

**MINUTES OF THE  
TOWN COUNCIL  
May 14, 2015**

**ITEM 1      CALL TO ORDER**

Mayor Bassler called the meeting to order at 6:15 p.m.

**ITEM 2      ROLL CALL**

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

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

Council Member Cockburn led both.

**ITEM 4      OPEN FORUM**

Billy Reeves, a resident of 204 King George Way reported that everything near his property is flooding. He has taken many pictures of this over the years. He reported that all of the run-off from Steamboat floods him and his neighbors every time that it rains. He stated that about seven years ago he was told that the drainage was meant to feather out from the detention pond and distribute the water evenly. He also said that it gets worse with every rain. He said that there is a burm and that before the burm was there, the residents told him that there was no flooding. Mayor Pro-Tem told Mr. Reeves that we would look at the detention pond to see if it needed any maintenance.

Lisa Fisher, a resident of 200 King George Way reported that she has lived at this address since February of 1999 and that the water problem was not then what it is today. She stated that Mayor Cockburn came out and looked at it personally. Her land is not smooth anymore due to the water and she was a video to show the water coming out of the spout at the detention pond. Ms. Fisher would like for the Council to move forward and come up with a solution to this.

Barry LaDuke, a resident of 422 Madison Place reported his concern about the arena that is to be built behind the Denton County Cowboy Church. He stated that the south end will be opened and the rodeos last until 2:00 a.m. sometimes. He cannot sleep with the windows open because of the noise and the smell. He stated that the church assures him that he will not be able to hear the noise when the new arena is completed.

Shawn Pollock, a resident of Madison Place quoted the Town of Ponder noise ordinance. His big concern is the noise. He moved out to Ponder for peace and quiet. Mr. Pollock would like to be neighborly and would like a sensible resolution.

Tesa Apony, a resident of 432 Madison Place has been a resident there since October of 2003. She stated that the land owner, Henry Reife told her that the property where the church is would be an addition to her subdivision. She has spoken to everyone on her street and stated that there is huge distress among those people. Ms. Apony would like to know why Mr. Reife told her that no one could build there. She is also concerned about the late hours and the loud noise.

**ITEM 5      CONSENT AGENDA**

Council Member Howard moved to approve the April 9, 2015 minutes and the April 2015 financial statement. Ayes: Council member Crider, Mayor Pro-Tem Gorman, Council Member Cockburn, Council Member Howard and Council Member Lynch. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

**ITEM 6 SWEAR-IN THE COUNCIL MEMBERS FOR PLACE 2 AND PLACE 4.**

Sheri Clearman, City Secretary swore Alan Gorman into the seat of Alderman Place 2 and Michael Hanselman into the seat of Alderman Place 4.

**ITEM 7 CONSIDER AND ACT ON APPROVAL OF A PROCLAMATION, DECLARING MAY AS MOTORCYCLE AWARENESS MONTH.**

Council Member Crider moved to approve and accept a Proclamation declaring May as Motorcycle Awareness Month in Ponder, Texas. Motion seconded by Council Member Howard. Ayes: Council member Crider, Mayor Pro-Tem Gorman, Council Member Cockburn, Council Member Howard and Council Member Lynch. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

**ITEM 8 CONSIDER AND ACT ON APPROVAL OF RESOLUTION 15-04, AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS STEERING COMMITTEE.**

Council Member Crider moved to approve Resolution 15-04. Motion seconded by Council Member Howard. Ayes: Council member Crider, Mayor Pro-Tem Gorman, Council Member Cockburn, Council Member Howard and Council Member Lynch. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

**ITEM 9 CONSIDER AND ACT ON ORDINANCE 15-06, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP.**

Council Member Howard moved to approve Ordinance 15-06. Motion seconded by Council Member Crider. Ayes: Council member Crider, Mayor Pro-Tem Gorman, Council Member Cockburn, Council Member Howard and Council Member Lynch. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

**ITEM 10 DISCUSS AND CONSIDER AN INTERLOCAL BOUNDARY AND EXTRATERRITORIAL JURISDICTIONAL CONTRACT BETWEEN THE CITY OF DENTON AND THE TOWN OF PONDER.**

John Boyle, Legal Counsel to the Town of Ponder stated that this was an agreement and a map that both parties were able to agree on. He commended the Council for making progress on this item.

