

Town Council Minutes
May 9, 2016

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 Chambers of Town Hall, 1614 South Bowen Road, Pantego, on the 9th day of May 2016 with the following members present:

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

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
Karen Hollingsworth
Dennis Jobe
Scott Williams
Tom Griffith
Barry Reeves
Robert Coker
Thressa Householder

City Manager
City Secretary
Town Attorney
Finance Director
Community Development 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 6:31 p.m.

Mayor Paradise read the caption of the executive session and recessed at 6:31 p.m.

Following the scheduled Executive Session, the Council will reconvene into 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 – Newport Investments, LLC and Now Faith Deliverance Temple v. Town of Pantego, Don Surratt, and Don Funderlic.
 2. Pursuant to Government Code Section 551.074, to deliberate the appointment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee - Discussion of Board and Commissions appointments.

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Mayor Paradise reconvened the Council meeting at 7:17 p.m. and announced there was no action taken on the items.

CONSENT AGENDA ITEMS

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

1. City Manager Report

Mr. Fielder informed Council on the following information:

The pavement repairs to Bowen Road are complete. The next step is to crack seal the road and re-striping. There is a Wagonwheel pre-construction meeting scheduled with Tarrant County for tomorrow morning. Work is expected to begin May 16th with 3-4 weeks of work estimated for completion. Ron Edwards is the project manager for the county on this project.

Patricia Melton, the part time court clerk, has turned in her resignation. She fulfills the bilingual requirement. There is still an opening for dispatch.

The Public Works director is currently searching for an electrician that can address the amperage issues raised with the Trinity well in the Collier Consulting report.

The follow-up meeting with PEDC for the Strategic Planning Joint Session was cancelled due to a lack of quorum. He proposed to re-schedule this meeting for the May 25th PEDC meeting; Council agreed.

The contract with Republic Waste Services allows for an annual increase based on the Consumer Price Index. This year they want to increase the rate by 0.64% which equates to \$0.06 per customer per month. This increase happens automatically and takes effect July 1.

The City of Dalworthington Garden is celebrating its 80th birthday with a softball tournament between Pantego, DWG, Mansfield and Kennedale. This will take place at DWG's park on June 11th. Mayor Paradise discussed the qualifications of the team members, the logistics of the game, and an update from staff on who would be willing to play.

2. Monthly Staff Reports

There was discussion on the funding of a camera at the park by the Lion's Club to help with possible vandalism. Chief Griffith stated this item is still in the exploration stage. Council inquired on the items auctioned by the Public Works Department. Mr. Fielder informed Council these items were damaged commercial kitchen equipment acquired from a PEDC loan agreement.

3. Approval of Bills Payable and Purchase Orders in excess of \$2,000.

There was discussion on the two AT&T bills for the same service time period and services received from Cleverbridge. Mr. Fielder will research and ensure the validity of the bills prior to payment being rendered. There was discussion on the Iwerk invoice with the number of servers, and the amount of troubleshooting included. Council feels the system was duct taped together and it is the purpose of IT companies to continue to make changes to the latest and greatest, even when not needed. Mr. Fielder informed Council there were a lot of projects that were done at the same time.

4. Approval and Acceptance of Minutes

Approval of Town Council Minutes:

- Town Council minutes from April 18, 2016

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- Town Council minutes from April 25, 2016

Councilmember Surratt requested a change to his motion for Ordinance 16-784 from gas consumption to gas construction meter.

Acceptance of Minutes of Boards and Commissions:

- P&Z minutes from April 4, 2016

No comments.

Mayor Paradise adjourned the work session at 7:36 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.

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

MAYOR/COUNCIL/STAFF COMMENTS OF COMMUNITY INTERESTS

Councilmember Surratt thanked the audience for their attendance.

Councilmember Funderlic welcomed the audience; thanked staff and the first responders for the job that they do and the efforts they put in towards the town.

Councilmember Barrett thanked the audience for their attendance; staff for all the work that they do; Ms. Arrington for her long day working the elections on Saturday; and the Lion's Club for donating the money for the new security cameras at the park.

Councilmember Adair thanked the audience for their attendance and gave appreciation to staff for their hard work.

