

**MINUTES OF THE  
TOWN COUNCIL  
February 12, 2015**

**ITEM 1 CALL TO ORDER**

Mayor Bassler called the meeting to order at 8:02 p.m.

**ITEM 2 ROLL CALL**

Those present were Council Member Howard, Council Member Crider, Council Member Lynch, Mayor Pro-Tem Gorman and Mayor Bassler.

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

Mayor Bassler led both.

**ITEM 4 OPEN FORUM**

No one signed up to speak

**ITEM 5 CONSENT AGENDA**

Council Member Crider moved to approve the January 8, 2015 minutes, the January 2015 financial statement and the January call summary from the PVFD. Motion seconded by Council Member Lynch. Ayes: Council Member Crider, Council Member Lynch, Council Member Howard and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

**ITEM 6 ACCEPTANCE OF THE 2014 ANNUAL FINANCIAL AUDIT.**

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

**ITEM 6a. CONSIDER AND ACT ON APPROVAL OF ORDINANCE 15-02, CALLING THE GENERAL ELECTION TO ELECT A MAYOR AND COUNCIL MEMBERS TO PLACE TWO AND PLACE FOUR OF THE TOWN COUNCIL.**

Mayor Pro-Tem Gorman moved to approve Ordinance 15-02, Calling the General Election to elect a Mayor and Council Members to Place 2 and Place 4 of the Town Council. Motion seconded by Council Member Crider. Ayes: Council Member Crider, Council Member Lynch, Council Member Howard and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

**ITEM 7 CONSIDER AND ACT ON APPROVAL OF THE ECONOMIC DEVELOPMENT CORPORATION FY2014-15 ANNUAL BUDGET.**

Council Member Howard moved to approve the Economic Development Corporation FY 2014-15 annual budget. Motion seconded by Council Member Gorman. Ayes: Council Member Crider, Council Member Lynch, Council Member Howard 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 APPROVAL OF A PRE-DEVELOPMENT AND PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWN OF PONDER AND BOB SHELTON ENTERPRISES, LTD.**

Mayor Pro-Tem Gorman moved to approve the Pre-Development and Professional Services Agreement between the Town of Ponder and Bob Shelton Enterprises, Ltd. Motion seconded by Council Member Lynch. Ayes: Council Member Crider, Council Member Lynch, Council Member Howard and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

**ITEM 9 HOLD PUBLIC HEARING, DISCUSS, CONSIDER AND ACT ON A PRELIMINARY PLAT FOR THE PROPOSED REMINGTON PARK PHASE 4 & 5, BEING 81.091 ACRES OUT OF THE FIELDS DAVIS SURVEY, ABSTRACT NO. 371, A PROPOSED 275 RESIDENTIAL LOT SUBDIVISION GENERALLY LOCATED SOUTH OF FM 2449, WEST OF ROBINSON ROAD, EAST OF FM 156 WITHIN PONDER, DENTON COUNTY, TEXAS AS REQUESTED BY THE DEVELOPER BOB SHELTON ENTERPRISES, LTD., REPRESENTING OWNER B4 REALTY, LLC.**

- a. Presentations: Staff and applicant
- b. Continue public hearing from January 8, 2015
- c. Discussion
- d. Action

No presentations were made.

Council Member Crider moved to open the public hearing. Motion seconded by Council Member Howard. Ayes: Council Member Crider, Council Member Lynch, Council Member Howard and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

Mayor Bassler asked if anyone was present to speak for or against this item. No one spoke.

Council Member Crider moved to close the public hearing. Motion seconded by Council Member Lynch. Ayes: Council Member Crider, Council Member Lynch, Council Member Howard and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

Mayor Pro-Tem Gorman moved to approve the preliminary plat subject to the approval of requested variances. Motion seconded by Council Member Howard.