Council Member Howard moved to approve the boundary and extraterritorial jurisdictional contract between the Town of Ponder and the City of Denton. Motion seconded by Council Member Crider. Ayes: Council member Crider, Mayor Pro-Tem Gorman, Council Member Cockburn, Council Member Howard and Council Member Lynch. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

**ITEM 11 DISCUSSION, CONDERATION AND STAFF DIRECTION REGARDING THE WWTP REHABILITATION AND EXPANSION PROJECTS.**

Mike Anderson, Engineer for the Town of Ponder briefed the Council on the expansion and rehab project and asked for direction to proceed with financing options. Mayor Pro-Tem Gorman directed staff to proceed by speaking to John Martin with Southwest Securities about bond options to finance the project.

**ITEM 12 DISCUSSION, CONSIDERATION AND STAFF DIRECTION REGARDIGN THE PURCHASE OF A BUILDING LOCATED BEHIND 102 W. BAILEY STREET.**

Council Member Crider moved to adjourn into Executive Session at 6:45 p.m. Motion seconded by Council Member Howard. Ayes: Council member Crider, Mayor Pro-Tem Gorman, Council Member Cockburn, Council Member Howard and Council Member Lynch. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

Regular session reconvened at 6:55 p.m.

Mayor Pro-Tem asked that Caleb, one of four owners come back to the staff with a sale price and we would go from there.

**ITEM 13 CONDUCT PUBLIC HEARING ON SERVICE AND ASSESSMENT PLAN FOR THE TOWN OF PONDER PUBLIC IMPROVEMENT DISTRICT NO. 1.**

Council Member Crider moved to open the public hearing. Motion seconded by Council Member Howard. Ayes: Council member Crider, Mayor Pro-Tem Gorman, Council Member Cockburn, Council Member Howard and Council Member Lynch. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

Mayor Pro-Tem Gorman asked if there was anyone there to speak for or against the item, with no response.

Council Member Crider moved to close the public hearing. Motion seconded by Council Member Howard. Ayes: Council member Crider, Mayor Pro-Tem Gorman, Council Member Cockburn, Council Member Howard and Council Member Lynch. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

**ITEM 14 CONSIDER AND ACT ON ADOPTING AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PONDER, TEXAS APPROVING A SERVICE AND ASSESSMENT PLAN AND AN ASSESSMENT ROLL FOR TOWN OF PONDER PUBLIC IMPROVEMENT DISTRICT NO. 1; LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY WITHIN PID NO. 1; PROVIDING FOR ASSESSMENTS TO BE PAID OVER A PERIOD OF TIME IN ACCORDANCE WITH THE PUBLIC IMPROVEMENT DISTRICT ASSESSMENT ACT; SPECIFYING THE METHOD AND THE AMOUNT OF PAYMENT; PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pro-Tem Gorman moved to approve the Service and Assessment Plan for Town of Ponder Public Improvement District No. 1, contingent upon the review and approval of all documents and exhibits by Sheri Clearman, Gary Morris, George Belcheff and John Boyle.

Motion seconded by Council Member Crider. Ayes: Council member Crider, Mayor Pro-Tem Gorman, Council Member Cockburn, Council Member Howard and Council Member Lynch. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

**ITEM 15 CONSIDER AND ACT ON ENTERING INTO FACILITIES AND CREATION COSTS REIMBURSEMENT AGREEMENT WITH D.R. HORTON-TEXAS, LTD, A TEXAS LIMITED PARTNERSHIP, PROVIDING FOR THE REIMBURSEMENT OF SUCH COMPANY FOR AUTHORIZED CAPITALIZED IMPROVEMENTS TO BE FUNDED BY SPECIAL ASSESSMENTS LEVIED BY PID NO 1.**