Mayor Pro-Tem Brewster thanked everyone for attending tonight; staff and council for working together to get things done; Public Works for their continued animal control efforts and to Cody Payne with Public Works for going above and beyond the call of duty this weekend.

Mayor Paradise inquired on the two white pups that were fostered and thanked Public Works for continuing to go above and beyond with the animal control efforts.

HONORS AND RECOGNITIONS

- **Proclamation recognizing May 2016 as Motorcycle Awareness Month.**

Mayor Paradise read the proclamation recognizing May 2016 as Motorcycle Awareness Month.

COUNCIL LIAISON TO BOARD REPORT

Community Relations Board

Mr. Fielder announced the Memorial Day event will be May 30th at 7:00 p.m. at Bicentennial Park; the essay contest winners will read their essays; the Boys Scouts will present the colors; and there will be a guest speaker from the Marine Corp. The CRB Board discussed the Movie Nights in the Park. All four movies have been selected. During the June and July event, there is a resident that will have a lemonade stand. All the proceeds will go to a group called Alex's Lemonade Stand to help raise money for research and cancer awareness. There was discussion among CRB regarding the discontinuation of providing Hot

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Dogs. Due to weather cancellations of previous events, there are some left over funds. These funds will be used to purchase a new projection screen for movie nights.

Pantego Youth Leadership Council

Mayor Paradise informed Council the PYLC wrapped up this year's meetings. The end of the year banquet to celebrate their success is set for Tuesday, May 17th at 6:30 p.m. at Coker's BBQ located on Pioneer Parkway. Council and staff are invited.

PEDC REPORT

Councilmember Adair announced the Board has not met since the last council meeting. The last PEDC meeting was cancelled for lack of a quorum. They will meet this Wednesday. Mr. Fielder informed Council the Board will discuss park improvements and PantegoFest. Mayor Paradise stated she has received two reports from residents regarding the cleanliness of the restrooms and the park. She stated they claimed this is the cleanest they have ever seen it.

CITIZENS OPEN FORUM

Tori Roemmich, 9 Los Colinas, Pantego, TX, 76013; informed Council she will not be renewing her term on the CRB. She is very thankful for the opportunity to serve. She addressed some concerns she has for the Board. She stated there are arguments among members at the meeting with their voices raised. She understands disagreements and arguments, but when arguments become aggressive it is not fun to the people who attend. The meetings have become unorganized in their structure; new ideas are not welcome; and other members are blamed when things go wrong with the events. The current president routinely attempts to call special meetings on items already discussed and decided on. She believes other board members share her concerns. She would like to see these issues resolved so that the board can thrive and the events can be enjoyed by all. Due to the recent events in her life, she is not sure if or when she will be able to return to CRB.

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, Adair, and Brewster.

Nays: None.

Abstentions: None.

Mayor Paradise declared the motion passed unanimously.

PUBLIC HEARING

- 5. Public Hearing, discuss, direct, and consider action on Ordinance 16-785 an ordinance of the Town of Pantego, Texas, approving Zoning Case Z-222, a proposed special use permit as requested by Godswill Onyebuchi with Transforming Life Ministries to establish a church at 2102 W. Pioneer Parkway, Lot 2 of the W.J. Barry Addition, Pantego, Tarrant County, Texas. The property is generally located on the south side of W. Pioneer Parkway between Duluth Drive and Cornerstone Lane.**

Ms. Arrington read the caption of the ordinance for the record. Mr. Fielder introduced this item informing Council an application was received for a church at 2102 W. Pioneer Parkway. The P&Z Commission has met and discussed this item and approved the case for a term of three years and requested the future re-application fees be waived for the applicant. Mr. Jeffrey's stated he would not recommend binding a future Council to this as the situations may change during this time frame. He recommended allowing the future Council to waive the fee if they choose and reflect the current Council recommendation in the minutes for the future Council.

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Mayor Paradise opened the public hearing at 8:00 p.m.

