

THE BARTONVILLE TOWN COUNCIL REGULAR MEETING HELD ON THE 21st DAY OF FEBRUARY 2023, AT 1941 E. JETER ROAD, BARTONVILLE, TEXAS 6:30 P.M.

The Town Council met in a regular meeting with the following members present:

Jaclyn Carrington, Mayor
Clay Sams, Mayor Pro Tem
Jim Roberts, Councilmember Place 1
Matt Chapman, Councilmember Place 2
Keith Crandall, Councilmember Place 4
Josh Phillips, Councilmember Place 5

constituting a quorum with the following members of the Town Staff participating: Thad Chambers, Town Administrator; Tammy Dixon, Town Secretary; Bobby Dowell, Chief of Police; and Ed Voss, Town Attorney.

A. CALL REGULAR MEETING TO ORDER

Mayor Carrington called the regular meeting to order at 6:31 p.m.

B./C. CLOSED SESSION/OPEN SESSION

Pursuant to the Open Meetings Act, Chapter 551, the Town Council convened into a Closed Executive Session at 6:30 p.m. and reconvened into open session at 7:00 p.m. in accordance with the Texas Government Code regarding:

1. *Section 551.071 Consultation with Town Attorney, and Section 551.074 Personnel:* To deliberate and consider the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of public officers or employees; to wit: Town Engineer, and any and all legal issues related thereto. **No Action Taken.**

Mayor Carrington moved to Item I. 3.

- I.3. Discuss and consider approval of a resolution declaring lack of confidence in the Town Engineer and removal of the Town Engineer pursuant to Texas Local Government Code Section 22.077(b), and authorizing the Town Administrator to terminate the Professional Services Agreement with Teague Nall and Perkins, Inc. on behalf of the Town.

Councilmember Chapman moved to approve Resolution No. 2023-03 declaring lack of confidence in the Town Engineer and removal of the Town Engineer pursuant to Texas Local Government Code Section 22.077(b), and authorized the Town Administrator to terminate the Professional Services Agreement with Teague Nall and Perkins, Inc. on behalf of the Town. Councilmember Roberts seconded the motion.

VOTE ON THE MOTION

AYES: Phillips, Chapman, Sams, Crandall, Roberts
NAYS: None
VOTE: 5/0

D. PLEDGE OF ALLEGIANCE

Mayor Carrington led the pledge of allegiance.

E. PRESENTATIONS

1. Salvation Army Mayors Red Kettle Challenge

Bridget McIntosh with the Salvation Army presented a Certificate of Appreciation to the Town for participating the Red Kettle Mayoral Challenge to raise funds for year 'round programs. She stated the town's team ranked third in the number of bell ringers and the amount of dollars raised on Saturday, December 10th raising just over \$1100.

F. PUBLIC PARTICIPATION

There were none.

G. APPOINTED REPRESENTATIVE/LIAISON REPORTS

1. Denton County Emergency Services District #1 - Ricky Vaughan, Fire Chief.

Chief Vaughan introduced himself and provided a summary of his background. He provided an update on the status of the district including steps he has taken since his appointment, new policies that were being put in place and answered questions from the Town Council. Chief Vaughn also advised that updates will be provided to each Town Council located within the District in April, July and October.

2. Police Chief Report - Department Statistics/Activities January 2023.

Chief Dowell reviewed the January statistics and answered questions from the Town Council. Chief Dowell announced the department finally took position of the new vehicle that was ordered 18 months ago and announced the Department would be participating in National Drug Take Back Day, Saturday April 22nd.

3. Town Administrator - Monthly Reports January 2023: Financial, Animal Control, Code Enforcement, Engineering, Municipal Court, Permits.

Mr. Chambers reviewed the monthly financials and answered questions from the Town Council.

4. Town Secretary - Update on the May 6, 2023 General Election.

Ms. Dixon stated that there were no unopposed candidates for the May 6, 2023, election, therefore an item will be brought forward in March to cancel the election. Ms. Dixon further stated Denton County would still be utilizing Town Hall as a polling location for early voting and election day.

H. CONSENT AGENDA

This agenda consists of non-controversial or "housekeeping" items required by law. Items may be approved with a single motion. Items may be removed from the Consent Agenda by any Councilmember by making such request prior to a motion and vote on the Consent Agenda.

1. Consider approval of the January 17, 2023, regular meeting minutes.

Councilmember Phillips moved to approve consent agenda item 1. Councilmember Crandall seconded the motion.

VOTE ON THE MOTION

AYES: Phillips, Chapman, Sams, Crandall, Roberts
NAYS: None
VOTE: 5/0

I. REGULAR ITEMS

2. First Reading of a resolution concerning the approval of a Type B Economic Development Project and Third Amended and Restated Performance Agreement by and between the Bartonville Community Development Corporation, and Cloud 9 Management LLC.

Ms. Dixon provided the first reading of the resolution. No action was taken.

