

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

The regular monthly meeting of the Bartonville Town Council was held on May 17, 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, May 13, 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: Debbie E. Millican, Town Administrator
Bob Hager, Town Attorney
Kristi Gilbert, Town Secretary

Mayor Robertson called the meeting to order at 7:00 p.m.

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

Sharon Wilson of 1120 N Locust, Denton, Texas, stated that she was with the Texas Oil and Gas Accountability Program. Ms. Wilson, speaking on Resolution 2011-14. Stated that so far the Town of Dish, Dallas County, and the Town of Flower Mound had approved similar resolutions. She said that this was a chance to make a big difference in air quality. Ms. Wilson stated that natural gas Volatile Organic Compounds (VOCs) had surpassed vehicle VOCs. She said that cars and other industries have been regulated. However, the gas industry was not regulated. In response to a question from Councilmember Egan, Ms. Wilson stated that the TXOGAP was not a political action committee. No one else spoke.

Town Secretary Kristi Gilbert reported on the unofficial results of the May 14, 2011, General Election. Chief of Police Howell presented information on police department activities and statistics for May 2011.

Liaison Reports

Del Knowler of 739 Seals Road congratulated the newly elected and incumbent Councilmembers on prevailing at the poles. He reminded the Council that the only way to keep Bartonville rural was continue not extending the sewer and to maintain low-income housing. No one else chose to speak during the Citizens' Appearance

Citizens' Input

portion of the meeting for non-agenda items.

The Town Council conducted a hearing to hear public comment and to consider Ordinance 518-11 granting Bartonville Town Center's request to amend the zoning regulations to allow for a conditional use permit for property located at 2650 FM 407 to allow for the installation of a center identification monument sign not to exceed twelve feet (12') in height and no greater than ninety-six (96) square feet in area in accordance with Ordinance 508-10.

Public Hearing:

Mayor Robertson opened the hearing and asked to hear from staff.

Hearing Opened

Town Secretary Kristi Gilbert stated that the Planning and Zoning Commission had recommended that the Town Council deny the request for a Center Identification Monument Sign. She said that the request should not have been considered by the Planning and Zoning Commission, as the sign regulations are not part of the Zoning Regulations. Ms. Gilbert stated that the proposed sign was in conformance with Town Ordinances and staff recommended approval.

Staff

Mayor Robertson asked to hear from the applicant.

Applicant

Tommy Bell spoke on behalf of the applicant, Barnett Signs. Mr. Bell referred to studies regarding visibility on a thoroughfare. He said that a typical driver only has 10 seconds to read a sign when traveling at 55 miles per hour. Mr. Bell stated that the current monument signs at the Bartonville Town Center could not be seen by the average driver. He said they needed a sign large enough for people to read the sign and still be able to turn in. Mr. Bell showed depictions of the proposed sign (Exhibit #1). He presented drawings/photos comparing the size of the proposed sign with other signs located in Highland Village to show that the proposed sign was much smaller than the average center identification sign. Referring to the depiction of the proposed sign, he said that it would be made to match the surrounding buildings. He asked that the Council approve the requested CUP.

No one spoke in Favor. Planning and Zoning Commission Member Betty Medlock stated that she was very much opposed to the sign and that the Planning and Zoning Commission's decision was to deny the request. She said that the proposed sign did not reflect rural Bartonville. Ms. Medlock said that she had driven around the area and that Mr. Bell did not show any of the numerous low profile signs in his presentation. She said the four-foot monument signs in Highland Village and Flower Mound seemed to be okay in those cities. She said that the Planning and Zoning Commission took their role very seriously. Ms. Medlock challenged the Council to maintain the rural atmosphere of Bartonville by denying the proposed CUP. The Mayor entered a letter of opposition into the record from Stewart Welch of Saddlebrook (Exhibit #2). No one else spoke in opposition.

**In Favor/
Opposed**

Bruce Monroe, owner of the Bartonville Town Center, stated that the sign was tastefully designed and would greatly increase traffic in the center. He thanked the Council for amending the sign regulations in an effort to help Bartonville businesses. Mr. Monroe said that 7-11 would be a very good tenant and would also increase the town's sales tax revenue by at least \$25,000 annually. He stated that, relatively

Rebuttal

speaking, a 12' sign sitting in front of three 40' tall buildings would not be intrusive. He said the proposed sign met all of the conditions set forth in the Code of Ordinance and asked that the Council approve the CUP.

Mayor Robertson closed the hearing to public comment.

Hearing Closed

Councilmember Ashburn moved to approve Ordinance 518-11 as presented. Councilmember Farrell seconded the motion. For: Unanimous. The motion carried by a vote of 4 to 0.

