

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

The regular monthly meeting of the Bartonville Town Council was held on January 18, 2011, at 7:00 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 Friday, January 14, 2011, at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

Present:

Ron Robertson, Mayor
Carla Anderson, Mayor Pro Tem
James Ashburn
Bill Reaves
Jim Farrell
Gracie Egan

Absent:

None

Also present: Kristi Gilbert, Town Secretary
Dave Howell, Police Chief
Julie Pandya, Assistant Town Attorney

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

Councilmember Ashburn moved to approve the following consent agenda item as presented: *A) Approval of the December 14, 2010 minutes; *B) Approval of Resolutions: 1) Resolution 2011-01, Supporting the Realignment of FM 407 and Establishing a Temporary Maximum Construction Speed Limit of 40 mph, 2) Resolution 2011-02, Re-naming Certain Portions of FM 407 and Accepting Control and Maintenance of Same. Councilmember Farrell seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

ACTION:

**Approve
Consent Agenda**

Town Secretary Kristi Gilbert updated the Town Council on annexing the area on the north side of Hawk Road. Police Chief Howell reported that the newly annexed area includes a low-risk sex-offender.

Liaison Reports

Kathy Daum, 1590 Post Oak Ln – Ms. Daum stated that she would like Crime Watch signs installed in the neighborhood. Ms. Daum stated that Ms. Gilbert told her two signs would cost \$225 to purchase and install. Ms. Daum stated that TxDOT had attempted to install a sign free of charge, but had been told to remove it.

Citizens' Speak

Zoe Nance, 890 Noble Champions Way – Thanks the Town for holding the meeting on November 30, 2010 and stated that she still believes the water is contaminated as a

result of hydraulic fracturing.

Mr. William Spore presented the Council with the Fiscal Year 2009-2010 Audit. Mr. Spore stated that the Town is very well managed and very well funded. Councilmember Egan inquired about posting the audit on the Town's website.

**Presentation:
Fiscal Year
2009-2010 Audit**

Councilmember Ashburn moved to accept the Fiscal Year 2009-2010 Audit. Councilmember Reaves seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

**ACTION:
Approve Audit**

The Town Council considered appropriate action relative to a request by Gulftex Operating, Inc for a Fracing Permit for the Frenchtown 2H gas well.

**Discussion:
Frenchtown
Fracing Permit**

Zoe Nance, 890 Noble Champions Way – Ms. Nance stated that she had been chosen to represent a percentage of the population affected by the gas wells. Ms. Nance read her letter dated January 18, 2011 (attached to minutes).

Councilmember Ashburn asked if there was documentation of a cancer cluster in the Indian Trail area. Ms. Gilbert responded that the Town had not received any documentation, unless it was provided in the packet Ms. Nance submitted immediately prior to the meeting.

Councilmember Reaves asked Ms. Nance if she had documentation indicating that the Saddlebrook pond had been contaminated. Ms. Nance indicated that she did have the documentation. Ms. Nance stated that no water tests had been performed prior to any gas well activity. When asked, Ms. Nance stated that no testing had been performed on the water in the bar ditches of Saddlebrook.

Councilmember Egan inquired of Gulftex how Basic Energy was associated with the company. Jerah Hutchins, Gulftex Operating, responded that Basic Energy was a sub-contractor that Gulftex has hired to perform the fracing.

Councilmember Egan stated that she wanted to find out, for future discussion, whether or not insurance can cover water quality.

Councilmember Reaves inquired about changes to the fracing fluid. Ms. Hutchins stated that she commended the residents for their persistence and that the longer process forced her to learn more about the chemical compounds and the fracing process. Ms. Hutchins stated that the new chemicals were bleach and lye.

Jayne Sizelove, 622 Frenchtown Rd, Argyle – Ms. Sizelove stated that she was a shareholder of the Frenchtown well, however, now she regrets signing the lease. Ms. Sizelove presented the Council with 2010 gas activity statistics (attached to the minutes).

Councilmember Ashburn moved to approve the fracing permit. Councilmember Anderson seconded the motion. For: Ashburn, Anderson, Reaves, and Farrell. Against: Egan. The motion carried by a vote of 4 to 1.

**ACTION:
Continued to
Next Meeting**

The Town Council considered appropriate action relative to the proposed replat of all or part of Block C, Lots 3, 4, 5, and 6, Stonewood Acres Subdivision, Phase II, by creating two lots, Lots 4R & 6R. Consideration included a request for a waiver from the required right-of-way dedication and approval of the final replat of Block C, Lots 4R & 6R of Stonewood Acres Subdivision, Phase II. Ms. Gilbert reviewed the application with the Council and stated that staff recommend approval of both the waiver request and the replat.

