

**MINUTES OF THE
TOWN COUNCIL
AUGUST 25, 2008**

ITEM 1 CALL TO ORDER

Mayor Vardell called the regular session to order at 6:00 p.m. on Monday, August 25, 2008, in the Vivian Cockburn Municipal Building located at 405 Shaffner Street.

ITEM 2 ROLL CALL

Those present were Council Member Ashman, Council Member Crider, Council Member Wilkinson, Council Member Rouse, Mayor Pro-Tem Gorman and Mayor Vardell. Also present were Town Engineer George Belcheff and Town Attorney Doug Conner.

ITEM 3 INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Police Chief Steve Grube led the invocation and pledge of allegiance to the flag.

ITEM 4 MAYOR'S REPORT

None.

ITEM 5 CITIZEN INPUT

Jimmie Hamm of Holiday Lane, Ponder, Texas addressed the Council in reference to annexation into the Ponder ETJ. Ms. Hamm reported that she and Sheri Clearman had a meeting with the City of Denton officials who did not want to release the area unless the Town of Ponder would trade for some industrial zoned property east of town. Ms. Hamm requested time on the next agenda to speak in detail with the Council.

Ms. Georgia Linam reported to the Council that in absence of a President or Vice-President of the EDC she was invited to the Roanoke Visitor Center and Museum. Ms. Linam left a brochure and candies with advertisement on them.

ITEM 6 CONSENT AGENDA.

Council Member Ashman moved to approve the August 11, 2008 minutes. Motion seconded by Council Member Crider. Ayes: Council Member Ashman, Council Member Crider, Council Member Rouse, Council Member Wilkinson and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

ITEM 7 CONSIDER AND ACT ON APPROVAL OF ORDINANCE 08-16, APPROVING NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORPORATION.

Mayor Pro-Tem Gorman moved to approve Ordinance 08-16. Motion seconded by Council Member Ashman. Ayes: Council Member Ashman, Council Member Crider, Council Member Rouse, Council Member Wilkinson and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

ITEM 8 CONSIDER AND ACT ON APPROVAL OF ORDINANCE 08-17, PETITION FOR VOLUNTARY INCLUSION WITHIN THE TOWN'S ETJ.

AN ORDINANCE ACCEPTING LANDOWNERS' PETITION FOR INCLUSION WITHIN THE TOWNS EXTRA TERRITORIAL JURISDICTION; PROVIDING FOR THE EXPANSION OF THE TOWN OF PONDER'S EXTRA TERRITORIAL JURISDICTION TO INCLUDE A PORTION OF THAT CERTAIN 78.620 ACRE TRACT OF LAND LOCATED IN DENTON COUNTY, TEXAS ON THE WATERS OF OLIVER CREEK ABOUT 15 AND ONE-HALF MILES SOUTH 71 DEGREES WEST FROM DENTON, TEXAS AND BEING IN THE SOUTHERN HALF OF 160 ACRES OF LAND PATENTED TO J.B. SANDERSON BY THE STATE OF TEXAS ON THE 7TH DAY OF MAY BY LETTERS PATENT NO 510, VOLUME 98, ABSTRACT NO 1680, AND DOES NOT LIE WITHIN THE TERRITORIAL JURISDICTION OF ANOTHER MUNICIPALITY; PROVIDING THE ORDINANCE TO BE CUMULATIVE OF ALL OTHER ORDINANCES OF THE TOWN OF PONDER; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE OF AUGUST 25, 2008.

Council Member Wilkinson moved to approve Ordinance 08-17. Motion seconded by Council Member Crider. Ayes: Council Member Ashman, Council Member Crider, Council Member Rouse, Council Member Wilkinson and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

ITEM 9 CONSIDER AND ACT ON APPROVAL OF ORDINANCE 08-18, REPEALING ORDINANCE 02-36, FREEZING WATER RATES OF CITIZENS 65 YEARS OF AGE AND OLDER.

Council Member Wilkinson moved to approve Ordinance 08-18. Motion seconded by Council Member Rouse. Ayes: Council Member Ashman, Council Member Crider, Council Member Rouse, Council Member Wilkinson and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

ITEM 10 A. UPDATE FROM PARK BOARD MEMBERS CONCERNING THE TRPA SMALL COMMUNITY RECREATION GRANT.