**ACTION:
Approve CUP**

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 518-11, 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, TEXAS, AMENDING TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 14, ARTICLE 14.300, ORDINANCE 361-05, ZONING REGULATIONS FOR THE TOWN OF BARTONVILLE, BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE INSTALLATION OF A CENTER IDENTIFICATION SIGN OF UP TO TWELVE FEET TALL AND TO ALLOW THE CONTINUED PLACEMENT OF TWO MONUMENT SIGNS ON A TRACT OF LAND OF APPROXIMATELY 15.00 ACRES KNOWN AS LOT 1R, BLOCK A OF DENKMANN PLAZA ADDITION, AN ADDITION TO THE TOWN OF BARTONVILLE, TEXAS AS RECORDED IN CABINET U, PAGE 934 OF THE PLAT RECORDS OF DENTON COUNTY, TEXAS; PROVIDING FOR AN AMENDMENT TO THE OFFICIAL ZONING MAP; PROVIDING FOR CONDITIONS AS DESCRIBED HEREIN AND ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR CONFORMANCE WITH THE SUBMITTED DEPICTION, WHICH IS ATTACHED HERETO AS EXHIBIT "B"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING SAVINGS; PROVIDING SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND NAMING AN EFFECTIVE DATE. SECTION 9. EFFECTIVE DATE: This Ordinance shall be in full force and effect upon passage and publication in the official newspaper.

**Engross/Enroll:
Ordinance 518-
11**

The Town Council considered a request by XTO Energy, Inc for a fracing permit for the Ginger Hackle 1H gas well located east of Gibbons and north of East Jeter Road. *Note: The application for this fracing permit was submitted prior to the effective date of the temporary and/or the ninety-day gas moratorium.*

**Discuss: XTO
Fracing Permit**

Bob Manthei of 810 Houston Street, Fort Worth, spoke on behalf of XTO Energy. Mr. Manthei reviewed the fracing permit and presented information on the fracing process (Exhibit #3). In response to a question from Councilmember Egan, Mr. Manthei stated that this would be the first time that XTO fraced the well. He said it had been fraced several years ago by the drilling company that first drilled the well. He said the flow-back waste would be hauled to an injection-well near Gainesville using a predetermined truck route.

Councilmember Ashburn moved to approve the fracing permit. The motion died for a lack of a second. Councilmember Farrell stated that the newly formed gas committee was trying to better-understand everything in front of them. He asked if it would make more sense to table the decision. Mayor Robertson stated that the permit application had been submitted prior to the issuance of the moratorium and should be processed as all others before it. He said that the Council should act by either denying or approving the permit. Mayor Robertson called for an executive session with the Town Attorney. Pursuant to Section 551.071, of the Texas Government Code the Town Council entered into a closed session at 7:47 p.m., to seek advice from the Town Attorney on a matter in which the duty of the Attorney to the Town of Bartonville under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas required confidentiality.

Executive Session

The Town Council adjourned the Executive Session and resumed the open session of the meeting at 7:52 p.m.

Open Session

Councilmember Ashburn moved to approve the XTO Energy/Ginger Hackle fracing permit as presented. Mayor Pro Tem Anderson seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

**ACTION:
Approve XTO
Frac Permit**

The Council considered the contract for 2011 Landfall Circle Culvert Improvements. Town Administrator Millican stated that Jagoe Public had brought in the lowest bid. However, she said, the Jagoe superintendent was the father of the Town Engineer. She stated that both Gary Vickery and his father's character were above reproach, however, it could give the appearance of impropriety. Ms. Millican recommended that the Council award the bid to Jagoe conditioned that the superintendent be someone other than Mr. Vickery's father. Councilmember Ashburn stated that given the character of Mr. Vickery and the fact that the possible conflict was brought out in the open, there would be no need to add conditions to the contract.

**Discuss: Award
Landfall Circle
Bid**

Councilmember Ashburn moved to award the contract to the lowest bidder, Jagoe Public. Councilmember Egan seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

**ACTION:
Approve Jagoe
Contract**

Mayor Robertson moved the agenda item regarding future agenda items to be considered before the Executive Session. There were no requests for future agenda items.

Future Agenda

Councilmember Egan left the meeting at 7:54 p.m.

Egan Left Mtg

Pursuant to Section 551.071(1) of the Texas Government Code the Town Council suspended the open meeting and entered into a closed session at 7:55 p.m., with the Town Attorney, Bob Hager, to discuss pending or contemplated litigation relative to the Bartonville Water Supply Corporation (BWSC).

Executive Session

The Council adjourned the Executive Session and reconvened the open meeting at 8:10 p.m.

Open Session

Councilmember Ashburn moved that, with the possible ligation between the Town and the BWSC, the Mayor be authorized to seek an Attorney General Opinion regarding a possible conflict of interest by Councilmember Egan also serving on the BWSC Board of Directors with regard to all related matters including, but not limited to, budget

**ACTION:
Authorize AG
Opinion**

preparation. Councilmember Farrell seconded the motion. For: Unanimous. The motion carried by a vote of 4 to 0.