3. ***(Note Item 3 was considered following Item C.)***

Discuss and consider approval of a resolution declaring lack of confidence in the Town Engineer and removal of the Town Engineer pursuant to Texas Local Government Code Section 22.077(b), and authorizing the Town Administrator to terminate the Professional Services Agreement with Teague Nall and Perkins, Inc. on behalf of the Town.

4. Second Reading of a resolution concerning the approval of a Type B Economic Development Project and Third Amended and Restated Performance Agreement by and between the Bartonville Community Development Corporation, and Cloud 9 Management LLC.

Ms. Dixon provided the second reading of the resolution. No action was taken.

5. Presentation by Westwood Professional Services, Inc.

Christopher Cha presented an overview of Westwood Professional Services and answered questions from the Town Council.

6. Discuss and consider approval of a Consultant Services Contract with Westwood Professional Services, Inc. (formerly Pacheco Koch) for engineering services; and authorization for the Town Administrator to execute same on behalf of the Town.

Councilmember Phillips moved to approve a Consultant Services Contract with Westwood Professional Services, Inc. (formerly Pacheco Koch) for engineering services; and authorized the Town Administrator to execute same on behalf of the Town. Councilmember Roberts seconded the motion.

VOTE ON THE MOTION

AYES: Phillips, Chapman, Sams, Crandall, Roberts
NAYS: None
VOTE: 5/0

7. Discuss and consider approval of a resolution amending the Annual Contract for Miscellaneous Pavement Repair and Drainage Improvements between the Town of Bartonville and SPI Asphalt, LLC., and authorizing the Town Administrator to execute contract documents.

Mr. Chambers stated the Annual Contract for Miscellaneous Pavement with SPI, LLC was awarded in November 2021 and renewed in 2022. The agreement was extended and amended to add additional unit items not previously included in the original agreement. The 2021 pricing levels have become problematic due to materials and labor cost increases. SPI is requesting updated unit pricing. The Town Engineer has reviewed the proposed pricing and has stated the increases are reasonable and within what is being seen across the industry.

Mayor Pro Tem Sams moved to approve Resolution No. 2023-04 amending the Annual Contract for Miscellaneous Pavement Repair and Drainage Improvements between the Town of Bartonville and SPI Asphalt, LLC., and to authorize the Town Administrator to execute contract documents. Councilmember Crandall seconded the motion.

VOTE ON THE MOTION

AYES: Phillips, Chapman, Sams, Crandall, Roberts
NAYS: None
VOTE: 5/0

8. Discuss and consider appointing members to the ad hoc Special Events Advisory Committee.

Councilmember Roberts requested to extend the application period to apply for the Committee. A discussion then ensued regarding how members would be selected. Mayor Pro Tem Sams suggested the two members of Town Council appointed to the Committee review the applications and bring back their recommendations to the Town Council to consider. The Town Council concurred.

Councilmember Chapman moved to appoint Keith Crandall and Jim Roberts to the council positions on the Special Events Committee; and moved to extend the application deadline to March 1, 2023. Councilmember Phillips seconded the motion.

VOTE ON THE MOTION

AYES: Phillips, Chapman, Sams, Crandall, Roberts
NAYS: None
VOTE: 5/0

9. Discuss and act on a resolution concerning the approval of a Type B Economic Development Project and Third Amended and Restated Performance Agreement by and between the Bartonville Community Development Corporation, and Cloud 9 Management LLC.

Ms. Dixon stated a Performance Agreement between the Board and Cloud 9 Management LLC (Kim Cloud) was approved in April 2019, and amended the agreement in 2020 and 2021, to provide financial assistance for the construction of Cloud 9 Salon and Spa. She explained due to required architectural design changes, project cost negotiations and cost of materials, the groundbreaking of the project was delayed to January of 2023.

Ms. Dixon stated on February 8, 2023, the Bartonville Community Development Corporation Board approved a Third Amended and Restated Performance Agreement by and between the Community Development Corporation, and Cloud 9 Management LLC amending the dates of Section 4 of the agreement to coincide with the new construction completion date of early 2024.

Councilmember Crandall moved to approve a Resolution No. 2023-05 concerning the approval of a Type B Economic Development Project and Third Amended and Restated Performance Agreement by and between the Bartonville Community Development Corporation, and Cloud 9 Management LLC. Councilmember Roberts seconded the motion.

VOTE ON THE MOTION

AYES: Phillips, Chapman, Sams, Crandall, Roberts

NAYS: None

VOTE: 5/0

J. FUTURE ITEMS

Councilmember Crandall requested that short-term rentals be added to a future agenda for discussion.

K. ADJOURNMENT

Mayor Carrington declared the meeting adjourned at 7:58 p.m.

APPROVED this the 21st day of March 2023.

Approved:

Jaclyn Carrington, Mayor

Attest:

Tammy Dixon, Town Secretary