Godswill Onyebuchi, 4202 Day Lilly Ct. Mansfield, TX 76063, thanked the Mayor, Mayor Pro-Tem, staff and Council for the opportunity to speak. He is asking the Town to help his congregation to move to this location. They have been at the present location for seven (7) years and they are boxed in by five (5) churches and three (3) barbershops. They are experiencing problems with their landlord, the building, trash in the parking lot and on the property, and parking issues for the congregation. They have a strong community church with 40-45 members. Their space is too small for a children's church and this creates problems with retaining families with children. The church provides a food pantry for citizens. He is pleading for Council's consideration to move to this beautiful community.

With no other speakers, Mayor Paradise closed the public hearing at 8:03 p.m.

Council commented on the completeness of the application and the location for this assembly. They inquired on the use of the two smaller areas and the limited access to the church through the hallway. There was discussion on the possibility of this being a fire issue. Council clarified the food bank would only contain canned foods.

Councilmember Adair made a motion to approve zoning case Z-222 for a period of three (3) years. Councilmember Funderlic seconded the motion. There was discussion on the fee waiver as outlined in the ordinance.

Councilmember Adair amended his motion to approve zoning case Z-222 for a period of three (3) years and removing the waiver of application fees discussed in Section 2 of the ordinance. 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.

Mayor Paradise requested the minutes to reflect four council members are in favor of waiving the re-application fees for this applicant. Councilmember Surratt explained he is not in favor because these items are reviewed on a case-by-case basis and the fees are not typically waived.

- 6. Public Hearing, discuss, direct, and consider action on Ordinance 16-786 an ordinance of the Town of Pantego, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2016 rate review mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC's legal counsel.**

Ms. Arrington read the caption for the record. Mr. Fielder explained this is the settlement agreement between Atmos and the Steering Committee. Atmos projected a rate increase that resulted in a long discussion and settlement. The settlement allowed for a residential increase in the amount of \$1.26 a month, which is 2.43% and a commercial increase in the amount of \$3.81 a month, which is 1.43%.

Mayor Paradise opened the public hearing at 8:15 p.m.

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Kelly Pacleb, 1550 Tech Center Parkway, Arlington, Texas, stated she is here on behalf of Atmos Energy to requested Council to pass this ordinance approving the rate review mechanism (RRM). As Council recalls, the RRM was approved in 2013 and allows an annual adjustment to their rates to recover the capital investments they have made to their system. Based on this agreement, Atmos re-filed for a rate increase to request additional revenues on a system-wide basis on March 1, 2016. Atmos supports the coalition's relationship with the cities and the coalition recommends the approval of this ordinance.

Mayor Paradise closed the public hearing at 8:17 p.m.

Council inquired if the rate increase was related to the delivery of gas or salaries and pensions. Ms. Pacleb assured them the cause of the increase was the aging infrastructure repair. Council commented that the base rate has doubled in the last ten years and asked if Atmos plans for the repair and replacement of infrastructure in their budget and long term planning. Ms. Pacleb stated Atmos does and the rate increase through 2020 appears to be fairly flat. She informed Council that Atmos values the relationship the City's have with the Steering Committee and they endorse the coalition. She answered Council's concerns with the commodity stating it is a pass through in addition to consumption. Council raised a concern regarding the average monthly bill amount on the bar graph page she provided not matching what was provided in the council packet. Ms. Pacleb will research this issue.

Councilmember Funderlic made a motion to adopt ordinance 16-786. 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.

RESOLUTION

- 7. Discuss, direct, and consider action on Resolution 16-10 a resolution of the Town of Pantego, Texas, authorizing the City Manager to enter into an Interlocal Agreement with and between the Tarrant County Tax Assessor/Collector to provide assessment and collection services of Ad Valorem taxes levied by the Town; and providing for an effective date.**

Ms. Hollingsworth introduced this item informing Council the cost decreased from \$1.10 to \$0.95 giving an overall estimate of \$10,116.55 for the 2016-2017 Fiscal Year. Council inquired on the number of total accounts for the town compared to last year's total number of accounts. There was discussion on requesting the Tarrant Appraisal District to consolidate the accounts.

Councilmember Surratt made a motion to approve Resolution 16-10 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.