There being no further business to come before the Council, Mayor Robertson **Adjournment** declared the meeting adjourned at 8:14 p.m.

APPROVED this the 21st day of June 2011.

Approved:

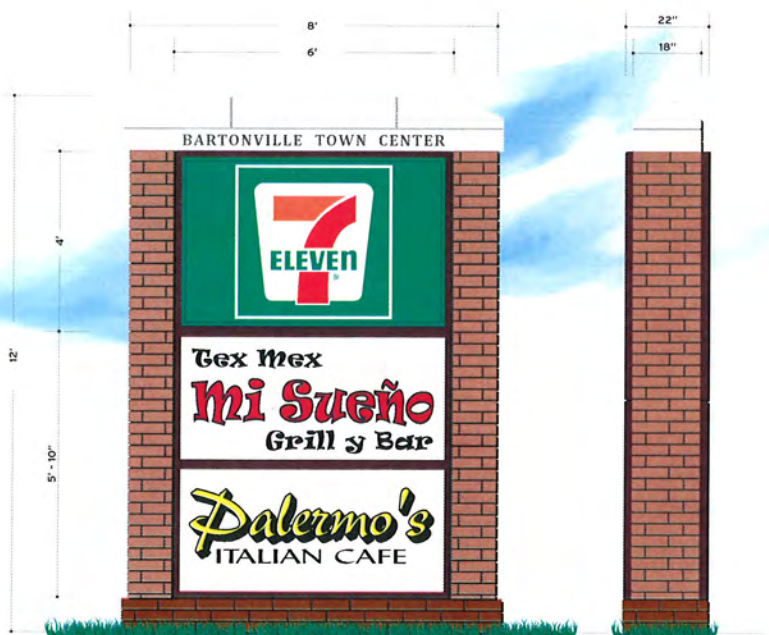
Ron Robertson, Mayor

(Seal)

Attest:

Debbie E. Millican, Town Administrator

May 17, 2011
EXHIBIT
#1



PROPOSED ILLUMINATED MONUMENT SIGN - QTY. 1
SIGN AREA = 58.98 SQ. FT.



SCALE COMPARISON CHART



SIGN AREA = 244 SQ. FT.



SIGN AREA = 232 SQ. FT.



SIGN AREA = 160 SQ. FT.



SCALE COMPARISON CHART



SIGN AREA = 170 SQ. FT.



SIGN AREA = 126 SQ. FT.



SIGN AREA = 92 SQ. FT.



May 17, 2011
EXHIBIT 2

Kristi Gilbert

From: Stuart [gswelsh@me.com]
Sent: Tuesday, May 17, 2011 5:40 PM
To: Kristi Gilbert
Subject: Zoning change request

To the Town Council,

Let me first express my apologies for not being here in person to convey my thoughts on the Zoning request before you this evening.

I write to you this evening to express my opposition to the zoning request you will be considering in tonight's meeting. The proposed back-lit sign, up to 12 feet tall, 96 square feet in area and therefore up to 8 feet wide is unbecoming a town seeking to keep the rural look and feel. I understand that part of the reason this sign is proposed at this size is to allow greater signage for tenants in the center but the fact it comes as 7-Eleven seeks to take over the space previously occupied by Andrews smacks as self serving. I'm of the opinion that the convenience store has seen championing the cause of other tenants as leverage to gain the signage they seek.

We like many residents of Bartonville settled her for the atmosphere that current ordinances, including signage are intended to protect. A glowing monolith 12' high is not what Bartonville is all about. Those who open a business in Bartonville should do so only after they are fully aware of the regulations in place.

Please vote against the zoning request before you.

Stuart Welsh

Total Control Panel

[Login](#)

To: kgilbert@townofbartonville.com [Remove this sender from my allow list](#)
From: gswelsh@me.com

You received this message because the sender is on your allow list.

