p.m.

No comments were given.

Mayor Paradise closed the public hearing at 9:09 p.m.

Mayor Paradise announced the Pantego Town Council will vote on the adoption of the Fiscal Year 2015-16 proposed budget on September 28, 2015 at 7:30 p.m. during a regularly scheduled meeting of the Town Council located at 1614 S. Bowen Road, Pantego, Texas 76013. No comments from Council.

Mr. Fielder stated at Council's request a second public hearing will be conducted at the next Council meeting on September 28th. The Statutes required only one but historically the Town has held two.

7. Public hearing, discuss, and consider action regarding the Town of Pantego's application to the Texas Parks & Wildlife Department for improvements to the Pantego Bicentennial Park, being of three sections along the Pantego Branch of Rush Creek with the South Park located south of Smith Barry Road, North Park from Smith Barry Road to Wagon Wheel Drive and West Park extending along the creek west of Wagon Wheel Drive. Funding has been made available through the Texas Parks and Wildlife Department; Local Park Grant program, Small Community Recreation Grant. The proposed enhancements for this project may be within the 100 year floodplain and may include such improvements as a splash park, pavilion enhancements, enhancements to the basketball courts, walking trail enhancements, butterfly nature garden, and additional playground/recreational equipment. The public is invited to make comments on the project, review the park master plan and site plans at the Pantego

Town Hall 1614 S. Bowen Rd., Pantego, Texas 76013. Comments may be submitted in writing at the Town Secretary's office in Town Hall Monday thru Friday between 8:00 a.m. and 5:00 p.m. on or before September 26, 2015. All comments will be forwarded to the Texas Parks and Wildlife Department.

Mr. Fielder informed Council this grant was proposed by the PEDC Board last spring. It is a matching grant of up to \$150,000 with the Town putting in \$75,000 and the TPWD putting in \$75,000. There were several projects included; such as a splash pad, a sand volleyball court, a butterfly garden, and other improvements to the park. The town did not receive the grant in the spring and the comments received from the TPWD are the Town did not follow to the letter their wording on the resolution and the public hearing. The application has been changed slightly with recommendations from the TPWD to include other projects the town is performing to demonstrate the town's investment in the park. Beyond the procedural aspects of the public hearing announcement and the resolution; this application is essentially the same and has been approved by PEDC. Mayor Paradise clarified action is not needed from Council other than the public hearing on this agenda item.

Mayor Paradise opened the public hearing at 9:14 p.m.
No comments were given.
Mayor Paradise closed the public hearing at 9:14 p.m.

Council requested a revision updating the submittal date in the application from last spring to the corrected date for this fall.

RESOLUTION

- 8. Discuss, direct, and consider action on Resolution 15-32 a resolution of the Town Council of the Town of Pantego, Texas, as hereinafter referred to as "Applicant," designating certain officials as being responsible for, acting for, and on behalf of the Applicant in dealing with the Texas Parks and Wildlife Department, hereinafter referred to as "Department," for the purpose of participating in the Local Park Grant Program, hereinafter referred to as the "Program"; certifying that the Applicant is eligible to receive program assistance; certifying that the Applicant matching share is readily available; and dedicating the proposed site for permanent (or for the term of the lease for leased property) public work and recreational uses.**

Mr. Fielder informed Council the resolution is word for word what the Texas Parks & Wildlife Department (TPWD) requires.

Councilmember Surratt made a motion to approve resolution 15-32 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.

- 9. Discuss, direct, and consider action on Resolution 15-30 a resolution of the Town Council of the Town of Pantego, Texas, in support of the application by Terracon Consultants, Inc. on behalf of the East Division Street Partners, L.P. to the Texas Commission on Environmental Quality (TCEQ) for a Municipal Setting Designation (MSD) for the properties located at 1830 and 1840 E. Division Street, Arlington, Texas.**

Councilmember Surratt recused himself from the Dias and sat in the audience area. Mr. Fielder advised Council the changes they requested were made from Terracon and the resolution was revised to incorporate some of the wording from Grand Prairie's resolution and replaced some of the

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wording to reflect no risk to the Pantego wells. Council thanked Mr. Crabtree from Terracon for incorporating the changes and inquired on the addition of Johnson Creek being a natural barrier verifying the plume would enter the creek prior to reaching Pantego.

Don Surratt, 1908 Ivygreen, Pantego, Texas 76013; presented Council and Terracon with a copy of his e-mail showing it was sent to the TCEQ contact within the sixty (60) day deadline. He questioned if Terracon does not show receipt of his e-mail, what other comments are missing from this application. He also expressed his concern with Terracon's downplaying of the issues with private wells and the inadequate job of Terracon in determining the risk to shallow private well owners, the lack of groundwater assessment done offsite, and the education to the private well owners. He stated this is the first MSD that has stated there is no risk to Pantego and that Johnson Creek would act as a barrier. The State Statutes do not prohibit City's from imposing further restrictions to the MSD. He feels the present owner is fully aware of the contamination of the property and would like Council to enforce remediation of the property.