Chris Norwood, Chairman of the Park Board reported to the Council that they have received notice of recommendation for approval of their grant. Mr. Norwood also reported that the Park Board is looking at contractors, specifically a company that keeps the small town history in mind during the design process. Mr. Norwood stated that upon grant approval, the Park Board has three years to complete the project. The Park Board will be appointing people to an advisory committee to review and accept a design for the park. Council Member Wilkinson asked Mr. Norwood if the Park Board would be going through the bidding process. Mr. Norwood replied that they would.

B. CONSIDER AND ACT ON A RECOMMENDATION FROM EDC TO TRANSFER A \$10,000 CONTRIBUTION FROM EDC TEXPOOL INTO THE EDDIE DEUSSEN PARK PROJECT FUND LINE ITEM.

Mayor Pro-Tem Gorman moved to approve the recommendation from the EDC to transfer \$10,000 from EDC TexPool to the Eddie Deussen Park Project Fund line item. Motion seconded by Council Member Ashman. Ayes: Council Member Ashman, Council Member Crider, Council Member Rouse, Council Member Wilkinson and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

ITEM 11 A. CONSIDERATION AND ACTION ON APPROVAL OF THE ECONOMIC DEVELOPMENT CORPORATION FY 2008-09 BUDGET.

Codi Delcambre of the Ponder EDC went over the proposed EDC Budget with the Council. Council Member Wilkinson moved to approve the FY 2008-09 EDC Budget. Motion seconded by Council Member Crider. Ayes: Council Member Ashman, Council Member Crider, Council Member Rouse, Council Member Wilkinson and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

B. PRESENTATION AND DISCUSSION CONCERNING THE PONDER ECONOMIC DEVELOPMENT CORPORATION GOALS AND OBJECTIVES.

Codi Delcambre and Martha Neilson, members of the Ponder EDC were present to represent the corporation. Ms. Delcambre provided and read over a handout that outlined what Economic Development is and the history of the Ponder EDC.

ITEM 12 DISCUSSION, CONSIDERATION AND ACTION CONCERNING THE ISSUANCE OF A BUILDING PERMIT TO THE PONDER INDEPENDENT SCHOOL DISTRICT.

Mayor Vardell called Mr. Eric Brooks, Ponder ISD Board President to the podium. Mayor Vardell reported to Mr. Brooks that the Town is not comfortable signing off on a permit without the required fire protection according to the Fire Marshall.

Mr. Brooks replied that safety is number one in the eyes of the school board and that the majority of us have children that attend there. Mr. Brooks stated that there is a question on the numbers presented in regard to fire flow and he does not know who is right or wrong.

Mayor Vardell replied that Mr. Dean Bray, Fire Marshall has the final say in the end.

Mr. Brooks asked which numbers are right and which are wrong.

Council Member Wilkinson stated that he never questioned the fact that the school board is cutting corners but he does think that it is absolutely ridiculous that there is legal counsel involved. Mr. Wilkinson stated that as a taxpayer, he does not want to send his child to school without fire protection. He also stated that he would like to see a staff only meeting, without attorneys, to see if we can work this out. Mr. Wilkinson noted that he does not look at this as the City versus the School Board.

Mr. Brooks asked the Council if the PISD structures were currently safe.

Council Member Wilkinson replied that every time that we add something we put more on our system.

Mr. Brooks reported that he is very passionate about getting this project done right and thanked the Council for allowing the flatwork to be done but that every day is costing the school money.

Mr. Brooks said that he would be happy to answer any questions that the Council may have.

Mayor Vardell asked how the school board felt about providing their own fire protection.

Mr. Brooks replied that he does not know if that would be a very good idea.

Mr. Bruce Yeager, PISD Superintendent stated that he feels that schools have qualified immunity and that the school district feels that they have met the adopted code. Mr. Yeager explained the situation as two Jr. High kids in an argument and both think that they are right. Mr. Yeager believes that the Fire Marshall is probably correct. He stated that he would hate to see funds spent on a private water storage when those funds could be spent to benefit the whole town.

Mr. Dean Bray, Town Fire Marshall stated that he can only address what the codes are. Experience tells him that if a lift were lost in a fire, he could be held liable if codes weren't met.

Mayor Vardell restated that Mr. Bray would have the final say.