MAY 17, 2011
EXHIBIT 3

ASSESSMENT UNITS 1 THROUGH 8



SYSTEM AND SERIES		STAGE	GROUP OR FORMATION	
CRETACEOUS	LOWER	COMANCHEAN	GOODLAND FORMATION PALUXY FORMATION	
			GLEN ROSE FORMATION	
PERMIAN			OCHOAN	
		GUADALUPIAN		
		LEONARDIAN		
		WOLFCAMPIAN		
PENNSYLVANIAN	UPPER	CANYON GROUP	CISCO GROUP	BRECKENRIDGE FORMATION CISCO FORMATION
			HOME CREEK LIMESTONE COLONY CREEK SHALE	
			RANGER LIMESTONE PLACID SHALE	
			WINCHELL LIMESTONE CEDARTON SHALE ADAMS BRANCH LIMESTONE BROWNWOOD SHALE	
			PALO PINTO FORMATION	
	MIDDLE	STRAWN GROUP	KEECHI CREEK SHALE CAPPS LIMESTONE GARNER FORMATION	
			GRINDSTONE CREEK FORMATION LAZY BEND FORMATION	
			WICHITA GROUP	CADDO FORMATION
	LOWER	BEND GROUP	ATOKAN	SMITHWICK SHALE PREGNANT SHALE BIG SALINE FORMATION SMITHWICK SHALE
			MORROWAN	"MORROW" MARBLE FALLS LIMESTONE COMYN FORMATION
MARBLE FALLS GROUP				
MISSISSIPPIAN		CHESTERIAN-MERAMECIAN	BARNETT SHALE	
		OSAGEAN	CHAPPEL LIMESTONE VIOLA LIMESTONE	
ORDOVICIAN	UPPER		SIMPSON GROUP	
	LOWER		ELLENBURGER GROUP	
CAMBRIAN	UPPER		WILBERNS - RILEY - HICKORY FORMATIONS	
PRE-CAMBRIAN			GRANITE - DIORITE - METASEDIMENTS	

BARNETT-PALEOZOIC TOTAL PETROLEUM SYSTEM





**Ginger Hackel 1H
Newark East Field
Denton County, TX**

TD - 10719 ft MD / 8330 ft TVD

Surface Casing - 12 1/4 Bit
9 5/8" 36/40 lb/ft J-55 LT&C
Casing Yield - 3520 psi / 3950 psi
Setting Depth - 1563 ft

Cement
Lead - 445 sx 35/65 POZ Class C
Tail - 180 sx Class C

Production Casing - 8 3/4 Bit
5 1/2" 17 lb/ft N-80 LT&C
Casing Yield - 7740 psi
Setting Depth - 10719 ft

Marker Joint - 8000 ft

Cement
Lead - 100 sx 50/50 POZ Class H
Tail - 790 sx 50/50 POZ Class H

LANDING POINT
MD 8628'
TVD 8384'
INC. 90.8 DEG
AZ. 325.3 DEG

TD
MD 10749'
TVD 8328'
INC. 90.2 DEG
AZ. 315 DEG

Perforations			
Stage	1	6 SPF	TVD
10,270	-	10,272	8328
10,360	-	10,362	8328
10,450	-	10,452	8329
10,540	-	10,542	8330
10,635	-	10,637	8330

Total Holes 60

Stage	2	6 SPF	TVD
9,730	-	9,732	8356
9,910	-	9,912	8345
10,090	-	10,092	8333
10,180	-	10,182	8330

Total Holes 48

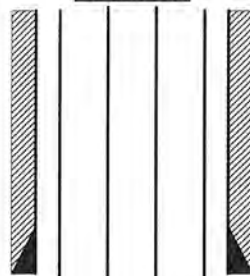
Stage	3	6 SPF	TVD
9,190	-	9,192	8381
9,370	-	9,372	8380
9,550	-	9,552	8369
9,640	-	9,642	8362

Total Holes 48

Stage	4	6 SPF	TVD
8,650	-	8,652	8384
8,740	-	8,742	8384
8,830	-	8,832	8383
9,010	-	9,012	8382
9,100	-	9,102	8382

Total Holes 60

Current



RIG NABORS 91
CMT PUMP CO.
MUD HORIZON
DIR DRL INTREPID
WELLHEAD WEATHERFORD

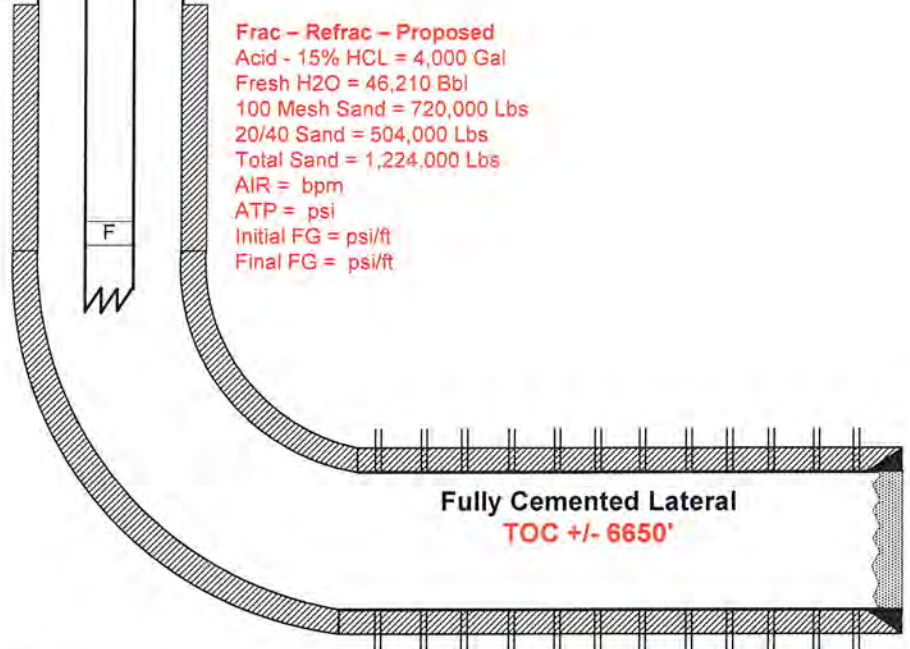
Prepared by: D Robles
Updated by: Urbis
Date: 5/18/2010