Councilmember Funderlic made a motion to approve resolution 15-30. Councilmember Barrett seconded the motion.

The vote was as follows:

Ayes: Funderlic and Barrett.

Nays: Adair and Brewster

Abstention: Surratt

Mayor Paradise announced a tie vote. She broke the tie with an Aye vote and declared the motion passed 3-2 with 1 abstention.

Mayor Pro-Tem Brewster commented on his concerns with accountability and believes voluntary clean-up is a copout excuse. He believes the owner should be made to clean up the contamination and feels the government regulations benefits a very few people.

Councilmember Adair commented that he agrees and believes it is still possible for the plume to move and would like the monitoring of the plume to continue with measurements farther away from the site. Once this is approved the State will stop monitoring the plume.

Councilmember Funderlic commented there are a lot of regulations he does not agree with but they are regulations and Council needs to make the best of them. He believes the concentration is really low and will not be a risk factor for Pantego. He discussed his concerns with the recent number of MSD's to be voted upon and that they are a convenient excuse. The Town has a working relationship with Arlington and the Town tries to work with Arlington as a team. In the spirit of cooperation MSD's are reviewed closely but should try to work with Arlington and they approved this MSD.

10. Discuss, direct, and consider action on Resolution 15-33 a resolution of the Town Council of the Town of Pantego, Texas, authorizing the City Manager to enter into a contract with Shady Valley Country Club for the purpose to provide a venue to the Town for the annual Christmas party 2015.

Ms. Arrington informed Council Shady Valley has been the venue for the Christmas party for the last two years. She presented her findings on other local venue options with estimates. Shady Valley has changed their pricing; however, the cost of Shady Valley remains relatively close to the cost of the previous years. There is still a \$500.00 deposit to retain the date. The last Friday available is December 11th. Mayor Paradise advised Ms. Arrington has diligently researched other venues close by and they are a little more costly; however, staff is open for suggestions. Shady Valley cuts the time and costs involved with staff to decorate, arrange for catering, etc. This does require a resolution due to it is a contract. Council inquired on tax exemption. Ms. Arrington advised the tax has been removed and the amount without tax is included within the resolution. Council inquired on the cost of last year.

Mayor Paradise informed Council she can attest that many questions have been imposed to Shady Valley and it has been confusing with the changes in management and policies.

Councilmember Adair made a motion to approve Resolution 15-33 as submitted. Mayor Pro-Tem Brewster seconded the motion.

The vote was as follows:

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

Nayes: None.

Abstentions: None.

Mayor Paradise declared the motion passed unanimously.

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

11. Discuss, direct, and consider action on the replacement and upgrade of the council chambers recording system.

Ms. Arrington reminded Council of the issues with the recording system and the sound system. She advised upon Council's request she has discussed these issues with four different audio visual companies. JAVS is the only one to return an estimate for review. She informed Council Iwerk the Town's current Information Technology contractor is not equipped to handle the audio visual aspect of the project; however, they have been integral in helping to discuss the issues with the audio visual contractors. Mayor Paradise verified since this item is not budgeted there is money in the budget to cover the expense and clarified this will address speaker issues, recording issues, and the proposed system will download to the server for backup purposes. There was discussion on the bidding requirements and this falling under a no-bid situation. Council discussed their concern with the cost of the repairs and the lack of comparison bids. There was discussion on web based recording allowing the town to stream the council meetings online. Councilmember Surratt will speak with his son's employer, an audio visual company, to come to Town Hall and look at the issue and maybe give another estimate. Council requested Ms. Arrington to discuss this with audio visual companies at the upcoming Texas Municipal League Conference.

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

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 – Denitech Contract.
 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 – Fire Department Quint.

Mayor Paradise announced there was no action on Executive Session item #1 and item #2.

COUNCIL INQUIRY

Councilmember Funderlic inquired on the budget documents included in Dropbox for Council and if they are updated along with the ones provided at the meetings. He also commented on the 9-11 festivities and

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the lack of citizens in attendance. He requested earlier notices in the newsletter and social media welcoming the public to attend.

Councilmember Barrett inquired if the amount on page 2 of the Public Works Monthly Report reflecting the August past due water balance looks to be about 50 customers and if this is normal. Mr. Williams reminded Council the usage for this month's bill is larger reflecting a larger past due balance.

ADJOURNMENT

Mayor Paradise adjourned the regular session at 10:04 p.m.

APPROVED:


Melody Paradise, Mayor

ATTEST:


Julie Arrington, City Secretary

