

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

The regular monthly meeting of the Bartonville Town Council was held on October 18, 2005 at 7:00 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 October 14, 2005, at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

**Present:**

Ron Robertson, Mayor  
Dave Howell, Mayor Pro Tem  
Carla Anderson  
Ryan Litherland  
James Ashburn

**Absent:**

Wayne Hoyt

Also present: Debbie E. Millican, Town Secretary  
Gary Vickery, Town Engineer  
Bob Hager, Town Attorney

This constituting a quorum, the following business took place:

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

**Call to Order**

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**

James Ashburn moved to approve the following consent agenda, as presented: \*A) Approval of the September 20, 2005 Regular Monthly Meeting Minutes and \*B) Approval of Resolution 2005-18, Declaring the Official Town Holiday Schedule for the 2005/2006 Fiscal Year. Ryan Litherland seconded the motion. For: Unanimous. The motion carried 4 to 0.

**ACTION: Approve  
Consent Agenda**

Annemarie Moore expressed concerns regarding the recent road work throughout Bartonville and recommended that future contracts not be granted to the contractor. No one else chose to speak.

**Citizen Input**

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

**Appointed  
Representatives**

Fire Chief Mac Hohenberger presented the Argyle Volunteer Fire Department's Insurance Services Office (ISO) improved rating from a Public Protection Class 7/9 to a Public Protection Class 4/8B rating. Chief

**Presentation:  
AVFD Chief  
Hohenberger**

Hohenberger stated that in 2003, the AVFD set forth a goal to provide better service and lower insurance premiums for the citizens of the district. He stated that to achieve this goal, the district increased the training budget, purchased new equipment, updated existing facilities and equipment, installed reflective hydrant indicators, conducted tests of hoses and hydrants, improved documentation of reports and training records, and overall made a commitment to the community. Fire Hohenberger stated that the end result was that the AVFD recently received an improved rating of 4/8B and that most people should experience a reduction in their insurance premiums. He stated that without the assistance of the AWSC and the BWSC, the lower rating would not have been possible. Mayor Robertson thanked the Chief for all his hard work and his dedication to the community.

Dave Howell moved to approve Resolutions of Appreciation 2005-19, 2005-20, and 2005-21 for Mac Hohenberger and AVFD, Randall Davis and the AWSC, and Jim Leggare of BWSC, respectively. James Ashburn seconded the motion. For: Unanimous. The motion carried 4 to 0.

**ACTION: Approve Res. of Appreciation AVFD, AWSC, and BWSC**

The Town Council considered Ordinance 374-05, an Ordinance of The Town of Bartonville, Texas, amending Chapter 4 of the Town of Bartonville Code of Ordinances by repealing Article 4.200, Oil and Gas Pipeline Standards, in its entirety and replacing with a new Article 4.200, Sections 4.201 Through 4.237, Oil and Gas Pipeline Standards. Beverly Balch, Alan Seals and Peter Walling each expressed support for the revised regulations and asked that Council approve Ordinance 374-05. Town Engineer Gary Vickery and Town Attorney, Bob Hager presented the ordinance and reviewed recommended changes. Planning and Zoning Commission Vice Chairperson, Gloria McDonald stated that the Commission had worked with representatives of the pipeline industry to come up with a workable ordinance. She stated that the Commission recommended approval of the ordinance that had been presented. The Council reviewed the ordinance and discussed the requirement that pipeline operators maintain an A+ AM Best insurance rating. Ms. McDonald stated that the Commission was going to consider a revision to the Oil and Gas Operating Regulations to allow for a lower rating of "A" AM Best for Gas Well Operators. The Mayor stated that rather than amend the pipeline ordinance at a later date, the Council could adopt the pipeline regulations with a lower rate at this time.

**Discussion: Ordinance 374-05, Pipeline Regs**

Dave Howell moved to approve Ordinance 374-05 as recommended by the Planning and Zoning Commission and as revised to require an "A" AM Best Insurance rating for all pipeline operators. James Ashburn seconded the motion. For: Unanimous. The motion carried 4 to 0.

