

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

The regular monthly meeting of the Bartonville Town Council was held on January 20, 2004, at 6:00 p.m. in the Bartonville Town Hall. 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 January 16, 2004, at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

**Present:**  
Ron Robertson, Mayor  
Dave Howell, Mayor Pro Tem  
Ryan Litherland  
Carla Anderson  
Barry Gray

**Absent:**  
Wayne Hoyt

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

This constituting a quorum, the following business took place:

Mayor Robertson called the meeting to order at 6:04 p.m., and led the recitation of the Pledge of Allegiance to the American Flag.

**Call to Order**

The Council members participated in a work session to review Solid Waste Disposal and Recycling Bid Proposals received from Trinity Waste Services, IESI, Waste Management and Community Waste Disposal (CWD). Representatives from each of the waste disposal companies presented information on the services that they provide.

**Work Session: Solid Waste Franchise**

After a brief break Mayor Robertson opened the Regular Session at 7:00 p.m.

**Regular Session**

In order accommodate a scheduling conflict, Mayor Robertson asked that the Council deviate from their scheduled agenda items to hear from Precinct #4 Constable, John Hatzenbuhler. Constable Hatzenbuhler briefly updated the Council on his precinct's operations and solicited support for his reelection as Constable. No action was taken. Mayor Robertson thanked Constable Hatzenbuhler for his comments and resumed the regularly scheduled agenda.

**Citizen Appearance**

The Town Council discussed the proposals received from solid waste providers. The lowest residential base bid received was from Trinity Waste Services at \$7.42 per month with IESI coming in second with a base bid of \$7.81 per month. Waste Management's residential base rate was \$8.90 per month with CWD's bid coming in at \$9.21 per month. The Council considered several factors during the selection process including, but not limited to , the base bid for residential rates, monthly rates for commercial

**Discussion: Solid Waste Disposal Services**

dumpsters, commercial container rental fees and additional pick-up services offered. Trinity Waste offered a slightly lower residential rate than the other bidders however they proposed the highest container rate. Ryan Litherland commented that the roll-off container rates quoted from Trinity were disproportionately higher than the other bidder's. IESI offered weekly pick-up of additional items left at the curb in addition to the poly-cart. Trinity Waste's pick-up services were limited to refuse contained in a poly-cart. Councilmember Carla Anderson stated that she had been contacted by numerous citizens requesting a curbside recycling program. Mayor Robertson stated that he had received input from several citizens requesting a recycling program. He said of all the calls and email, only one person had stated that they were not interested in recycling options. Barry Gray and Dave Howell each stated that they preferred optional recycling to a mandatory recycling program.

Dave Howell moved to award the five-year exclusive solid waste contract to IESI with optional recycling services. Ryan Litherland seconded the motion. For: Unanimous. The motion carried 4-0. *Mayor Robertson apologized to Ms. Annemarie Moore for having inadvertently overlooked her request to speak before the vote. Ms. Moore addressed the Council with her concerns for offering a five-year contract and also her appreciation for the first Monday bulk pick up service. She stated that the Council should make a decision based residential rates. The Mayor polled the Council regarding their decision and they each stated that they did not wish to reconsider their vote.*

**ACTION: Award Franchise to IESI**

Dave Howell moved to approve Ordinance 340-04, an Ordinance of the Town of Bartonville, Texas, Granting an Exclusive Franchise for Residential and Commercial Solid Waste Collection and Disposal Services to IESI. Ryan Litherland seconded the motion. For: Unanimous. The motion carried 4-0.

