

STATE OF TEXAS §
COUNTY OF DENTON §
TOWN OF BARTONVILLE §

The regular monthly meeting of the Bartonville Town Council was held on June 20, 2006, at 6:30 p.m., in the Council Chambers of Bartonville Town Hall, 1941 East Jeter Road, Bartonville, Texas. This was an OPEN MEETING, open to the public, subject to the open meeting laws of the State of Texas and, as required by law, was duly posted at 3:00 p.m., on June 16, 2006, at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

Present:	Absent:
Ron Robertson, Mayor	None
Dave Howell, Mayor Pro Tem	
Carla Anderson	
Ryan Litherland	
Wayne Hoyt	
James Ashburn	

Also present: Debbie E. Millican, Town Secretary
Gary Vickery, Town Engineer
David Dodd, Assistant Town Attorney

This constituting a quorum, the following business took place:

Mayor Robertson called the meeting to order at 6:36 p.m.

The Council along with Assistant Town Attorney David Dodd, suspended the open meeting to convene into Executive Session at 6:37 p.m., pursuant to Sections 551.087 and 551.071(2) to discuss or deliberate regarding commercial and financial information and/or offer a financial or other incentive concerning a business prospect that the Town seeks to have located in or near the territory of the Town; and, to seek legal advice from the Town attorney regarding said subject.

Executive Session

The Town Council adjourned the Executive Session and resumed the open session of the meeting at 6:53 p.m.

Open Session

The Council took a break and reconvened the meeting at 7:00 p.m.

Break

Mayor Robertson called the regular session to order at 7:00 p.m., and led the recitation of the Pledge of Allegiance to the American Flag.

Call to Order

Dave Howell moved to approve a revised Economic Development Agreement and a revised Developer's Agreement with an additional revision to Section 3.6 to clarify that the first \$50,000 of sales tax will be retained annually and to authorize the Mayor to execute said agreement with Razor Ranch L.P. and CL/RPG Land Company, LP. James Ashburn seconded the motion. For: Unanimous. The motion carried 5 to 0.

Exec Session: No Action

The Town Council considered the consent agenda. Agenda items were marked with a single asterisk as a part of a Consent Agenda requiring no deliberation by the Council and could be approved with a single motion. Councilmembers were given the prerogative of removing an item from the consent agenda for separate discussion and consideration.

Consent Agenda

Ryan Litherland moved to approve the following consent agenda, as presented: Approval of Minutes: 1) May 16, 2006, Regular Monthly Meeting and 2) May 30, 2006, Special Called Meeting. James Ashburn seconded the motion. For: Unanimous. The motion carried 4 to 0.

ACTION: Approve Consent Agenda

Pat McDonald expressed concerns for landscaping rocks being placed in the Town's Right-of-Way along Kentucky Derby Drive and on Porter Road. Mr. McDonald stated that he had been in the insurance business for many years and that by allowing the rocks in the right-of-way, the town could be held liable if a motorist or bicyclist were to crash into them. Annemarie Moore stated that at the TxDOT May 19th Public Hearing, she had been recognized as a representative of the Town. Ms. Moore stated that she had not represented herself as an official and her recognition was unintentional and made in error. Ms. Moore also expressed concern that the details of the Lantana 380 agreement had been released by Lantana before the Town released information regarding the agreement. No one else chose to speak.

Citizen Input

The Town Council received reports from appointed representatives. No action was taken.

Appointed Representatives

Mayor Robertson presented Ordinance 392-06, an ordinance of the Town Council of the Town of Bartonville, Texas, changing the street name platted as Stoney Ridge Drive to I. T. Neely Road within the Yeti Addition, an addition to the Town of Bartonville. Mayor Robertson stated that the renaming of the street was in honor of the late I. T. Neely and his many years of dedication to the Town. Annemarie Moore stated that she had known Mr. Neely and that there was not a nicer or more supportive man in all of Bartonville's history. Ms. Moore stated that honoring Mr. Neely was a long time in coming and she thanked the Council for recognizing him.

Discussion: Ordinance 392-06, Street Name Change

Dave Howell moved to approve Ordinance 392-06. Carla Anderson seconded the motion. For: Unanimous. The motion carried 5 to 0. Mayor Robertson presented a street sign bearing the name of I. T. Neely to Mr. Neely's son Tom.

ACTION: Approve Ordinance 392-06

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 392-06 is hereby engrossed and enrolled by copying the exact Caption and Effective Date Clause into these official minutes as follows:
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, CHANGING THE STREET NAME PLATTED

Engross and Enroll: Ordinance 392-06

AS STONEY RIDGE DRIVE TO I. T. NEELY ROAD WITHIN THE YETI ADDITION, AN ADDITION TO THE TOWN OF BARTONVILLE; PROVIDING FOR THE POSTING OF SIGNS; AND PROVIDING AN EFFECTIVE DATE. Section 3 Effective Date: That this Ordinance shall become effective from and after its passage and approval and it is so ordained.

