

**MINUTES OF THE  
TOWN COUNCIL  
MARCH 24, 2008**

**ITEM 1      CALL TO ORDER**

Mayor Vardell called the regular session to order at 6:00 p.m. on Monday, March 24, 2008, in the Vivian Cockburn Municipal Building located at 405 Shaffner Street.

**ITEM 2      ROLL CALL**

Those present were Council Member Ashman, Council Member Swafford, Council Member Webster, Mayor Pro-Tem Gorman and Mayor Vardell. Also present were Town Engineer, George Belcheff and Town Attorney, John Boyle.

**ITEM 3      INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG**

Steve Grube led the invocation and pledge of allegiance.

**ITEM 4      MAYOR'S REPORT**

Mayor Vardell asked that items #9 and #15 be moved to the end of the agenda. Mayor Vardell wished Shawn Wilkinson well in his new position and thanked him for his service to the Town of Ponder.

**ITEM 5      CITIZEN INPUT**

Richard Wilkinson addressed the Council stating that he has worked all over Texas and sooner or later the big boys will leave us with a pile of mess. He has done a lot of research and asked for a groundwater conservation district from Denton County Commissioner's Court. Mr. Wilkinson stated that his point was that the Commissioner's Court did not even have a copy of the 2007 Water Conservation Plan. Mr. Wilkinson asked that the City Secretary supply him with the email addresses of all Council Members.

Dave Ross, owner of Ranchman's Café addressed the Council reporting that a patron of his restaurant, who was a party of eight and not drinking alcohol fell on the porch of the café and broke his arm. He reported that he was worried that his insurance would not cover this as the porch is on Town of Ponder property. He also reported that the patron only wanted his medical bills covered and does not want to sue for liability. Mr. Ross stated that he didn't think anyone would be out any money over this, but he believes that the Town of Ponder's liability insurance covers his porch.

Georgia Linam signed up to speak on item #9 but opted to speak during her item.

**ITEM 6      CONSENT AGENDA**

Council Member Swafford moved to approve the March 10, 2008 minutes and the March 2008 bill report. Motion seconded by Council Member Ashman. Ayes: Council Member Swafford,

Council Member Ashman and Council Member Webster. Nays: None. Abstentions: Mayor Pro-Tem Gorman. Motion passed with 3 ayes, 0 nays and 1 abstention.

**ITEM 7 CONSIDER AND ACT ON PUBLISHING RFPs FOR TRASH COLLECTION SERVICES.**

Norm Bulaich with IESI addressed the Council stating that IESI valued the Town of Ponder's business and would like to renew the service contract for five additional years to include a 3.3% CPI increase and a \$2,500 donation to the Park Fund. Mr. Bulaich asked that the Council consider renewing this contract.

Mayor Pro-Tem Gorman moved that the Town of Ponder not publish RFPs for trash collection services. Motion seconded by Council Member Swafford. Ayes: Council Member Swafford, Council Member Ashman, Council Member Webster and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

**ITEM 8 CONSIDER AND ACT ON RENEWING A TRASH COLLECTION SERVICES CONTRACT WITH IESI.**

Council Member Ashman moved to renew the contract with IESI. Motion seconded by Council Member Swafford. Mayor Pro-Tem Gorman made a secondary motion to renew the contract based on a CPI of \$11.16 and a \$2,500 donation the Park Fund. Secondary motion seconded by Council Member Swafford. Ayes: Council Member Swafford, Council Member Ashman, Council Member Webster and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

**ITEM 10 DISCUSSION AND POSSIBLE ACTION REGARDING ONCOR ELECTRIC DELIVERY AND THEIR PLAN TO ADDRESS THE UTILITY POLES PLACED ALONG FM 156.**

Sabrina Taylor, representative with Oncor Electric Delivery addressed the Council. Ms. Taylor brought an engineered plan regarding a solution to the power lines placed along FM 156. She stated that four poles between 2449 and Doyle Street would be removed and the remaining poles in this area would be replaced by concrete poles. Ms. Taylor also said that Oncor has been working closely with TXDot and they will be letting bids at the beginning of summer to move FM 156 10 feet to the west. She also said that Burlington is in the process of working with Oncor to be able to remove the existing telegraph poles along the railroad tracks. Ms. Taylor reported that Oncor will also be removing one pole south of Skiles and installing a down guy on the north side of the pole.

Council Member Webster asked Ms. Taylor why the other poles weren't being replaced. Ms. Taylor responded that Oncor is doing this at their cost and that the highway would not allow for them to cross FM 156. She explained that concrete poles allow for a longer line span and that street lights were also an issue in the removal and replacement of these poles. Council Member Webster asked about the possibility of replacing the remaining poles. Mayor Vardell asked if giving up the streetlights would allow more poles to be replaced. Ms. Taylor replied to Council Member Webster that this was an engineering plan that was devised after the last Council meeting that she attended. Council Member Webster reiterated that we would not be in this situation had Oncor consulted with the Town of Ponder to begin with. Ms. Taylor stated that she

and Oncor are committed to giving Ponder the best plan possible and that they have looked at many options. Mayor Pro-Tem Gorman reviewed the plans and discussed the line spans with Ms. Taylor. Council Member Webster asked Ms. Taylor again why Oncor could not replace the poles down the line past Doyle Street. She replied that it was the line span and the streetlight situations. Mr. Webster stated that he understands that it will not work the way presented, but asked that it be started over and reworked. Council Member Webster stated that the bottom line is that it would cost Oncor too much money.

Mayor Vardell told Ms. Taylor that in a meeting with himself, Sheri Clearman, Ms. Taylor and her boss, that he understood that up to ten poles were to be removed from 2449 and Green Street and asked that she take the plan back to the engineers and ask them to try to rework it.

