

**MINUTES OF THE
TOWN COUNCIL
July 13, 2009**

ITEM 1 CALL TO ORDER

Mayor Vardell called the regular session to order at 6:00 p.m. on Monday, July 13, 2009, 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 and Mayor Vardell.

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

Lee McGhee, resident of Ponder spoke to the Council regarding concerns that she had with Police Chief Grube. Ms. McGhee stated that she received a code enforcement violation letter that was dated wrong and was not handled according to code. She also reported that several individuals want to come forward with complaints about Chief Grube and to see that he upholds the law and want to feel comfortable reporting things, but are afraid of retaliation. According to Ms. McGhee, Chief Grube addresses people with hostility, is harsh and unjust and that this needs to be addressed by the Council.

Mayor Vardell asked Ms. McGhee to give the individuals that are afraid to come in his cell phone number and have them call him personally if they have concerns.

Mr. and Mrs. Erik Edwards addressed the Council regarding a cat problem. They stated that they call Denton County Animal Control, who advises them to call Ponder Police. The Edwards' stated that there is a need for animal control in their neighborhood. Their neighbors have over one dozen cats. Mr. and Mrs. Edwards stated that they were told by Chief Grube that if animal control comes out, they would have to pay for the traps. They also reported that there are people in Ponder who are afraid to come forward with complaints on Chief Grube. The Edwards' addressed their junk vehicle situation by saying that they had two in their driveway that they have taken care of and told the Council that they should not pick and choose who to pick on.

Council Member Wilkinson addressed members of the community to let them know that the Council had to begin somewhere addressing the code enforcement violations in the Town so that we can all live in the nice community that everyone wants. Council Member Wilkinson also stated that he would like to review the animal control contract to confirm what charges there are for picking up animals.

Ms. Edwards stated that Brian Hall told her that it would cost \$30 per trap and that he would come and pick up kittens, but that he did not do cats.

Mayor Vardell assured the Edwards' that he would address this issue.

Tina Minor, resident of Remington Park in Ponder addressed the Council regarding Chief Grube stating that he accused her of child endangerment because her son was riding his bike. She said that the point is that she feels she has been harassed as a single mom and has had to spend money on an attorney that she does not have to have things dismissed that Chief Grube believes are a crime. Ms. Minor stated that Chief Grube arrested her on the charge of child endangerment and told her that he wanted to arrest her for another charge, but couldn't find it in his book. Ms. Minor said that she plans to stay in Ponder so she is not going to file suit on the Town of Ponder but wanted the Council to be aware of this. She also said that Child Protective Services called Chief Grube and begged him not to arrest her in front of her child, but he refused. Ms. Minor said that she will not stand by and let someone harass her and wants her son to be able to ride his bike without Chief Grube arresting her.

Denise Boyer, resident of Remington Park in Ponder reported that during the last dove hunting season there were men in the field behind her house shooting guns. She stated that Chief Grube went out and spoke with the men and reported to her that the men were within the law and have a legal right to shoot in the area where they were. Ms. Boyer said that she was told by Chief Grube that all she could do is call 911 if one of the babies that she keeps was shot.

Mayor Vardell told Ms. Boyer that there was nothing legally that we could do to stop the shooting.

Ms. Boyer said that it was sad that hunters have more rights than her and she would like to see something done about this before someone gets hurt or killed.

Chief Grube began to address Ms. Minor regarding her claim against him when things began to get hectic. Mayor Vardell stopped Chief Grube and stated that this was not a court and that he could address the Council in executive session.

ITEM 6 CONSENT AGENDA

Council Member Ashman moved to approve the June 8, 2009 minutes, the June 22, 2009 minutes, the June 2009 bill reports and the June 2009 financial statement. Motion seconded by Council Member Wilkinson. Ayes: Council Member Ashman, Council Member Wilkinson and Council Member Crider. Nays: None. Abstentions: None. Motion passed with 3 ayes, 0 nays and 0 abstentions.

ITEM 7 DISCUSSION, CONSIDERATION AND ACTION REGARDING A REVIEW OF THE PARK DESIGN AND ASSIGNING A PROJECT MANAGER TO THE EDDIE DEUSSEN PARK PROJECT.

