



AGENDA

BARTONVILLE TOWN COUNCIL SPECIAL MEETING

MARCH 7, 2019

BARTONVILLE TOWN HALL, 1941 E. JETER, BARTONVILLE, TX 76226

7:30 PM

A. CALL SPECIAL MEETING TO ORDER

B. PLEDGE OF ALLEGIANCE

C. PUBLIC PARTICIPATION/CITIZEN APPEARANCES

Please fill out a "Citizen Participation" form in order to address the Council and turn the form in to the Town Secretary.

The purpose of this item is to allow the public an opportunity to address the Town Council on issues that are not the subject of a public hearing. Any item requiring a public hearing will allow the public to speak at the time that item appears on this agenda as indicated as a "Public Hearing."

D. REGULAR ITEMS

1. Consider accepting resignation of Jim Murphy, Mayor Pro Tem, Councilmember, Place 4.
2. Discuss and consider approval of a resolution ordering a special election to be held on May 4, 2019, for the purpose of filling the vacancy created in Town Council Place 4 for the remainder of the current term ending in May 2020.
3. Discussion regarding annual Spring Cleanup Day.
4. Discussion regarding contract with Brian Hall d/b/a/ Brian the Animal Guy for animal control services.

E. CLOSED SESSION

The Town Council to convene into a closed meeting pursuant to Texas Government Code Chapter 551, Section 551.074 to discuss matters relating to personnel as follows:

1. Discuss and consider appointment of Mayor Pro Tem.

F. OPEN SESSION

The Town Council to reconvene into an open meeting pursuant to Texas Government Code Chapter 551, Section 551.074 to take any action necessary relating to personnel as follows:

1. Discuss and consider appointment of Mayor Pro Tem.

G. ADJOURNMENT

I do hereby certify that the Notice of Meeting was posted on the bulletin board at Town Hall of the Town of Bartonville, Texas, a place convenient and readily accessible to the public at all times and said Notice was posted on the following date and time: Monday, March 4, 2019, at 1:45 p.m., at least 72 hours prior to the time of said meeting.

A handwritten signature in blue ink that reads "Tammy Dixon". The signature is written in a cursive style and is positioned above a horizontal line.

Tammy Dixon, TRMC, CMC, Town Secretary

The City Council reserves the right to adjourn into a closed meeting or executive session as authorized by Texas Government Code, Sections 551.001, et seq. (the Texas Open Meetings Act) on any item on its open meeting agenda in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.088 of the Texas Open Meetings Act. Any final action, decision, or vote on a matter deliberated in a closed meeting will only be taken in an open meeting that is held in compliance with Texas Government Code, Chapter 551.



TOWN COUNCIL AGENDA ITEM NO. 1

DATE: March 7, 2019

FROM: Tammy Dixon, Town Secretary

ITEM: Consider accepting resignation of Jim Murphy, Mayor Pro Tem, Councilmember, Place 4.

SUMMARY:

Councilmember Jim Murphy submitted his resignation on February 28, 2019. In accordance with State Law an elected officer may resign by may resign by submitting the resignation in writing to the governing body of the municipality. The resignation is subject to the approval and acceptance of the governing body.

State Law further provides that a vacancy occurs on the date the resignation is accepted by the governing body or on the eighth day after the date of its receipt (March 8, 2019), whichever is earlier.

FISCAL IMPACT:

N/A

LEGAL REVIEW:

N/A

ATTACHMENTS:

- Resignation Letter

RECOMMENDATION: Move to accept resignation of Jim Murphy, Mayor Pro Tem, Councilmember Place 4.

RECEIVED

FEB 28 2019

TOWN OF BARTONVILLE

8th day = 3/8/19

Bartonville Town Hall
Mayor Bill Scherer & Council
1941 E Jeter Road
Bartonville, TX 76226

February 28, 2019

Dear Mayor and Town Council,

I am submitting my resignation from the Town Council effective today, February 28, 2019.

I have accepted a position at an out of state company and will not be able to adequately serve the residents of Bartonville within this new position.

I have been blessed representing the residents of Bartonville and have enjoyed having this opportunity to serve my community.

Sincerely,



James E. Murphy
Bartonville Place 4



TOWN COUNCIL AGENDA ITEM NO. 2

DATE: March 7, 2019

FROM: Tammy Dixon, Town Secretary

ITEM: Discuss and consider approval of a resolution ordering a special election to be held on May 4, 2019, for the purpose of filling the vacancy created in Town Council Place 4 for the remainder of the current term ending in May 2020.

SUMMARY:

A vacancy in the Town Council has been created by the resignation of Councilmember Jim Murphy, Place 4.

State Law does provide a vacancy can be filled by appointment; however, the person appointed to fill the vacancy only serves until the next regular election which would be May 4, 2019.

Due to the timing of the vacancy State Law requires a special election to be called to fill the vacancy. The last day to order a special election for May 4, 2019, is March 19, 2019. The filing period is effective at the time order is passed until March 25, 2019, at 5:00 p.m.