Council Member Howard made a secondary motion that the approval be pursuant to the recommendations of the Town Engineer dated January 6, 2015. Motion seconded by Mayor Pro-Tem Gorman. Ayes: Council Member Crider, Council Member Lynch, Council Member Howard and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

**ITEM 10 HOLD PUBLIC HEARING, DISCUSS, CONSIDER AND ACT ON CERTAIN VARIANCE REQUESTS WITH RESPECT TO A PRELIMINARY PLAT FOR REMINGTON PARK PHASE 4 & 5, BEING 81.091 ACRES OUT OF THE FIELDS DAVIS SURVEY, ABSTRACT NO. 371, A PROPOSED 275 RESIDENTIAL LOT SUBDIVISION GENERALLY LOCATED SOUTH OF FM 2449, WEST OF ROBINSON**

**ROAD, EAST OF FM 156 WITHIN PONDER, DENTON COUNTY, TEXAS AS REQUESTED BY THE DEVELOPER BOB SHELTON ENTERPRISES, LTD., REPRESENTING OWNER B4 REALTY, LLC.**

- a. Presentations: Staff and Applicant**
  - (1) Variance request to allow residential buildings to be located no closer than 200' from an existing or future gas well. (50.20 (F))**
  - (2) Variance request to allow residential buildings to be located no closer than 150' from existing and future gas well production water tanks. (50.25 (B) (4))**
- b. Public Hearing**
- c. Discussion**
- d. Action**

Mr. Bob Shelton requested that the Council Consider a variances to the South well site and no variance to the North pad.

Council Member Crider moved to open the public hearing. Motion seconded by Council Member Howard. Ayes: Council Member Crider, Council Member Lynch, Council Member Howard and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

Mayor Bassler asked if anyone was present to speak for or against this item. No one spoke.

Council Member Howard moved to close the public hearing. Motion seconded by Council Member Crider. Ayes: Council Member Crider, Council Member Lynch, Council Member Howard and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

Mayor Pro-Tem Gorman moved to approve a variance for residential buildings to be located no closer than 200 feet from future gas wells, and for residential buildings to be located no closer than 150 feet from future gas well production water tanks on the south pad located on the said development only and the variance for the southern pad located on said development be denied. Motion seconded by Council Member Crider. Ayes: Mayor Pro-Tem Gorman, Council Member Crider and Council Member Howard. Nays: Council Member Lynch. Abstentions: None. Motion passes with 3 ayes, 1 nay and 0 abstentions.

**ITEM 11 HOLD PUBLIC HEARING , DISCUSS, CONSIDER AND ACT ON A ZONING CHANGE REQUEST FOR LOT 1, BLOCK 7 OF REMINGTON PARK PHASE THREE, AN ADDITION TO THE TOWN OF PONDER, TEXAS, CONTAINING 0.280 ACRES (12,187 SQUARE FEET) OF LAND, MORE OR LESS, AND BEING PHYSICALLY LOCATED ON THE SOUTHWEST CORNER OF MEADOWLANDS DR. AND FM 2449 IN PONDER, TEXAS**

- a. Presentations: Staff and Applicant**
- b. Public Hearing**
- c. Discussion**
- d. Action**

No presentations.

Council Member Crider moved to open the public hearing. Motion seconded by Council Member Howard. Ayes: Council Member Crider, Council Member Lynch, Council Member Howard and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

Mayor Bassler asked if anyone was present to speak for or against this item. No one spoke.

Mayor Pro-Tem Gorman moved to close the public hearing. Motion seconded by Council Member Crider. Ayes: Council Member Crider, Council Member Lynch, Council Member Howard and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

Mayor Pro-Tem Gorman moved to approve the zoning change request for Lot 1, Block 7 of Remington Park, Phase Three. Motion seconded by Council Member Howard. Ayes: Council Member Lynch, Council Member Howard and Mayor Pro-Tem Gorman. Nays: Council Member Crider. Abstentions: None. Motion passed with 3 ayes, 1 nay and 0 abstentions.

**ITEM 12 HOLD PUBLIC HEARING , DISCUSS, CONSIDER AND ACT ON A ZONING CHANGE REQUEST FOR LOT 1, BLOCK 8 OF REMINGTON PARK PHASE THREE, AN ADDITION TO THE TOWN OF PONDER, TEXAS, CONTAINING 0.281 ACRES (12,220 SQUARE FEET) OF LAND, MORE OR LESS, AND BEING PHYSICALLY LOCATED ON THE SOUTHWEST CORNER OF MEADOWLANDS DR. AND FM 2449 IN PONDER, TEXAS**

- a. Presentations: Staff and Applicant**
- b. Public Hearing**
- c. Discussion**
- d. Action**

Council Member Crider moved to open the public hearing. Motion seconded by Council Member Howard. Ayes: Council Member Crider, Council Member Lynch, Council Member Howard and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

Mayor Bassler asked if anyone was present to speak for or against this item. No one spoke.