Discussion:
Stonewood
Replat and
Right-of-Way
Waiver

Councilmember Ashburn moved to approve the right-of-way waiver and replat of all or part of Block C, Lots 3, 4, 5, and 6, Stonewood Acres Subdivision, Phase II. Mayor Pro Tem Anderson seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

ACTION:
Approve Replat
and ROW
Waiver

The Town Council considered appropriate action regarding Board and Commission appointments. Consideration included accepting the resignation of Jim Langford from the Planning and Zoning Commission and the following resolutions: Resolution 2011-03, A Resolution Appointing Jim Strange as a Planning and Zoning Commission Member to fill the unexpired term of Commission Member Jim Langford; Resolution 2011-04, A Resolution Appointing Steve Harris as an Alternate to fill the unexpired term of Planning and Zoning Commission Alternate Jim Strange; and, Resolution 2011-05, A Resolution Appointing Alternate Member, Norma Harrington, to fill the unexpired term of Steve Harris on the Board of Adjustment.

Discussion:
Board and
Commission
Appointments

Councilmember Ashburn moved to accept Jim Langford's resignation and approve Resolution 2011-03, A Resolution Appointing Jim Strange as a Planning and Zoning Commission Member to fill the unexpired term of Commission Member Jim Langford; Resolution 2011-04, A Resolution Appointing Steve Harris as an Alternate to fill the unexpired term of Planning and Zoning Commission Alternate Jim Strange; and, Resolution 2011-05, A Resolution Appointing Alternate Member, Norma Harrington, to fill the unexpired term of Steve Harris on the Board of Adjustment. Councilmember Egan seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

ACTION:
Accept
Resignation and
Approve
Resolutions

The Town Council considered authorizing the Town Administrator to negotiate and enter into an agreement with Brad Hodges for Gas Well and Pipeline Inspection Services.

Discussion:
Authorize Gas
Well Inspector

Mayor Pro Tem Anderson moved to authorize the Town Administrator to negotiate and enter into an agreement with Brad Hodges for Gas Well and Pipeline Inspection Services. Councilmember Reaves seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

ACTION:

The Town Council considered appropriate action relative to Ordinance 510-11, an Ordinance amending the adopted Fee Schedule for the Town.

Discussion:
Ord. 510-11
Amend Fee
Schedule

Mayor Pro Tem Anderson moved to approve Ordinance 510-11 amending the fee schedule. Councilmember Ashburn seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

ACTION:
Approve Ord.
510-11

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 510-11, is hereby engrossed and enrolled by copying the exact Caption and the Effective Date Clause into these official minutes as follows: AN ORDINANCE OF THE TOWN OF BARTONVILLE AMENDING ORDINANCE 492-10, FEE SCHEDULE, SECTION I. ADMINISTRATIVE, USER OR REGULATORY FEES, SUBSECTION D. SPECIAL PERMITS, BY AMENDING THE FEES ASSOCIATED WITH GAS WELL DRILLING AND PRODUCTION ACTIVITIES; PROVIDING THAT THIS ORDINANCE IS 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 OF BARTONVILLE AND PROVIDING AN EFFECTIVE DATE. SECTION 8. EFFECTIVE DATE This ordinance shall be in full force and effect from and after its passage and publication hereof.

**Engross/Enroll:
Ordinance 510-
11 Amending
Fee Schedule**

Pursuant to Section 551.071 of the Texas Government Code the Town Council entered into a closed session at 8:00 p.m., regarding pending litigation: Cause No. 2010-30336-211; Mockingbird Pipeline, L.P. vs the Town of Flower Mound and the Town of Bartonville, pending in the 211th Judicial District Court, Denton County, Texas; and, Cause No. 2010-40293-362; Mary Rettig and David Rettig vs the Town of Bartonville and the Town of Flower Mound, pending in the 362nd Judicial District Court, Denton County, Texas.

**Executive
Session**

The Town Council adjourned the Executive Session and resumed the open session of the meeting at 8:30 p.m.

Open Session

No action was taken regarding the Executive Session.

No action

There were no requests for future agenda items.

Agenda Items

There being no further business to come before the Council, Mayor Robertson declared the meeting adjourned at 8:30 p.m.

Adjournment

APPROVED this the 15th day of February, 2011.

Approved:

Ron Robertson, Mayor

(Seal)

Attest:

Debbie E. Millican, Town Administrator