FISCAL IMPACT:

N/A

LEGAL REVIEW:

N/A

ATTACHMENTS:

- Resolution ordering Special Election

RECOMMENDATION: Move to approve a resolution ordering a special election to be held on May 4, 2019, for the purpose of filling the vacancy created in Town Council Place 4 for the remainder of the current term ending in May 2020

**TOWN OF BARTONVILLE, TEXAS
RESOLUTION 2019-03**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 4, 2019, FOR THE PURPOSE OF FILLING THE VACANCY CREATED IN TOWN COUNCIL PLACE 4 FOR THE REMAINDER OF THE CURRENT TERM ENDING MAY 2020; PROVIDING FOR A JOINT SERVICES CONTRACT WITH DENTON COUNTY TO CONDUCT THE ELECTION; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Bartonville, Texas is a Type “A” General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, a vacancy was created in the Town Council of the Town of Bartonville (“Council”) by the resignation of Councilmember Jim Murphy, Place 4, which was effective March 5, 2019; and

WHEREAS, Section 201.052 of the Texas Election Code provides that a special election to fill a vacancy shall be held on the first authorized uniform election date occurring on or after the 46th day after the date the election is ordered; and

WHEREAS, Saturday, May 4, 2019, is the first authorized uniform election date occurring on or after the 46th day; and

WHEREAS, Section 41.001a (2) of the Texas Election Code, as amended by the 84TH Texas Legislature, establishes the first Saturday of May, 2019, as a Uniform Election Day for the purposes of conducting a General Election; and

WHEREAS, Section 3.004b of the Texas Election Code provides that the governing body of a municipality shall be the authority to order a special election for electing Municipal Officers; and

WHEREAS, in accordance with Section 271.002 of the Texas Election Code, the special election will be conducted jointly with other political subdivisions of Denton County, Texas.

NOW, THEREFORE, BE IT ORDERED AND RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:

**SECTION I
SPECIAL ELECTION ORDERED**

The Town Council of the Town of Bartonville hereby orders that a Special Election be held

on May 4, 2019, for the purposes of electing one citizen to fill the unexpired term of Town Council Place 4, ending May 2020.

**SECTION II
FILING DEADLINE**

The deadline for filing an application for a place on the ballot is March 25, 2019 at 5:00 p.m. An application may not be filed before the election is ordered.

**SECTION III
PRECINCTS**

The election precinct for said election shall be the regular precinct of Denton County (Precinct 4021) to the extent that they are within the corporate limits of the Town of Bartonville.

**SECTION IV
ADMINISTRATION OF ELECTION**

The special election shall be conducted jointly with other political subdivisions in Denton County on May 4, 2019, pursuant to Chapters 31 and 271, Texas Election Code. The Town Administrator and the Town Secretary are hereby authorized to sign the contract with the Denton County Elections Administrator for the purpose of having Denton County furnish all or any portion of the election services and equipment needed to conduct the election.

**SECTION V
EARLY VOTING CLERKS**

- (a) In accordance with Sections 31.097 and 271.006 of the Texas Election Code, the following named person is hereby appointed as the Early Voting Clerk of the purposes of conducting said election:

Frank Phillips, Early Voting Clerk
PO Box 1720
Denton, TX 76202

- (b) Any permanent county employee serving under the Elections Administrator shall serve as deputy early voting clerks.

**SECTION VI
EARLY VOTING DATES AND LOCATIONS**

Early Voting by personal appearance will be held jointly with other Denton County public entities beginning April 22, 2019, and continuing through April 30, 2019. The main early voting location shall be located at:

Denton County Elections, 701 Kimberly Drive, Denton 76208

Additional early voting locations will be identified in the contract executed with the Denton County Elections Administrator.

**SECTION VII
ELECTION DAY POLLING PLACES**

The polling place for all of Precinct 4021 within the corporate limits of the Town of Bartonville will be located at a location determined by the Denton County Elections Administrator to be identified in the joint services agreement.

**SECTION VIII
NOTICE AND PUBLICATION**

The Town Secretary is hereby authorized and directed to file, publish and/or post, in the time and manner prescribed by law, all notices required to be so filed, published and/or posted in connection with the conduct of this special election. The special election, including providing notice of the special election, shall be conducted in accordance with the Texas Election Code and other applicable law, and all resident qualified and registered voters of the Town shall be eligible to vote at the special election.

SECTION IX

A copy of this order shall be retained with the other records of the election in accordance with the Texas Election Code.

APPROVED this the 7th day of March 2019.

APPROVED:

Bill Scherer, Mayor

ATTEST:

Tammy Dixon, Town Secretary



TOWN COUNCIL AGENDA ITEM NO. 3

DATE: March 7, 2019

FROM: Michael Montgomery, Town Administrator

ITEM: Discussion regarding annual Spring Cleanup Day.

SUMMARY:

The Town Administrator will provide an update to the services provided at the Annual Spring Cleanup event.

FISCAL IMPACT:

N/A

LEGAL REVIEW:

N/A

ATTACHMENTS:

N/A

RECOMMENDATION: Discussion item only.

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TOWN COUNCIL AGENDA ITEM NO. 4

DATE: March 7, 2019

FROM: Michael Montgomery, Town Administrator

ITEM: Discussion regarding contract with Brian Hall d/b/a/ Brian the Animal Guy for animal control services.

SUMMARY:

The Town received notice from Brian Hall that the lease for the property he uses for animal services was not renewed and he was provided with a 30-day eviction notice.

Brian is currently searching for another facility to relocate his business.

This item is for discussion purposes only.

FISCAL IMPACT:

N/A

LEGAL REVIEW:

N/A

ATTACHMENTS:

N/A

RECOMMENDATION: Discussion item only.