**ACTION: Approve Ord. 340-04**

Ordinance 340-04 is hereby engrossed and enrolled by copying the exact Caption, Penalty Clause and Effective Date Clause into these official minutes as follows: AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, GRANTING AN EXCLUSIVE FRANCHISE FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION AND DISPOSAL SERVICES TO IESI TX CORPORATION; PROVIDING RIGHTS, DUTIES AND OBLIGATIONS OF THE TOWN AND IESI TX CORPORATION; AUTHORIZING THE MAYOR TO EXECUTE A SOLID WASTE COLLECTION AND DISPOSAL AGREEMENT; REQUIRING USE OF THE FRANCHISE SERVICES EXCLUSIVELY BY ALL CITIZENS WHO WISH TO UTILIZE THE SERVICES OF A SOLID WASTE COLLECTION AND DISPOSAL COMPANY; PROHIBITING SOLID WASTE COLLECTION

**Engross and Enroll: Ord. 340-04**

AND DISPOSAL BY COMPANIES NOT FRANCHISED BY THE TOWN; PROVIDING A PENALTY FOR COMPANIES OPERATING WITHOUT A FRANCHISE AGREEMENT; AND SETTING A FRANCHISE FEE IN THE AMOUNT OF SIX PERCENT (6%) OF GROSS COLLECTIONS; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) PER OFFENSE; PROVIDING SAVINGS; PROVIDING SEVERABILITY; PROVIDING FOR ENROLLMENT AND ENGROSSMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER AND PROVIDING AN EFFECTIVE DATE. *SECTION 8. PENALTY* Any person, firm or corporation who shall violate any provision of this section, or who shall fail to comply with any provision hereof, within the corporate limits of Town of Bartonville shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed five dollars (\$500.00), each day any violation or noncompliance continues shall constitute a separate and distinct offense. *SECTION 14. EFFECTIVE DATE:* This Ordinance shall be in full force and effect on at 12:01 a.m. on February 17, 2004.

The Town Council considered the consent agenda. Certain agenda items were marked with a single asterisk were 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.

Ryan Litherland moved to approve the following consent agenda, as presented: A) Approval of the November 18, 2003, regular monthly meeting minutes; B) Final acceptance of East Jeter Road Reconstruction Project and release of retainage; C) Approval of Resolution 2004-01, a resolution ordering the May 15, 2004 General Election and appointing Election Judges; and D) Acceptance of the 2004 Racial Profiling Annual Report. Barry Gray seconded the motion. For: Unanimous. The motion carried 4-0.

**ACTION: Consent Agenda Approved**

Del Knowler spoke to the Council regarding credit bureau scoring with respect to insurance rate setting. Mr. Knowler stated that new legislation was in enacted recently which allows insurance carriers to set rates on individual policies based on the credit rating of the customer. He expressed concern for this practice and stated that the Council should pass a resolution in opposition to this new procedure. Mr. Knowler stated that he had sent several letters to legislators protesting the practice and encouraged the Council and others to do the same. No one else chose to speak.

**Citizen Appearances**

The Town Council received reports from Appointed Representatives. No action was taken.

**Appointed Representatives**

Mayor Robertson read aloud Resolution 2004-02, a Resolution of Appreciation and Commendation for the 2003-2004 Argyle High School, Class 2A, UIL, State Marching Band Champions. Mayor Robertson presented a framed original of the Resolution to Band Director Ms. Cindy

**Presentation of Resolution 2004-02**

Mikel and recognized assistant Band Directors Michael Limish and Chris Burk, along with several band members for their hard work and dedication.

Dave Howell moved to approve Resolution 2004-02. Carla Anderson seconded the motion. For: Unanimous. The motion carried 4-0.

**ACTION: Approve  
Res. 2004-02**

William C. Spore, P.C., Certified Public Accountant, presented the Fiscal Year 2002-2003 Annual Audit. Mr. Spore briefly reviewed the audit and advised the Council that the Town Secretary should be commended for a job well done in managing the Town funds.

**Presentation:  
Annual Audit**

Barry Gray moved to accept and approve the 2002-2003 Fiscal Year Audit as presented by William C. Spore, P.C. Ryan Litherland seconded the motion. For: Unanimous. The motion carried 4-0.