Mr. Bray reported that the Town staff and PISD staff, including engineers, architects and attorneys have met several times and he has documentation that almost all of the fire codes have been met. He said that our current system would not support a fire at the school. Mr. Bray stated that the Town would not be able to provide 1500 gallons per minute until the tower is erected and suggested to PISD that they should sprinkle the buildings in the interim.

Council Member Wilkinson restated that the Council has never thought that the school was trying to cut corners. He stated to Mr. Brooks that sprinklers would help with the lack of fire flow until the tower could provide adequate storage.

Mayor Pro-Tem Gorman stated that the Town is asking for \$378,000 in participation of the elevated storage tank. He also stated that the original discussion with the PISD was that they would need to contribute a lot more than that. Mayor Pro-Tem Gorman discussed the confusion with the ordinance and said that the town staff is comfortable putting their stamp on the IFC. He also stated that he hates that there has to be legal counsel involved.

Mr. Brooks agrees, but stated that it is confusing to him about who is right or wrong.

Dean Bray reported that the Town did not adopt the appendices to the IFC but that they are to be used as a guideline. Mr. Bray also stated that the PISD engineers were looking at the IFPA guidelines, but were looking at the section on fire department requirements.

Mayor Vardell stated that if Mr. Bray worked for the PISD, they would listen to him.

Council Member Wilkinson spoke about borrowing all funds possible for infrastructure improvements and to get the town ahead of the curve. He was asked by someone if another development would benefit from a water tower if it were built. He replied that they will benefit a little but should a large company such as Wal-Mart come to Ponder, they would have to provide enough fire protection for themselves.

Ms. Vangie Deussen, PISD Board Member stated that she has seen the City work hard to bring things up to standards and knows that we can all agree and have the children's safety in mind.

Mr. Bruce Yeager stated that if the appendices to the IFC aren't adopted then Mr. Bray has some flexibility to make decisions on how the City can accommodate. He stated that he feels that the numbers that his architect has presented are reasonable and safe. Mr. Yeager stated that he personally stopped construction from going vertical this morning.

Mr. Brooks stated that money for Town infrastructure can not come from bond money and that it has to come from the fund balance. Mr. Brooks asked the Council for another meeting.

Mayor Vardell stated that he thought about another meeting and at this point, the Fire Marshall has the ultimate say.

Mr. Yeager stated that he thinks that the Town can't force the PISD to pay impact fees, but that the PISD can agree to participate in them.

Mr. Doug Conner, Town Attorney stated that he does not think that an impact fee agreement is the way to go, but that there does need to be an agreement.

Mayor Pro-Tem Gorman moved to forward a letter from Mayor Vardell to the Ponder ISD. Motion seconded by Council Member Crider. Ayes: Council Member Ashman, Council Member Crider, Council Member Rouse, Council Member Wilkinson and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

ITEM 13 BUDGET WORKSHOP.

Sheri Clearman, City Secretary went over the general fund budget by line item with the Council. Ms. Clearman noted that there were a few increases, including a 6% raise for the Court Clerk and the City Secretary and that she was asking for court, permit and police software in this years

budget. The Council recommended moving funds from the waste removal line item into the building maintenance line item for new carpet in town hall. A 10% increase in the Ponder Volunteer Fire Department monthly contribution was included contingent upon getting an annual financial report from them.

Steve Grube, Chief of Police went over the Police Department budget also. The fuel line item was increased to \$13,000 and he did not ask for a raise, but asked for two extra weeks of paid vacation. A \$1000 increase in the Police Capital Equipment line item was also included.

Ms. Clearman told the Council that if vacation time were granted, that the policy manual would have to be amended, because it specifically states how much vacation time an employee should accrue. Council Member Wilkinson suggested that we call this additional two weeks paid time administrative compensatory time. Ms. Clearman said that she would note this on the payroll books.

ITEM 14 ITEMS TO BE PLACED ON THE NEXT AGENDA.

Budget Approval
Ad Valorem Tax Approval
ETJ Annexation

ITEM 15 ADJOURN.

Council Member Crider moved to adjourn at 8:45 p.m. Motion seconded by Council Member Wilkinson. Ayes: Council Member Ashman, Council Member Crider, Council Member Rouse, Council Member Wilkinson and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

APPROVED:

Jeff Vardell, Mayor

Date

ATTEST:

Sheri N. Clearman, City Secretary