Cory Anthony, a resident of Ponder and a member of the Park Board reviewed the Park Project budget, timeline and plans with the Council. Mr. Anthony reviewed the design of the playground, and went over the pavilion dimensions and design stating that it has been designed to match the gazebo that is currently in the park and will include fans. He reported that he and Gary Morris had discussion regarding the style of bathrooms and that they came up with a design to include lockable gates. The bathroom does not have a standard door but does have stalls. All of the bathroom fixtures are specked to be stainless steel. There is a drain in the floor and a hose bib on the wall for maintenance. The walkways leading to the pavilion, parking, bathrooms and playground will be made with the bricks that are currently being sold. The Lady VIP storage building will be relocated behind the bathrooms. Mr. Anthony said that the Park Board will be submitting drainage plans to George Belcheff.

Mayor Vardell asked Mr. Anthony that they speak with the Lady VIPs before disturbing anything in the existing park. Mr. Anthony said that he would be more than happy to do that.

Mr. Anthony went on to say that this park is ADA accessible and that he has been working with Tammy Durrett on these items. The park timeline was gone over. Mr. Anthony stated that there were no items that would be over \$50,000 so they would not have to go out for bid on them. Mr. Anthony is asking for the appointment of Managing Agent for the project.

Mayor Vardell asked if the Council thought we needed a Council Member to be an agent also. Council Member Wilkinson would like to see that the Council still has the authority on what is happening during this process.

Mr. Anthony assured the Council that his intent is to build a park that our kids and their grandkids can use and that he does not want the final say in anything. He intends to inform the Council on all decisions.

Chris Norwood, resident of Ponder and a member of the Park Board gave a financial update. He is pleased to report that the Community support has been tremendous. He reported that with the cash match the project has approximately \$108,000 and still needs to raise around \$42,000. Mr. Norwood is also a member of the EDC and stated that they have not had a meeting since August of 2008. There is over \$100,000 in the EDC budget and as he looks at the budget now, he does not think that it is a good idea to pay a consultant \$26,000. He believes that EDC funds should be used to improve the Town infrastructure and would like to see some of these funds help towards the park. Mr. Norwood said that the board meetings required for the EDC are not happening and that they need to be happening and that the EDC is not functional. He stated that the president of the EDC meets all of his requests with resistance.

Mayor Vardell said that he would arrange an EDC meeting.

Ed Chambers, resident of Ponder and a member of the Park Board stated that if the park is built to spec, there should be no need to come to the Council for approval on decisions. Mr. Chambers stated that he needs the park plans fairly quickly after George Belcheff and Gary Morris review them.

George Belcheff stated that he is okay with the plans as long as the Council is comfortable with the components on the drawing.

Attachments to the minutes include: Eddie Duessen Jr. Park Expansion Project Budget, Eddie Duessen Jr. Park Expansion Project Timeline and Eddie Duessen Jr. Park Expansion Project Plans and Specs.

Council Member Wilkinson moved to appoint Cory Anthony as the Manager Agent of the Park Project and Gary Morris as consulting representative for the Town of Ponder and request that they move forward with George Belcheff and Gary Morris' approval. Motion seconded by Council Member Ashman. Ayes: Council Member Ashman, Council Member Wilkinson and Council Member Crider. Nays: None. Abstentions: None. Motion passed with 3 ayes, 0 nays and 0 abstentions.

ITEM 8 CONSIDER AND ACT ON ACTIVATING THE STREETLIGHTS IN HIGH MEADOWS NORTH.

Council Member Wilkinson moved to activate the street lights in High Meadows North. Motion seconded by Council Member Crider. Ayes: Council Member Ashman, Council Member Wilkinson and Council Member Crider. Nays: None. Abstentions: None. Motion passed with 3 ayes, 0 nays and 0 abstentions.

ITEM 9 UPDATE FROM STEVE GRUBE REGARDING RECENT CODE ENFORCEMENT ACTIVITY.

Chief Grube presented a written update on the recent code enforcement activity.

Attachments to the minutes include: Code Enforcement Update

Council Member Wilkinson moved to adjourn to executive session as authorized by the Texas Government Code, Section 551.074 to discuss personnel matters at 7:15 p.m. Motion seconded by Council Member Ashman.

Regular session reconvened at 7:30 p.m. with no action.

ITEM 10 ITEMS TO BE PLACED ON THE NEXT AGENDA.

Animal Control contract
Chief Grube Budget Amendment

ITEM 11 ADJOURN.

Council Member Wilkinson moved to adjourn at 8:32 p.m. Motion seconded by Council Member Ashman. Ayes: Council Member Ashman, Council Member Wilkinson and Council Member Crider. Nays: None. Abstentions: None. Motion passed with 3 ayes, 0 nays and 0 abstentions.

APPROVED:

Jeff Vardell, Mayor

Date

ATTEST:

Sheri N. Clearman, City Secretary