GL = 547 ft

X: 2369571
Y: 7061004

History:
1/10/11 - Swab well

Frac - Refrac - Proposed
Acid - 15% HCL = 4,000 Gal
Fresh H2O = 46,210 Bbl
100 Mesh Sand = 720,000 Lbs
20/40 Sand = 504,000 Lbs
Total Sand = 1,224,000 Lbs
AIR = bpm
ATP = psi
Initial FG = psi/ft
Final FG = psi/ft



Frac - Stage 1 5/8/2007
Acid - 15% HCL = 5,000 Gal
Fresh H2O = 24,913 Bbl
100 Mesh = 32,400 Lbs
30/70 Sand = 377,600 Lbs
20/40 Sand = 112,108 Lbs
Total Sand = 522,108 Lbs
AIR = 96.00 bpm
ATP = 5,828 psi
Final FG = 0.81 psi/ft

Frac - Stage 2 5/9/2007
Acid - 15% HCL = 5,000 Gal
Fresh H2O = 23,160 Bbl
100 Mesh = 32,606 Lbs
30/70 Sand = 376,089 Lbs
20/40 Sand = 113,715 Lbs
Total Sand = 522,410 Lbs
AIR = 104.00 bpm
ATP = 5,744 psi
Final FG = 0.87 psi/ft

Frac - Stage 3 5/10/2007
Acid - 15% HCL = 5,000 Gal
Fresh H2O = 23,684 Bbl
100 Mesh = 33,150 Lbs
30/70 Sand = 371,550 Lbs
20/40 Sand = 118,600 Lbs
Total Sand = 523,300 Lbs
AIR = 100.00 bpm
ATP = 5,486 psi
Final FG = 0.77 psi/ft

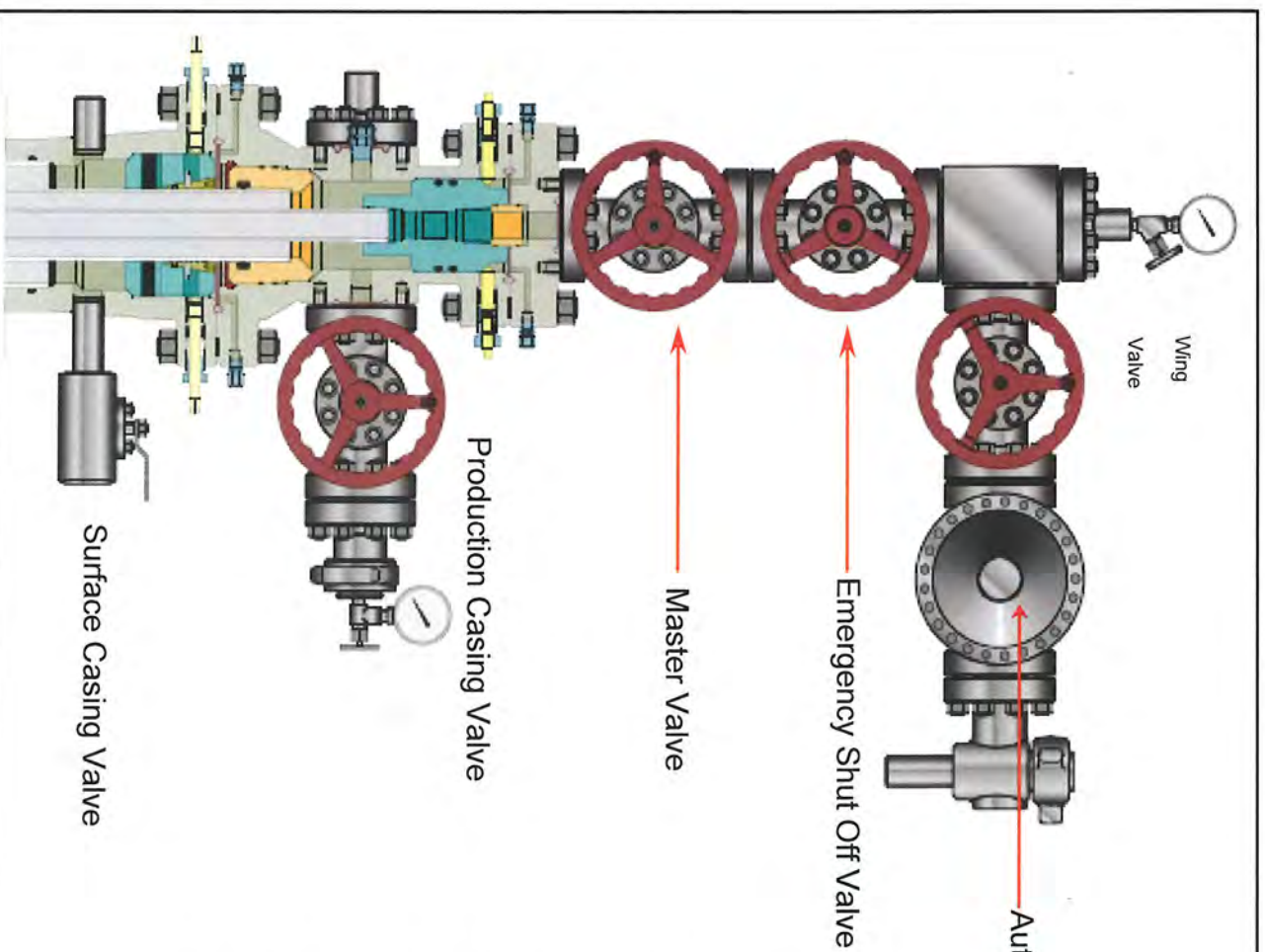
Frac - Stage 4 5/11/2007
Acid - 15% HCL = 5,000 Gal
Fresh H2O = 20,821 Bbl
100 Mesh = 35,000 Lbs
30/70 Sand = 370,000 Lbs
20/40 Sand = 90,000 Lbs
Total Sand = 495,000 Lbs
AIR = 99.00 bpm
ATP = 4,971 psi
Final FG = 0.84 psi/ft

