

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

The regular monthly meeting of the Bartonville Town Council was held on June 21, 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, June 17, 2011, at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

Present:

Ron Robertson, Mayor
Carla Anderson, Mayor Pro Tem
Bill Reaves
Jim Farrell
Gracie Egan
Ryan Litherland

Absent:

None

Also present: Debbie E. Millican, Town Administrator
Bob Hager, Town Attorney
Dave Howell, Chief of Police

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

The Town Council considered: *A) Approval of Minutes: 1) May 17, 2011, Regular Monthly Meeting; 2) May 24, 2011, Special Called Meeting to Canvass the May 14, Election Results; and 3) May 24, 2011, Special Called Meeting. *B) Approval of Resolutions: 1) Resolution 2011-16, a resolution setting a date, time and place for a public hearing on the proposed annexation of property as petitioned by Curtis and Linda Jordening; 2) Resolution 2011-17, a resolution setting a date, time and place for a public hearing on the proposed annexation of property as petitioned by Sherry K. Haigh; 3) Resolution 2011-18, a resolution setting a date, time and place for a public hearing on the proposed annexation of property as petitioned by Danny R. Martinez; 4) Resolution 2011-19, a resolution setting a date, time and place for a public hearing on the proposed annexation of property as petitioned by Rochelle Chandler of Cammbre LLP; 5) Resolution 2011-20, a resolution setting a date, time and place for a public hearing on the proposed annexation of property as petitioned by Robert & Tiffany McMillan; 6) Resolution 2011-21, a resolution setting a date, time and place for a public hearing on the proposed annexation of property as petitioned by Mark A. & Susan N. Johnson; and 7) Resolution 2011-22, a resolution setting a date, time and place for a public hearing on the proposed annexation of property as petitioned by Terry and Claire Rock of Vencaprook, LLP. *C) Authorize the Mayor and Town

Administrator to negotiate the release or terms of a boundary agreement with the Town of Flower Mound for Bartonville's remaining southernmost Extraterritorial Jurisdiction located: 1) west of McMakin Road, north of Hawk Road, east of Porter Road and abutting portions of the southern corporate limits of Bartonville and 2) approximately twenty-five acres located west of Rockgate Road and abutting the Tour 18 Addition, Flower Mound, Texas.

Councilmember Egan stated that she had not attended the two May 24, 2011, meetings and would abstain from voting on Consent Agenda items A2 and A3.

Abstention: Egan

Councilmember Reaves moved to approve consent agenda item A-1, approval of the May 17, 2011, Regular Monthly Meeting minutes. Mayor Pro Tem Anderson seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

ACTION: Approve Consent A-1

Mayor Pro Tem Anderson moved to approve consent agenda items: A-2, approval of the May 24, 2011, Special Called Meeting minutes to Canvass the May 14, Election Results; and A-3, approval of the May 24, 2011, Special Called Meeting minutes, as presented. Councilmember Litherland seconded the motion. For: Anderson, Litherland, Farrell, Reaves. Against: None. Abstain: Egan. The motion carried by a vote of 4-0-1.

ACTION: Approve Consent A-2 & A-3

Councilmember Egan moved to approve the remaining consent agenda items B and C, as presented. Councilmember Farrell seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

ACTION: Approve Consent B&C

Chief of Police, Dave Howell, presented department statistics for the month of May 2011 and reported on a population increase of feral hogs.

Liaison Reports

No one chose to speak.

Citizen Input

The Town Council conducted a public hearing to receive public comment on whether or not the Town of Bartonville should extend, for an additional ninety (90) days, the moratorium on gas drilling permits, fracing permits, and/or the use of chemicals in the fracing process as first enacted, by adoption of Ordinance 515-11, on March 30, 2011. *Councilmember Egan recused herself from the deliberations.*

Public Hearing

Mayor Robertson opened the hearing and asked to from those in favor and those opposed to extending the moratorium.