**ACTION: Accept  
Annual Audit**

The Council discussed a request by Re/Max North Associates, 2648 FM 407, Suite 105, for a variance from Ordinance 321-03, Section 8(B)(1), Non-Residential Sign Regulations, to allow for two wall signs to be installed on one street front. Town Secretary Debbie Millican presented recommendations to approve the request stating that it (the request) was in keeping with the spirit of the Town's desire to minimize signage.

**Sign Variance  
Request: RE/MAX**

Ryan Litherland moved to approve the request for variance as presented conditioned that all signage for that particular leasing space be limited to the two signs as indicated on the application. Dave Howell seconded the motion. For: Unanimous. The motion carried 4-0.

**ACTION: Approve  
Variance**

The Council considered the Gas Well Development Plat application by Cortez Operating Company for the proposed Furst Ranch G-1 and G-2 Well Site Location, A.M. Feltus Survey, A-1595, Town of Bartonville, Denton County, Texas. The proposed well site is to be located on the Furst Ranch south of West Jeter Road, within the corporate limits of the Town of Bartonville. Town Secretary, Debbie Millican, stated that the plat was in compliance with the Town's regulations and that the Planning and Zoning Commission had recommended approval of the application.

**Discussion: G-1&2  
Gas Well Plat**

Barry Gray moved to approve the G-1 and G-2 Gas Well Development Plat as recommended by staff and by the Planning and Zoning Commission. Dave Howell seconded the motion. For: Unanimous. The motion carried 4-0.

**ACTION: Approve  
G-1&2 Gas Well  
Plat**

Ryan Litherland moved to approve the revised boundary adjustment agreement with Flower Mound, Texas, as presented. Dave Howell seconded the motion. For: Unanimous. The motion carried 4-0.

**ACTION: Approve  
Revised Agree. With  
Flower Mound**

Town Secretary Debbie Millican briefly explained that approval of Ordinance 339-03 was an administrative act to correct an oversight in the preparation and passage of the new subdivision regulations adopted at the last Council meeting.

Dave Howell moved to approve Ordinance No. 339-04, an ordinance amending Ordinance 336-03, The Development Ordinance, Article II Procedures, by adding Subsection 2.8(j) Oil and Gas Well Development Plat Requirements. Carla Anderson seconded the motion. For: Unanimous. The motion carried 4-0.

**ACTION: Approve  
Ord. 339-04**

Ordinance 339-04 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 ORDINANCE 336-03, DEVELOPMENT ORDINANCE FOR THE TOWN OF BARTONVILLE, ARTICLE II PROCEDURES BY ADDING SUBSECTION 2.8 J. OIL AND GAS WELL DEVELOPMENT PLAT REQUIREMENTS, TO REGULATE OIL AND GAS WELL DEVELOPMENT WITHIN THE CORPORATE LIMITS AND THE EXTRATERRITORIAL JURISDICTIONAL LIMITS OF THE TOWN OF BARTONVILLE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL OTHER ORDINANCES OF THE TOWN OF BARTONVILLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE TOWN AND PROVIDING AN EFFECTIVE DATE. *SECTION 9. EFFECTIVE DATE:* This Ordinance shall be in full force and effect immediately upon passage.

**Engross and Enroll:  
Ordinance 339-04,  
Amend Dev. Regs**

The Town Council discussed submission of local road projects for inclusion in the proposed Denton County 2004 Road Bond Election. Ryan Litherland stated that he would meet with Engineer Gary Vickery to review road projects contained in the Town's Five Year Road Plan. No formal action was taken by the Council.

**Discussion: Road  
Projects**

Councilmembers discussed options relative to collection of outstanding traffic citations and warrants. No action was taken.

**Discussion: Warrant  
Collections**

There being no further business to come before the body, Mayor Robertson declared the meeting adjourned at 8:10 p.m.

**ADJOURNMENT**

**PASSED AND APPROVED this the 17<sup>th</sup> day of February 2004.**

Approved:

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Ron Robertson, Mayor

(Seal)

Attest:

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Debbie E. Millican, Town Secretary