The Council conducted a public hearing and considered Ordinance 390-06, an ordinance of the Town of Bartonville, Texas, amending the Code of Ordinances by amending Chapter 14, Zoning, Exhibit "A," Zoning Ordinance, by amending Chapter 2, Section 2.2, Definitions, by amending the definition of Kennels (105) to include Animal Boarding; by amending the definition of Shopping Center to include Shopping Malls and Strip Malls; by providing a definition for Shopping Center/Strip Mall; by amending (193) Veterinary Hospital to incorporate a provision for a Veterinary Clinic; by amending Chart 4.3 by deleting the column for Minimum Lot Width and replacing with a column for Minimum Street Frontages; and by amending the Land Use Table by deleting Veterinarian Hospital from said Chart.

Mayor Robertson opened the hearing and asked to hear staff recommendations. Town Secretary, Debbie Millican, presented the Ordinance and stated that the Planning and Zoning Commission had recommended approval.

Mayor Robertson asked to hear from those in favor or in opposition to the Ordinance. No one chose to speak.

Mayor Robertson closed the hearing to public comment.

James Ashburn expressed concern that the street frontage requirements would be too restrictive. Councilmember Ashburn asked where the new street frontage minimum requirements originated. Ms. Millican stated that the old ordinance required minimum lot widths and that the intent was that no lot could be less than the minimum width at any point, including road frontages. The Planning and Zoning Commission used the minimum lot width requirements from the old ordinance to establish the minimum street frontages in the new ordinance.

Dave Howell moved to approve Ordinance 390-06 as recommended by the Planning and Zoning Commission. Ryan Litherland seconded the motion. For: Howell, Litherland and Hoyt. Against: Ashburn and Anderson. The motion carried 3 to 2.

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 390-06 is hereby engrossed and enrolled by copying the exact Caption and Effective Date Clause into these official minutes as follows: AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS,

**Public Hearing:
Ordinance 390-06,
Zoning Amendments**

Hearing Opened

In Favor/Opposed

Hearing Closed

**Deliberation:
Ordinance 390-06**

**ACTION: Approve
Ordinance 390-06**

**Engross and Enroll:
Ordinance 390-06**

AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 14, ZONING, EXHIBIT "A," ZONING ORDINANCE, BY AMENDING CHAPTER 2, SECTION 2.2., DEFINITIONS, BY AMENDING THE DEFINITION OF KENNELS (105) TO INCLUDE ANIMAL BOARDING; BY AMENDING THE DEFINITION OF SHOPPING CENTER TO INCLUDE SHOPPING MALLS AND STRIP MALLS; BY PROVIDING A DEFINITION FOR STRIP MALL; BY AMENDING (193) VETERINARY HOSPITAL TO INCORPORATE A PROVISION FOR A VETERINARY CLINIC; BY AMENDING CHART 4.3 BY DELETING THE COLUMN FOR MINIMUM LOT WIDTH AND REPLACING WITH A COLUMN FOR MINIMUM STREET FRONTAGE; AND BY AMENDING THE LAND USE TABLE BY DELETING VETERINARIAN HOSPITAL FROM SAID CHART; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE. SECTION 7. Effective Date: That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such case provides.

Mayor Robertson presented Ordinance 391-06 for consideration. Town Secretary, Debbie Millican, presented the Planning and Zoning Commission's recommendation to approve the ordinance.

Ryan Litherland moved to approve, as recommended by the Planning and Zoning Commission, Ordinance 391-06, an ordinance of the Town of Bartonville, Texas, amending the Code of Ordinances by amending Chapter 10, Subdivision Regulations, Exhibit "A" Subdivision Ordinance, by amending Section 1.16, Definitions, by adding "bbb" to provide a definition for Flag Lot; by amending Section 3.1(p) to provide for Cul-de-Sacs in Subdivisions of five or more Lots only; by amending Section 3.5(a) through Subsection (C) to provide for Minimum Size Requirements and a prohibition for Flag Lots. Dave Howell seconded the motion. For: Unanimous. The motion carried 5 to 0.

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 391-06 is hereby engrossed and enrolled by copying the exact Caption and Effective Date Clause into these official minutes as follows: AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 10, SUBDIVISION REGULATIONS, EXHIBIT "A" SUBDIVISION ORDINANCE, BY AMENDING SECTION 1.16., DEFINITIONS, BY ADDING "bbb" TO PROVIDE A DEFINITION FOR FLAG LOTS; BY AMENDING SECTION 3.1(p) TO PROVIDE FOR CUL-DE-SACS IN SUBDIVISIONS OF FIVE OR MORE LOTS ONLY;

Discussion: Ordinance 391-06, Amend Sub. Regulations

ACTION: Approve Ordinance 391-06

Engross and Enroll: Ordinance 391-06

BY AMENDING SECTION 3.5(a) THROUGH SUBSECTION (c) TO PROVIDE FOR MINIMUM SIZE REQUIREMENTS AND A PROHIBITION FOR FLAG LOTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE. SECTION 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such case provides.