Hearing Opened

No one spoke in favor or in opposition.

Mayor Robertson closed the hearing to public comment.

Hearing Closed

Mayor Pro Tem Anderson reported that the Gas Drilling Ad Hoc Committee's findings and recommendations would be complete by August or September.

Councilmember Reaves moved to approve Ordinance 519-11, an ordinance extending for an additional ninety (90) days, the moratorium on gas drilling permits, fracing permits, and/or the use of chemicals in the fracing process as first enacted, by adoption of Ordinance 515-11, on March 30, 2011. Councilmember Litherland seconded the motion. For: Reaves, Litherland, Anderson, Farrell. Against: None. Abstain: Egan. The motion carried by a vote of 4 -0-1.

ACTION: Approve Ord 519-11

In accordance with Texas Local Government Code, Section 22.073 (b), Ordinance 519-11, 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 COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING AN ORDINANCE ESTABLISHING A MORATORIUM ON ACCEPTING, PROCESSING OR ISSUING PERMITS, AUTHORIZATION OR APPROVALS NECESSARY FOR THE CREATION OF FRACING PERMITS WITHIN THE TOWN; PROVIDING FOR A NINETY (90) DAY EXTENSION; PROVIDING FOR A WAIVER BY THE TOWN COUNCIL, AFTER NOTICE AND HEARING IN ACCORDANCE WITH STATE LAW; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO-THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE. SECTION 10. EFFECTIVE DATE: This Ordinance shall be in full force and effect upon passage as provided by law.

**Engross/Enroll:
Ordinance 519-11,
Extending
Moratorium**

The Council considered approval of the following consultant/contractor services agreements for FY 2011/12: Animal Control Services with Brian Hall d/b/a Brian the Animal Guy; Building Inspection/Code Enforcement Services with Steve Koehler; and Registered Sanitarian; and Food Service Inspections Contract with Bailey Environmental Services.

Mayor Pro Tem Anderson moved to approve FY 2011-2012 consultant/contractor service contracts with Brian Hall d/b/a Brian the Animal Guy, Steve Koehler, and Bailey Environmental Services. Councilmember Farrell seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

**ACTION: Approve
FY 10-11 Contracts**

The Council considered the election/appointment of Mayor Pro-Tem, Council Liaisons, and Representatives. Mayor Robertson presented recommendations for appointment.

Councilmember Egan moved to approve the appointments of the Mayor Pro Tem and Council Liaisons as recommended by the Mayor. Councilmember Reaves seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

**ACTION: Approve
Council
Appointments**

There were no requests for future agenda items.

Future Agenda

Councilmember Egan left the meeting at 7:15 p.m. as she was abstaining from the remaining agenda items due to a conflict of interest at the request of the Mayor and Town Attorney.

Egan Left Mtg

The chambers were cleared as the Mayor, Town Council, and Town Attorney Bob Hager, suspended the open meeting to convene into Executive Session at 7:16 p.m., pursuant to Section 551.071(1) of the Texas Government Code to discuss pending or contemplated litigation: 1) 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. 2) Cause No. 2011-30396-211; Mockingbird Pipeline, L.P. vs. the Town of Town of Bartonville, pending in the 211th

Executive Session

Judicial District Court, Denton County, Texas. 3) 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. 4) Cause No. 2011-30373-211; Bartonville Water Supply Corporation vs. The Town of Bartonville and the Town Council of the Town of Bartonville, pending in the 211th Judicial District Court, Denton County, Texas.

The Council adjourned the Executive Session and reconvened the open meeting at 7:30 p.m. No action was taken. **Open Session**

There being no further business to come before the Council, Mayor Robertson declared the meeting adjourned at 7:31 p.m. **Adjournment**

APPROVED this the 19th day of July 2011.

Approved:

Ron Robertson, Mayor

(Seal)

Attest:

Kristi Gilbert, Town Secretary