Completed Lateral Length
1,987 ft
496 ft/stg

Total Load to Recover
92,578 bbls
23,145 bbls/stg
47 bbls/ft (1,957 gals/ft)

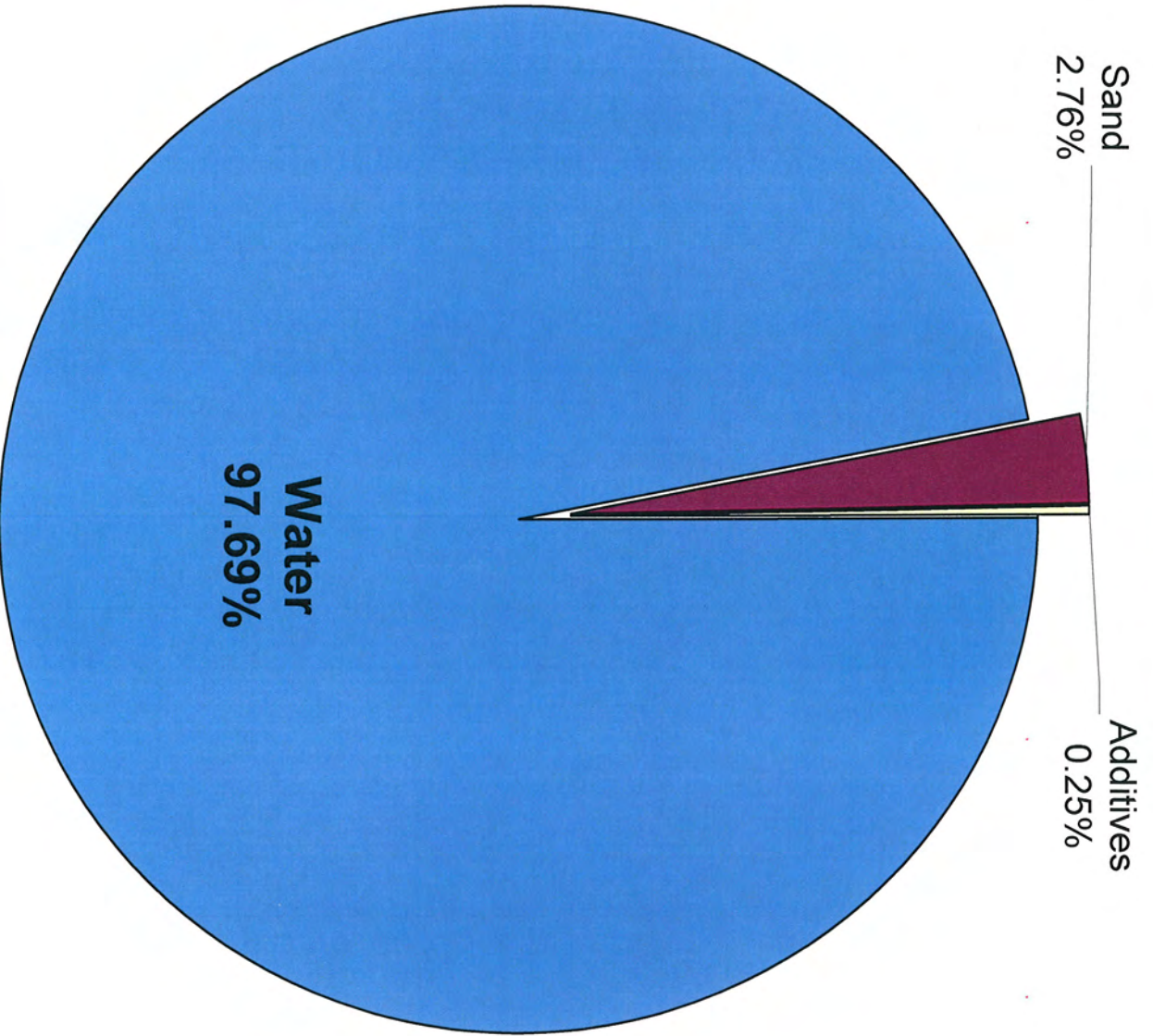
Total Sand
2,062,818 lbs
515,705 lbs/stg
1,038 lbs/ft
22 lbs/bbl