**ACTION: Approve Ordinance 374-05**

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 374-05 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 CHAPTER 4 OF THE CODE OF ORDINANCES BY

**Engross and Enroll: Ord 374-05, Pipeline Regulations**

REPEALING ARTICLE 4.200, OIL AND GAS PIPELINE STANDARDS, IN ITS ENTIRETY AND REPLACING WITH A NEW ARTICLE 4.200, SECTIONS 4.201 THROUGH 4.237, OIL AND GAS PIPELINE STANDARDS; PROVIDING FOR GENERAL REQUIREMENTS AND MINIMUM DESIGN STANDARDS; PROVIDING FOR NEW PERMITS; PROVIDING FOR PUBLIC EDUCATION; PROVIDING FOR PIPELINE INFORMATION REPORTING REQUIREMENTS; PROVIDING FOR PIPELINE MARKERS; PROVIDING FOR THE ONE CALL SYSTEM; PROVIDING FOR INACTIVE AND IDLED PIPELINES; PROVIDING FOR EMERGENCY RESPONSE PLANS AND EMERGENCY INCIDENT REPORTING; PROVIDING FOR PIPELINE REPAIRS AND MAINTENANCE; PROVIDING FOR STREET AND RIGHT-OF-WAY USE; PROVIDING A REQUIREMENT FOR BOND AND INSURANCE; PROVIDING FOR TERMINATION OF THE PERMIT; PROVIDING FOR DEFINITIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY 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 6. 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 Town Council considered Ordinance 375-05, an Ordinance of the Town of Bartonville, Texas, amending the Town of Bartonville Code of Ordinances by amending Chapter 3 to add a new Article 3.1200 to be entitled "Right-Of-Way Use," providing regulations for all construction, development, and use of the public Rights-Of-Way and utility easements. Town Attorney Bob Hager presented the Ordinance and explained the Town's authority to regulate the Right-of-Ways. Mr. Hager recommended that Council adopt the regulations in order to know what and where utilities were located in the Town's Right-of-Ways.

James Ashburn moved to approve Ordinance 375-05, as recommended by the Planning and Zoning Commission and Staff. Dave Howell seconded the motion. For: Unanimous. The motion carried 4 to 0.

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 375-05 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 3 TO ADD A NEW ARTICLE 3.1200 TO BE ENTITLED "RIGHT-OF-WAY USE" PROVIDING REGULATIONS FOR ALL CONSTRUCTION, DEVELOPMENT, AND USE OF THE PUBLIC RIGHTS-OF-WAY AND UTILITY EASEMENTS; PROVIDING A REPEALING CLAUSE; PROVIDING SAVINGS; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO

**Discussion:  
Ordinance 375-05,  
ROW Regs**

**ACTION: Approve  
Ord 375-05**

**Engross and Enroll:  
Ord 375-05, ROW  
Regulations**

THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. SECTION 6. This Ordinance shall take effect immediately from and after its passage as the law in such cases provides.

Town Engineer, Gary Vickery presented the tally sheet for the bids received for the Loving Branch Project. Mr. Vickery stated that the bid documents gave the Town the authority to award the contract to the lowest responsible bidder. He stated that the lowest base bid was received by Calvert Paving in the amount of \$166,913. The second lowest base bid was received from Jagoe Public, in the amount of \$167,767. However, due to an irregularity in the bid, the bid must be rejected. The third lowest base bid was received from North Texas Contracting in the amount of \$168,766. Based on recent projects that Calvert Paving has done in Bartonville, Mr. Vickery stated that he could not recommend that they be awarded the contract. He stated that the Loving Branch Project required an expedited construction schedule with particular emphasis on a road closure of minimal duration, a special emphasis on traffic control, and proactive communication with the Town in order to satisfactorily complete the project. Mr. Vickery stated that recent experience with Calvert Paving indicated that they had not demonstrated an ability to accomplish any of the critical components of the work. Mr. Vickery recommended that the Council award the base bid contract to North Texas Contracting, Inc. as the lowest responsible bidder. He further stated that all the bids received for the Alternate Bid proposal exceeded the budget amount of \$200,000.

**Discussion: Loving Branch Channel Improvement Project**

Dave Howell moved to award the Loving Branch Channel Improvement Project contract for the base bid to North Texas Contracting in the amount of \$168,766. Carla Anderson seconded the motion. For: Unanimous. The motion carried 4 to 0.

**ACTION: Award Bid Loving Branch Project**

The Council considered Ordinance 377-05, an Ordinance of the Town of Bartonville Providing a Schedule of Fees to Be Collected. Mayor Robertson stated that, with respect to Pipeline Permit Fees, the fee schedule needed further review by staff before adoption. He asked that the Council take no action on the proposed Ordinance until the next meeting. No action was taken.

**Discussion: Ordinance 377-05, Fee Schedule, No Action**

There were no requests for future agenda items.

**Future Agenda**

There being no further business to come before the body, the Mayor declared the meeting adjourned at 7:50 p.m.

**ADJOURNMENT**

**PASSED AND APPROVED this the 15<sup>th</sup> day of November 2005.**

Approved:

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Ron Robertson, Mayor

(Seal)

Attest:

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Debbie E. Millican, Town Secretary