

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

The regular monthly meeting of the Bartonville Town Council was held on July 19, 2011, at 6:30 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 3:30 p.m., on Friday, July 15, 2011, at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

Present:

Ron Robertson, Mayor
Carla Anderson, Mayor Pro Tem
Jim Farrell
Gracie Egan (arrived at 6:45 p.m.)
Ryan Litherland

Absent:

Bill Reaves

Also present: Kristi Gilbert, Town Secretary
Alexis Allen, Town Attorney
Dave Howell, Chief of Police

Mayor Robertson called the meeting to order at 6:30 p.m. with the following council members present: Anderson, Farrell and Litherland.

Call to Order

The chambers were cleared as the Mayor, Town Council, and Town Attorney Alexis Allen, suspended the open meeting to convene into Executive Session at 6:30 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 Bartonville, pending in the 211th 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.

Executive Session

The Council adjourned the Executive Session and reconvened the open meeting at 6:45 p.m. No action was taken.

Open Session

The Mayor recessed the meeting at 6:45 p.m.

Recess

The Mayor reconvened the meeting at 7:00 p.m. with the following council members present: Anderson, Egan, Farrell and Litherland.

Reconvene Meeting

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. The Town Council considered: *A) Approval of Minutes: 1) June 14, 2011, Regular Monthly Meeting; 2) June 14, 2011, Special Called Meeting Executive Session; and 3)

Consent Agenda

June 14, 2011, Special Called Meeting on Budget Work Session. *B) Approval of Approval of the FY 2011-2012 Contract with the Denton County Tax Assessor Collector.

Mayor Robertson stated that there was a correction to the June 21st minutes that should read that Councilmember Egan left early due to a conflict of interest on the remaining agenda items. Councilmember Egan stated that she had not attended the two June 14, 2011, meetings and would abstain from voting on Consent Agenda items A2 and A3.

**Abstention:
Egan**

Mayor Pro Tem Anderson moved to approve consent agenda item A-1, approval of the June 14, 2011, Regular Monthly Meeting minutes. Councilmember Farrell seconded the motion. For: Unanimous. The motion carried by a vote of 4 to 0.

**ACTION:
Approve
Consent A-1**

Mayor Pro Tem Anderson moved to approve consent agenda items: A-2) June 14, 2011, Special Called Meeting; and A-3) June 14, 2011, Special Called Meeting on Budget Work Session, as presented. Councilmember Farrell seconded the motion. For: Anderson, Farrell and Litherland. Against: None. Abstain: Egan. The motion carried by a vote of 3-0-1.

**ACTION:
Approve
Consent A-2 &
A-3**

Chief of Police, Dave Howell, presented department statistics for the month of June 2011. Town Secretary Kristi Gilbert updated the Town Council on SB 100 regarding the Military and Overseas Voter Empowerment Act and the impact on the Town. Ms. Gilbert stated that the Denton County Elections Administrator had advised all of the cities within the county that there would be no changes to the election procedures as the county had a sufficient supply of election equipment.

Liaison Reports

No one chose to speak.

Citizen Input

The Town Council considered a request for waiver regarding Williams Production – Gulf Coast Company, L.P., fracing permit applications for the Rice Ranch A4H, the Rice Ranch B5H, the Rice Ranch B6H, and the Rice Ranch B7H natural gas wells and authorization to issue fracing permits. *Councilmember Egan recused herself from the deliberations.*

Waiver Request

Mayor Pro Tem, Anderson made a motion to approve a waiver of the Town of Bartonville moratorium ordinance number 515-11 as amended by ordinance 519-11, for fracing permits in favor of Williams Production – Gulf Coast Company, LP, for natural gas wells Rice Ranch A4H, B5H, B6H, and B7H subject to the following conditions:

**ACTION:
Approve Waiver**

1) Williams must provide full disclosure of what types of chemical additives are to be used in the fracing process at the wells. 2. Williams must provide full disclosure of the concentration of the chemical additives used in the fracing process at the wells. 3. Williams must provide for base line studies of ponds and private wells within 1,000 feet of the wellhead and that the Town Secretary may issue such permits in accordance with this motion and compliance with the conditions set forth herein, but we do not accept and we object to the comments made by Williams that the moratorium was illegal. Councilmember Litherland seconded the motion. For: Anderson, Farrell and Litherland. Against: None. Abstained: Egan. The motion carried 3-0-1.

The Council considered the institution of annexation proceedings to enlarge and extend the boundary limits of said town to include, as petitioned by landowners, the following described territory, to-wit:

R301422 Lot 3A, Hawk Road Estates 2.3537 ac

R73577 J.T. Payne Abstract 1056, Tract 39 2.2250 ac

Town Council Page 2 of 3 July 19, 2011 Minutes

R148045	Lot 1, Block A, Red Hawk Subdivision	1.5080 ac
R148054	Lot 3, Block A, Red Hawk Subdivision	1.2750 ac
R208695	Lot 1A, Hawk Road Estates	2.3733 ac
R51386	J.T. Payne Abstract 1056, Tract 34	1.4100 ac
R156158	Lot 1, Willow Lake Estates (that portion located within the Town of Bartonville's extraterritorial jurisdiction)	3.1400 ac

Mayor Robertson opened the hearing and asked to from those in favor and those opposed to the annexation. **Hearing Opened**

No one spoke in favor or in opposition.

Mayor Robertson closed the hearing to public comment. No action taken. **Hearing Closed**

The Council considered Ordinance 520-11, An Ordinance amending the Town of Bartonville Code of Ordinances, by repealing Chapter 4, Article 4.100, Regulation of itinerant merchants and peddlers. Police Chief Howell asked that consideration of the ordinance be tabled to allow for further review time. **ACTION: Table Ord. 520-11**

The Council considered appropriate action relative to appointments to Town Boards and Commissions: Resolution 2011-23, Appointments to the Planning and Zoning Commission; Resolution 2011-24, Appointments to the Board of Adjustments; Resolution 2011-25, Appointments to the Bartonville Community Development Corporation; and Resolution 2011-26, Appointments to the Bartonville Crime Control and Prevention District. **Board Appointments**

Councilmember Farrell moved to approve the appointments as recommended by staff. Mayor Pro Tem Anderson seconded the motion. For: Unanimous. The motion carried by a vote of 4 to 0. **ACTION: Resolution Nos. 2011-23 through 2011-26**

There were no requests for future agenda items. **Future Agenda**

There being no further business to come before the Council, Mayor Robertson declared the meeting adjourned at 7:14 p.m. **Adjournment**

APPROVED this the 16th day of August 2011.

Approved:

Ron Robertson, Mayor

(Seal)

Attest:

Debbie E. Millican, Town Administrator