Avg Rate = 100 bpm
Avg Pressure = 5,507 psi
Avg FGf = 0.82 psi/ft



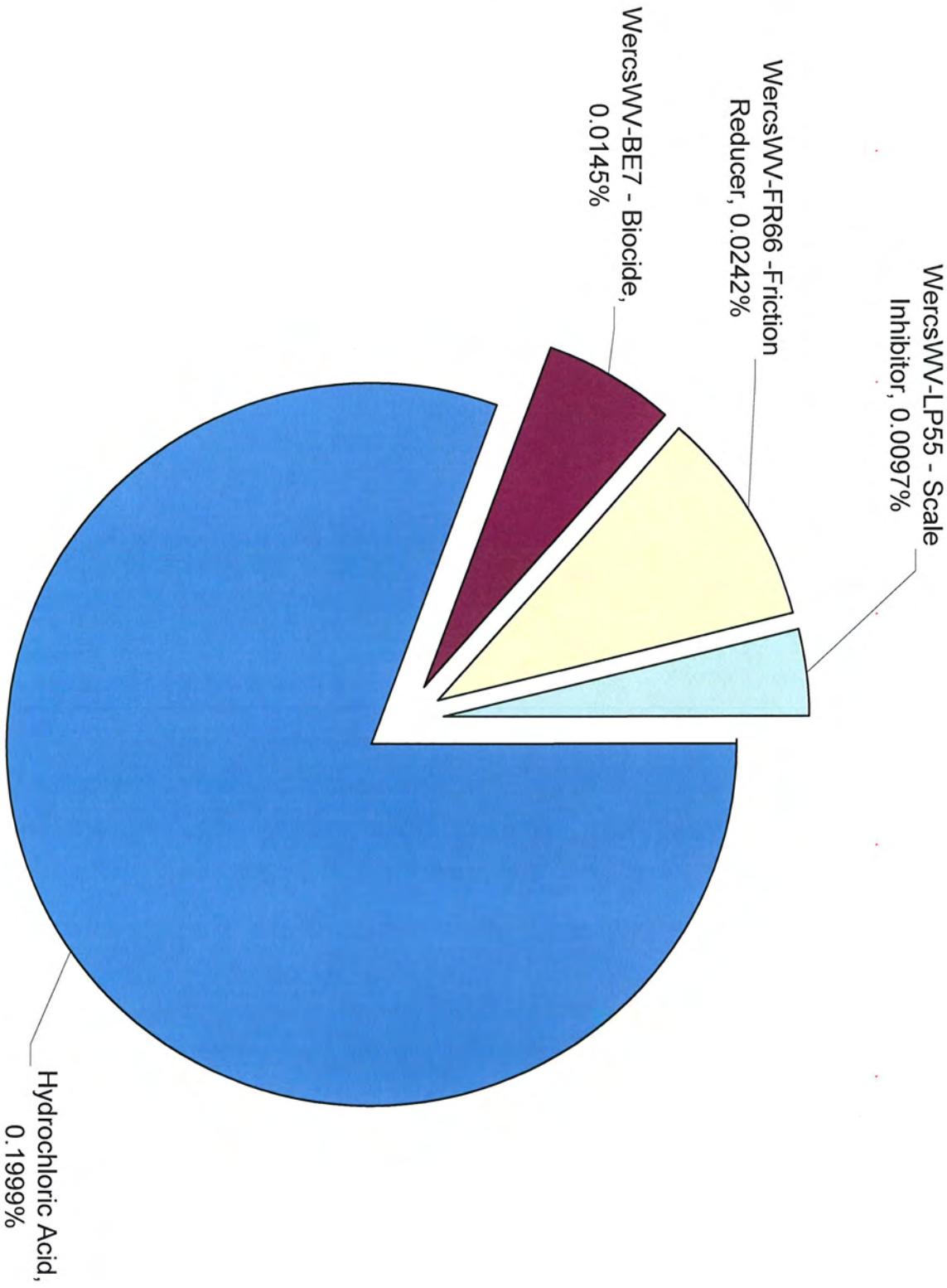
- 1). Wellhead (Christmas Tree) is rated for 5000 psi.
- 2). Well is fractured through the casing and not the wellhead.
- 3). Surface Casing pressure is monitored during and after fracturing to ensure its integrity.
- 4). The additives are mixed with fracturing fluid while it is being pumped into the well bore for safety reasons.