- 8. Discuss, direct, and consider action on Resolution 16-11 a resolution of the Town of Pantego, Texas, authorizing the City Manager to enter into a contract with Deltatek Engineering for**

services regarding the repair of the sewer line located on Smith Barry Road between Roosevelt Drive and Nora Drive; and providing for an effective date.

There was discussion on placing the Purchasing Policy on the website for all contractors to read and the procedure for filing the Ethics Commission 1295 form. Mr. Jeffrey's confirmed the contract must be approved prior to the filing of the 1295 form. There was discussion on the use of the term "Construction Quality Assurance Agent" in Section 6(D). Council requested to change this section replacing the term to read "Construction Inspector". There was discussion on the insurance requirement for the contractor and the format of the drawings provided to the Town. Mr. Williams assured the Council he will require the proper amount of insurance from the Contractor with a new Certificate of Insurance to reflect this and the Engineer will supply two sets of hard copy plans with electronic copies that are readable in the Microstation format. Council requested the uniformity of using "Article" in place of the word "Section" and removing the references to TXDOT. Mr. Williams will discuss Council's concern regarding the indemnification clause with Deltatek. Mr. Williams will present this item at the next council meeting with changes.

Council verified the pipe is deep enough for pipe bursting; the purpose of the coating for the manholes; and that the coating will extend the life of the asset. Council discussed the difference in the estimated cost and the amount in the budget for this project. Mr. Fielder informed them he will look at savings in other funds that could be transferred to cover the cost of the project.

9. Discuss, direct, and consider action on Resolution 16-12 a resolution of the Town of Pantego, Texas authorizing the City Manager to enter into a contract with Junior's Lawn Care and Landscaping for mowing and landscaping services to the water/waste water sites, town facilities, Right-of-Ways and medians; and providing for an effective date.

Council raised concerns with the insurance requirements for this contract and the lack of internet visibility for the company. Mr. Williams assured Council he will ensure the contractors insurance complies with the purchasing policy requirements. There was discussion in using the town contract with outside vendors and adding their additional language to the town contract instead of the other way. Council would like to add the requirements of a minimum of eighteen mowings for this season at the town's discretion; add the locations; and not to exceed \$30,000.

Council discussed the purpose for contracting this service out instead of using staff. Mr. Williams stated in order to keep this service in-house most of the equipment would need to be replaced or repaired and other services for the infrastructure would be placed on hold or contracted out. There was discussion the number of bids that were returned and who was contacted to bid on the project. Council inquired on the cost of performing this service in-house versus contracting the service to a company. Council verified the Public Works Director would set the schedule for mowing and that the company will not mow without first obtaining his permission. There was discussion on mowing the park and the Highway 303 medians.

Councilmember Adair made a motion to approve resolution 16-12 with the following changes; maximum contract amount to be revised to state an amount of \$1,666.67 per mowing cycle with a total contract amount not to exceed \$30,000.06; replace the insurance coverage to \$500,000 minimum on automobile coverage; and correct the typographical errors in the contract as discussed. Councilmember Barrett seconded the motion.

The vote was as follows:

Ayes: Funderlic, Barrett, Adair, and Brewster.

Nays: Surratt.

Abstentions: None.

Mayor Paradise declared the motion passed 4-1.

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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

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 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 – Newport Investments, LLC and Now Faith Deliverance Temple v. Town of Pantego, Don Surratt, and Don Funderlic.
 2. Pursuant to Government Code Section 551.074, to deliberate the appointment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee - Discussion of Board and Commissions appointments.

Mayor Paradise declared the executive session was held during the work session and there was no action taken on the items.

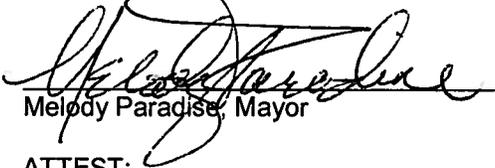
COUNCIL INQUIRY

Councilmember Funderlic inquired on a mark-up version of the Zoning ordinance from the latest council meeting regarding the discussion of this ordinance and another meeting date to finish the discussion of this ordinance.

ADJOURNMENT

Mayor Paradise adjourned the regular session at 9:29 p.m.

APPROVED:


Melody Paradise, Mayor

ATTEST:


Julie Arrington, City Secretary