Mayor Pro-Tem Gorman stated that we could reduce 33% of the poles if they replace all of the existing poles with concrete ones all the way to Skiles.

Council Member Ashman asked Ms. Taylor to explain why the Town of Ponder was not notified before the poles were placed in the ground. She replied that she takes responsibility for not notifying Ponder, as she was notified either.

Council Member Webster asked Ms. Taylor if she could provide a cost difference between underground and concrete poles. She stated that she would get that information for the next meeting.

Ms. Taylor thanked the Council for their time and stated that she intends to fulfill her commitment to the Town of Ponder and find a solution.

**ITEM 11 CONSIDER AND ACT ON ACCEPTING RESIGNATION FROM SHAWN WILKINSON.**

Mayor Pro-Tem Gorman moved to accept Shawn Wilkinson's resignation. Motion seconded by Council Member Ashman. Ayes: Council Member Swafford, Council Member Ashman, Council Member Webster and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

**ITEM 12 CONSIDER AND ACT ON APPOINTING A REPRESENTATIVE TO THE UPPER TRINITY REGIONAL WATER DISTRICT BOARD.**

Shawn Wilkinson addressed the Council stating that he has been offered and accepted a position with the City of Roanoke that will be better for his family. Shawn thanked the Council for the opportunity and stated that he really had to put some thought into this decision but this was best for his family.

Mayor Pro-Tem Gorman moved to table this item until the next Town Council meeting. Motion seconded by Council Member Webster. Ayes: Council Member Swafford, Council Member Ashman, Council Member Webster and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

**ITEM 13 UPDATE FROM CITY SECRETARY REGARDING THE FINANCE TRAINING RESULTING FROM THE FY2007 ANNUAL AUDIT.**

No action.

**ITEM 14 PRESENTATION OF RACIAL PROFILING STATISTICS BY POLICE CHIEF.**

Chief Grube presented the Council with his racial profiling statistics from the current year and the previous year. No action on this item.

**ITEM 16 CONSIDER AND ACT ON APPROVAL OF A PROCLAMATION, RECOGNIZING APRIL OF 2008 SEXUAL ASSAULT AWARENESS MONTH.**

Mayor Pro-Tem Gorman moved to approve this proclamation and to recognize April of 2008 as Sexual Assault Awareness month. Motion seconded by Council Member Ashman. Ayes: Council Member Swafford, Council Member Ashman, Council Member Webster and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

**ITEM 17 CONSIDER AND ACT ON APPROVAL OF ORDINANCE 08-08, AMENDING TITLE V, CHAPTER 51.52 LATE PAYMENT CHARGE DUE ON DELINQUENT BALANCES, OF THE TOWN OF PONDER CODE OF ORDINANCES.**

Mayor Pro-Tem Gorman moved to approve Ordinance 08-08. Motion seconded by Council Member Webster. Ayes: Council Member Swafford, Council Member Ashman, Council Member Webster and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

**ITEM 18 CONSIDER AND ACT ON APPROVAL OF ORDINANCE 08-09, AMENDING TITLE III, CHAPTER 36 FEE SCHEDULE OF THE TOWN OF PONDER CODE OF ORDINANCES.**

Mayor Pro-Tem Gorman moved to approve Ordinance 08-09. Motion seconded by Council Member Ashman. Ayes: Council Member Swafford, Council Member Ashman, Council Member Webster and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

**ITEM 19 CONSIDER AND ACT ON AWARDED THE BID FOR 10" WATERLINE PROJECT TO WILSON CONTRACTORS.**

George Belcheff reported to the Council that on March 14, 2008 the City Secretary held a bid opening at Town Hall. He stated that he reviewed the bids and checked references. Mr. Belcheff recommended that the bid for the 10" waterline project be awarded to Wilson Contractors.

Mayor Pro-Tem Gorman moved to award the bid for the 10" waterline project, not to exceed \$133771.80 to Wilson Contractors and to pre-authorize the Mayor to spend up to \$4013.15 in contingencies and to authorize the Mayor to sign a proposal from CMJ Engineering not to exceed \$4123. Motion seconded by Council Member Swafford. Ayes: Council Member Swafford, Council Member Ashman, Council Member Webster and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

**ITEM 9 DISCUSSION AND POSSIBLE ACTION REGARDING STRUCTURES LOCATED WITHIN THE TOWN OF PONDER RIGHT-OF-WAY ALONG BAILEY STREET.**

**ITEM 15 DISCUSSION REGARDING FUTURE LAND ACQUISITION FOR A NEW ELEVATED STORAGE TANK.**

Georgia Linam addressed the Council stating that there have always been porches because these buildings are original.

Mayor Pro-Tem Gorman moved to adjourn to executive session as authorized by the Texas Government Code, Sections 551.071 (Consultation with Attorney) and Sections 551.072 (Deliberations about Real Property) regarding items #9 and #15. Motion seconded by Council Member Webster. Ayes: Council Member Swafford, Council Member Ashman, Council Member Webster and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

No action taken on these items.

**ITEM 20 ITEMS TO BE PLACED ON THE NEXT AGENDA.**

- Oncor
- Bailey Street Ordinance
- Ponder Boys Basketball
- Land acquisition
- Water Board appointment

**ITEM 21 ADJOURN.**

Council Member Swafford moved to adjourn at 8:03 p.m. Motion seconded by Council Member Webster. Ayes: Council Member Swafford, Council Member Ashman, Council Member Webster and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

**APPROVED:**

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**Jeff Vardell, Mayor**

\_\_\_\_\_  
**Date**

**ATTEST:**

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**Sheri N. Clearman, City Secretary**