Ginger Hackle Frac Fluid



- Water
- Sand
- Additives

Ginger Hackle Frac Additives



- Hydrochloric Acid
- WercsWV-BE7 - Biocide
- WercsWV-FR66 -Friction Reducer
- WercsWV-LP55 - Scale Inhibitor

Frac Fluids			Hazardous Component listed on MSDS	Common Uses
Name	Gallons Used	Percent of Volume		
Fresh Water	1,940,832.00	96.9870%		Potable - Drinking, bathing, cooking, non-potable swimming, skiing and other water recreational activities.
Frac Sand - Silica Sand	55,324.70	2.764678%	1,224,000 lbs	hydrophobic silica it is used as a defoamer component. In hydrated form, it is used in toothpaste as a hard abrasive to remove tooth plaque, water filtration units and for play sand
89-99.9%			Crystalline silica	
Chemical Additives	4,970.00	0.248360%		
Data from MSDS Sheets				
Wercs WV-BE7 - Biocide	291.00	0.014542%		Bleach - better known as Chlorox or Clorox Bleach, used as an oxidizing and bleaching agent in detergents and as a disinfectant. Also used in Sherwin-Williams Cuprinal Deck Wash, Lysol disinfectant Toilet Bowl Cleaner with Bleach, Cascade Pure Rinse Formula, and in Drano, Comet, and Tilex.
30%	87.30	0.004363%	Sodium Hypochlorite	
2%	5.82	0.000291%	Sodium Hydroxide	Caustic Soda - used in cleaners, detergents, and water softeners such as Classic Car Wash, Drano Gel, Liquid Plumber Foaming Pipe Snake, Woolite Detergent, and Calgon Water Softner and others
				Biocides are added for safety reasons. They prevent the spread of harmful bacteria that can cause corrosion to the well bore. It also prevents the formation of hydrogen sulfide gas, which can be toxic.
Wercs WV-FR66 -Friction Reducer	485.00	0.0242%		
30%	145.50	0.007271%	Hydrotreated Light distillate	Mineral Spirits, used to dilute paints, cleaning agents, degreaser, dewaxers, cosmetics, and laxatives.
				Friction reducers are added for safety reasons. These reducers keep pump pressures lower protecting the integrity of the well bore.

Frac Fluids				Common Uses
Name	Gallons Used	Percent of volume	Hazardous Component listed on MSDS	Common Uses
Hydrochloric Acid	4,000.00	0.1999%		Found naturally in gastric acid, used in the chemical industry as a chemical reagent in the large-scale production of vinyl chloride for PVC plastic. It has numerous smaller-scale applications, including swimming pools, household cleaning, production of gelatin and other food additives, descaling, and leather processing
	15%	600.00	0.029983% Hydrochloric Acid	Hydrochloric acid is added for safety reasons. The acid will remove mill slag and rust from the casing. Mill slag and rust are food sources for bacteria that will cause corrosion and iron sulfide. Iron sulfide can spontaneously combust in air when dry. It also cleans the perforations to prevent plugging and keep pump pressure low.
Wercs WV-LP55- Scale Inhibitor	194.00	0.0097%		
	60%	116.40	0.005817% Polyacrylate	Acrylat polymer - used in plastics, and Acrylic Latex Paints. Also used in Cascade Plastic Booster, and several beauty aids such as Oil of O'LAY Facial Cleansing Lotion, Ponds Cleansing Cream
				Scale inhibitor is added for safety reasons. The fresh water will leech minerals out of the shale and form scale. Scale deposits will cause corrosion between the casing and the scale.
Total gallons pumped	2,001,126.70			