The Council considered the Final Plat and authorization for the Mayor to enter into a developer's agreement for the construction of infrastructure regarding the proposed Liberty Crossing Addition, being described as a 33.1837 acre tract of land out of the Pinson Wiles Survey, Abstract #1330, Denton County, Texas, located approximately 2,800 feet south of Frenchtown Road and approximately 2,800 feet east of Hwy 377 South. The proposed development will create 18 residential lots ranging in size from one (1) to 1.931 acres and is located in the Extraterritorial Jurisdiction of the Town of Bartonville, adjacent to the Tuscan Hills Addition located on Frenchtown Road in the Extraterritorial Jurisdiction of the Town of Argyle, Texas. Town Engineer, Gary Vickery, presented the Planning and Zoning Commission's recommendation and staff recommendations to approve the Final Plat for the Liberty Crossing Addition.

Discussion: Liberty Crossing Final Plat

Dave Howell moved to approve the Final Plat for the Liberty Crossing Addition conditioned on compliance with the Town Engineer's review letters dated May 30 and June 2, 2006; the ROW along the north boundary line being labeled as Right-of-Way; the execution of a developer's agreement; and the posting of security. James Ashburn seconded the motion. For: Unanimous. The motion carried 5 to 0.

ACTION: Approve Liberty Crossing Final Plat

The Town Council considered awarding the bid to the lowest responsible bidder for the expansion project. The only sealed bid received, was submitted by ACT Construction, 350 McDonnell Street, Lewisville, Texas 75057. Tim Reif of ACT Construction stated that the job would take eight to ten weeks with a start date of July 10th. The Council reviewed the Architect's recommendation to award the bid to ACT.

Discussion: Bid Award for Town Hall Project

James Ashburn moved to award the Town Hall Addition/Remodeling contract to ACT Construction to include the base bid and the two alternate bids and in the amount of \$146,367. Carla Anderson seconded the motion. For: Unanimous. The motion carried 5 to 0.

ACTION: Award Bid to ACT Construction

Town Engineer, Gary Vickery, presented recommendations regarding amendments to the Five Year Street Maintenance Program. Mr. Vickery stated that he had inspected road conditions and prioritized projects. He presented a schedule of projects that included reconstruction on McMakin Road with spot repairs and crack sealing to various other road segments throughout Town.

Discussion: Five Year Street Plan

Ryan Litherland moved to approve the amended Five Year Street Maintenance Program as presented by the Town Engineer. Carla Anderson seconded the motion. For: Unanimous. The motion carried 5 to 0.

ACTION: Approve Amendments to Five Year Street Plan

Ryan Litherland moved to approve an overlay and striping project with North Texas Construction on East Jeter Road from Loving Branch to FM 407 in the amount of \$24,896. James Ashburn seconded the motion. For: Unanimous. The motion carried 5 to 0.

ACTION: Approve East Jeter Paving and Striping

Ryan Litherland moved to approve Ordinance 398-06, an ordinance of the Town of Bartonville, Texas, declaring a state of emergency and prohibiting all outdoor burning including the use of open flame grills, campfires, possession or sale or discharge of fireworks, welding or hot work for a thirty-day (30) day period. Wayne Hoyt seconded the motion. For: Unanimous. The motion carried 5 to 0.

ACTION: Approve Ordinance 398-06, Burn Ban

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 391-06 is hereby engrossed and enrolled by copying the exact Caption and Effective Date Clause into these official minutes as follows: AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, DECLARING A STATE OF EMERGENCY AND PROHIBITING OUTDOOR BURNING INCLUDING THE USE OF OPEN FLAME GRILLS, CAMPFIRES, POSSESSION OR SALE OR DISCHARGE OF FIREWORKS, WELDING OR HOT WORK FOR A THIRTY DAY (30) DAY PERIOD; PROVIDING EXCEPTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) OR EACH OFFENSE; AND, PROVIDING AN EFFECTIVE DATE. SECTION 9. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provide and shall expire at midnight (12:00 a.m.) on the 19th day of July, 2006 unless earlier repealed.

Engross and Enroll: Ordinance 391-06

Carla Anderson expressed concerns for possible truck damage to Broome Road and asked that the Council discuss regulating truck routes and/or requiring bonds for road damage. James Ashburn expressed concern regarding bicyclists disregarding traffic laws and creating traffic hazards during a recent bicycle race through town. Councilmember Ashburn stated that in response to a question regarding the event, he was told by one of the participants that Flower Mound Councilmember Lori Long was one of the sponsors. He asked that the Council discuss regulating events such as bicycle races.

Future Agenda Items

There being no further business to come before the body, the Mayor declared the meeting adjourned at 8:05 p.m.

ADJOURNMENT

APPROVED this the 18th day of July 2006.

Approved:

Ron Robertson, Mayor

(Seal)

Attest:

Kristi Gilbert, Dep. Town Secretary