

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

The regular monthly meeting of the Bartonville Town Council was held on November 16, 2004, at 6:30 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. November 12, 2004, at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

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|----------------------------|----------------|
| Present: | Absent: |
| Ron Robertson, Mayor | Barry Gray |
| Dave Howell, Mayor Pro Tem | |
| Carla Anderson | |
| Wayne Hoyt | |
| Ryan Litherland | |

Also present: Debbie E. Millican, Town Secretary
Karen Nelson, Assistant Town Attorney

This constituting a quorum, the following business took place:

Mayor Robertson called the meeting to order at 6:30 p.m., and led the recitation of the Pledge of Allegiance to the American Flag.

Call to Order

Pursuant to Texas Government Code Annotated Statutes, Subchapter 551, Section 551.074, the Town Council entered into a closed session at 6:31 p.m. to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer: A) the evaluation of the job performance of the Town Engineer; and B) discussions regarding the continued contractual agreement with the Town Engineer.

Executive Session

The Town Council adjourned the Executive Session and resumed the open session of the meeting at 6:40 p.m.

Open Session

The Council took a brief break and reconvened at 7:00 p.m, to open the regularly scheduled monthly meeting.

Break

Dave Howell moved to cancel the contractual agreement for Town Engineer services with Crannell, Crannell and Martin Engineering and to appoint Gary Vickery of Teague, Nall and Perkins Engineering as the interim Town Engineer, effective immediately. Carla Anderson seconded the motion. For: Unanimous. The motion carried by a vote of 4 to 0.

ACTION: Cancel Eng. Contract and Appt. Gary Vickery as Town Eng.

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

Carla Anderson moved to approve the consent agenda, as presented: A) the minutes of the October 19, 2004, Regular Monthly Meeting. Dave Howell seconded the motion. For: Unanimous. The motion carried by a vote of 4 to 0.

ACTION: Approve Consent Agenda

Lauren Shrang spoke to the Town Council regarding her concerns for enforcement of Town Ordinances due to the lack of a police department. Ms. Shrang expressed grave concern for the recent acts of vandalism, illegal shooting/hunting and speeding violations in the Saddlebrook Subdivision area. Del Knowler reminded the Council of the work of Gracie Egan and Gloria McDonald to discourage the Public Utility Commission from approving an application by TXU to locate an electrical substation in Bartonville. He stated that the substation would now be located in Flower Mound due to the efforts by these two dedicated citizens. Mr. Knowler encouraged the Council to recognize them by resolution of appreciation. No one else chose to speak.

Citizen's Input

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

Appointed Representatives

The Town Council considered the proposed Gas Well Development Plat for the #1 Well at the Walling's Lease, located at 624 W Jeter Road. Allen Seals stated that he was in favor of the well and encouraged the Council to approve the plat. Bobby Dollak of G&A Consultants spoke on behalf of the applicant, Llano Operating Company. Mr. Dollak stated that the plat met all the requirements of the Town Engineer and the Development Ordinance. He asked that it be approved. Town Secretary Debbie Millican stated that the Planning and Zoning Commission had recommended approval.

Discussion: Wallings Well #1

Wayne Hoyt moved to approve the Gas Well Development Plat for the #1 Well at the Walling's Lease, located at 624 W Jeter Road, as recommended by the Planning and Zoning Commission and Town Staff. Carla Anderson seconded the motion. The motion carried by a vote of 4 to 0.

ACTION: Approve Walling Well #1

Ryan Litherland moved to approve the final payment, including all retainage fees and to accept the improvements as substantially complete for the McMakin Road Reconstruction and Broome Road Overlay project with the one year maintenance period/bonds to commence upon acceptance. Wayne Hoyt seconded the motion. For: Unanimous. The motion carried by a vote of 4 to 0.

ACTION: Accept McMakin/Broome Street Project

The Town Council considered Ordinance 359-04, an Ordinance of the Town of Bartonville amending the Town of Bartonville Code of Ordinances, Chapter 11, Taxation, by adding Article 11.300, establishing an Ad Valorem

Discussion: Tax Freeze for Elderly and Disabled

Tax Limitation for Residential Homestead Property Owners of the Town of Bartonville, Texas, who are disabled or sixty-five (65) years of age or older. Annemarie Moore stated that she was in favor of the tax limitation and asked that the Council continue the \$50,000 valuation exemption in addition to the tax limitation. Ms. Moore thanked the Mayor and Councilmembers for their consideration of a tax limitation for people on fixed incomes.

Dave Howell moved to approve Ordinance 359-04, as presented. Wayne Hoyt seconded the motion. For: Unanimous. The motion carried by a vote of 4 to 0.

**ACTION: Approve
Ord. 359-04**

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 359-04, 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 AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 11, TAXATION, BY ADDING ARTICLE 11.300, ESTABLISHING AN AD VALOREM TAX LIMITATION FOR RESIDENTIAL HOMESTEAD PROPERTY OWNERS OF THE TOWN OF BARTONVILLE, TEXAS, WHO ARE DISABLED OR SIXTY-FIVE (65) YEARS OF AGE OR OLDER; PROVIDING DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES OF THE TOWN OF BARTONVILLE; PROVIDING SAVINGS; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE. SECTION 8 Effective Date This Ordinance shall be in full force and effect from and after its date of passage.

**Engross and Enroll:
Ordinance 359-04,
Ad Valorem Tax
Limitations**

Ryan Litherland moved to cancel the regular monthly meeting that had been slated for December 21, 2004. Dave Howell seconded the motion. For: Unanimous. The motion carried by a vote of 4 to 0.

**ACTION: Cancel
December Council
Mtg.**

Dave Howell moved to approve Ordinance 360-04, an ordinance of the Town of Bartonville amending the Bartonville Code of Ordinances by amending Chapter 6 to add Article 6.4, Section 6.401 and 6.402 requiring that all private swimming pools be enclosed by a fence or barrier. Carla Anderson seconded the motion. For: Unanimous. The motion carried by a vote of 4 to 0.

**ACTION: Approve
Ord. 360-04**

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 360-04, 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 AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6 TO ADD ARTICLE 6.400, SECTIONS 6.401 AND 6.402 TO PROVIDE A DEFINITION FOR SWIMMING POOL AND TO PROVIDE REQUIRED STANDARDS FOR PERMITTED FENCES ENCLOSING A PRIVATE

**Engross and Enroll:
Ord. 360-04, Pool
Fences Required.**

SWIMMING POOL; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING SAVINGS; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF ALL CONFLICTING PROVISIONS OF OTHER ORDINANCES; PROVIDING FOR ENROLLMENT AND ENGROSSMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER AND PROVIDING AN EFFECTIVE DATE. SECTION 8. EFFECTIVE DATE This Ordinance shall take effect immediately from and after its date of passage and the publication in the official newspaper of the town and as provided by state law.

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 18th day of January, 2005.

Approved:

Ron Robertson, Mayor

(Seal)

Attest:

Debbie E. Millican, Town Secretary