Council Member Howard moved to close the public hearing. Motion seconded by Council Member Crider. Ayes: Council Member Crider, Council Member Lynch, Council Member Howard and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

Mayor Pro-Tem Gorman moved to approve the zoning change request for Lot 1, Block 7 of Remington Park, Phase Three. Motion seconded by Council Member Howard. Ayes: Council Member Lynch, Council Member Howard and Mayor Pro-Tem Gorman. Nays: Council Member Crider. Abstentions: None. Motion passed with 3 ayes, 1 nay and 0 abstentions.

**ITEM 13 HOLD PUBLIC HEARING, DISCUSS, CONSIDER AND ACT ON CERTAIN VARIANCE REQUESTS FROM DEVON ENERGY REGARDING 5.6 ACRES LOCATED WITHIN 81.091 ACRES OUT OF THE FIELDS DAVIS SURVEY, ABSTRACT NO 371, A PROPOSED 275 RESIDENTIAL LOT SUBDIVISION WITH A PUBLIC PARK DEDICATION GENERALLY LOCATED SOUTH OF FM 2449, WEST OF ROBINSON ROAD, EAST OF FM 156.**

- a. Presentations: Staff and Applicant**
- b. Public Hearing**
- c. Discussion**
- d. Action**

Council Member Crider moved to open the public hearing. Motion seconded by Mayor Pro-Tem Gorman. Ayes: Council Member Crider, Council Member Lynch, Council Member Howard and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

Laura Anderson with Devon Energy asked that the Council consider a variance equal to the builder's request and that Devon would commit to no drilling on the southern pad site. She also asked that the word building be removed from the verbiage of the conditions set by the Town Engineer in the case that a restroom or concession stand is built on the park property and that the lease road is allowed to be paved with reclaimed asphalt instead of concrete.

Mayor Pro-Tem Gorman moved to close the public hearing. Motion seconded by Council Member Crider. Ayes: Council Member Crider, Council Member Lynch, Council Member Howard and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

Mayor Pro-Tem Gorman moved to approve the variance request from Devon Energy located within the 5.6 acres of the 81.091 acres of the Fields Davis Survey, excluding the northern pad site, and in accordance with the recommendations of the Town Engineer dated January 6, 2015, not closer than 300 feet to new residential housing and precluding future development on the southern pad site and to allow reclaimed asphalt paving for the well road mentioned in item 6 of the Town Engineers recommendations and altering item 1 of the Town Engineers recommendation to state habitable buildings rather than buildings, to read: Religious Institutions, Habitable Buildings, Hospital Buildings or Schools in accordance with the Town Engineers recommendations. Motion seconded by Council Member Crider. Ayes: Council Member Crider, Council Member Lynch, Council Member Howard and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

**ITEM 14 HOLD PUBLIC HEARING TO HEAR PUBLIC COMMENT AND CONSIDER THE CREATION OF THE FOLLOWING PUBLIC IMPROVEMENT DISTRICT: PONDER PUBLIC IMPROVEMENT DISTRICT NO. 1**

Council Member Crider moved to open the public hearing. Motion seconded by Mayor Pro-Tem Gorman. Ayes: Council Member Crider, Council Member Lynch, Council Member Howard and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

Mr. Tim Green spoke for the Public Improvement District.

Council Member Crider moved to close the public hearing. Motion seconded by Council Member Lynch. Ayes: Council Member Crider, Council Member Lynch, Council Member Howard and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

**ITEM 15 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING THE CREATION OF THE FOLLOWING PUBLIC IMPROVEMENT DISTRICT: PONDER PUBLIC IMPROVEMENT DISTRICT NO. 1**

Council Member Howard moved to approve Resolution 15-01, regarding the creation of a public improvement district. Motion seconded by Council Member Crider. Ayes: Council Member Crider, Council Member Lynch, Council Member Howard and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

**ITEM 16 EXECUTIVE SESSION - THE TOWN COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION DURING THE COURSE OF THE MEETING TO SEEK LEGAL ADVICE FROM ITS ATTORNEY REGARDING ANY ITEM ON THE POSTED AGENDA AS AUTHORIZED BY SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.**

No executive session.

**ITEM 17 ADJOURN.**

Council Member Howard moved to adjourn at 8:50 p.m. Motion seconded by Council Member Crider. Ayes: Council Member Crider, Council Member Lynch, Council Member Howard and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

**APPROVED:**

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**John Bassler, Mayor**

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**Date**

**ATTEST:**

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**Sheri N. Clearman, City Secretary**