Mayor Pro-Tem Gorman moved to approve the Facilities and Creation Costs Reimbursement agreement contingent upon the review and approval of all documents and exhibits by Sheri Clearman, Gary Morris, George Belcheff and John Boyle. Motion seconded by Council Member Howard. Ayes: Council member Crider, Mayor Pro-Tem Gorman, Council Member Cockburn, Council Member Howard and Council Member Lynch. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

**ITEM 16 CONSIDER AND ACT ON APPROVAL OF A SURFACE USE AGREEMENT MADE AND ENTERED INTO BY AND AMONG DEVEN ENERGY PRODUCTION COMPANY, L.P. AND OKLAHOMA LIMITED PARTNERSHIP, HAVING AN ADDRESS OF 333 WEST SHERIDAN DRIVE, OKLAHOMA CITY, OK 73102, AND BOB SHELTON ENTERPRISES, LTD., A TEXAS LIMITED PARTNERSHIP, HAVING AN ADDRESS OF 2308 RANCH HOUSE DRIVE, DENTON, TEXAS 76210 AND THE TOWN OF PONDER, A GENERAL LAW TOWN.**

Mayor Pro-Tem Gorman moved to approve the Surface Use Agreement between the above listed contingent upon the review and approval of all documents and exhibits by Sheri Clearman, Gary Morris, George Belcheff and John Boyle. Motion seconded by Council member Crider. Ayes: Council member Crider, Mayor Pro-Tem Gorman, Council Member Cockburn, Council Member Howard and Council Member Lynch. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

**ITEM 17 CONDUCT PUBLIC HEARING TO HEAR PUBLIC COMMENT REGARDING THE FINAL PLAT FOR: REMINGTON PARK PHASE 4, BEING 44.703 ACRES OUT OF THE FIELDS DAVIS SURVEY, ABSTRACT NO 371, A PROPOSED 128 RESIDENTIAL LOT SUBDIVISION WITH A PUBLIC PARK DEDICATION GENERALLY LOCATED SOUTH OF FM 2449, WEST OF ROBINSON ROAD, EAST OF FM 156. PROPERTY OWNER: BOB SHELTON ENTERPRISES, LTD.**

Mayor Pro-Tem Gorman moved to open the public hearing. Motion seconded by Council Member Crider. Ayes: Council member Crider, Mayor Pro-Tem Gorman, Council Member Cockburn, Council Member Howard and Council Member Lynch. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

Mayor Pro-Tem Gorman asked if there was anyone there to speak for or against this item. George Belcheff, Town Engineer went over his recommendation letter dated May 14, 2015, and attached to these minutes.

Council Member Crider moved to close the public hearing. Motion seconded by Council Member Howard. Ayes: Council member Crider, Mayor Pro-Tem Gorman, Council Member

Cockburn, Council Member Howard and Council Member Lynch. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

**ITEM 18 CONSIDER AND ACT ON A FINAL PLAT REQUEST FOR APPROVAL: REMINGTON PARK PHASE 4, BEING 44.703 ACRES OUT OF THE FIELDS DAVIS SURVEY, ABSTRACT NO 371, A PROPOSED 128 RESIDENTIAL LOT SUBDIVISION WITH A PUBLIC PARK DEDICATION GENERALLY LOCATED SOUTH OF FM 2449, WEST OF ROBINSON ROAD, EAST OF FM 156. PROPERTY OWNER: BOB SHELTON ENTERPRISES, LTD.**

Council Member Howard moved to approve the final plat request for approval of Remington Park Phase 4, contingent upon completion of all items on George Belcheff's recommendation letter dated May 14, 2015. Motion Seconded by Mayor Pro-Tem Gorman. Secondary motion by Mayor Pro-Tem Gorman that this be contingent also upon review and approval of all documents and exhibits by Sheri Clearman, Gary Morris, George Belcheff and John Boyle. Secondary motion seconded by Council Member Howard. Ayes: Council member Crider, Mayor Pro-Tem Gorman, Council Member Cockburn, Council Member Howard and Council Member Lynch. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

**ITEM 19 CONSIDER AND ACT ON APPROVAL OF A SUBDIVIDER'S AGREEMENT BETWEEN DR HORTON- TEXAS LTD, BOB SHELTON ENTERPRISES AND THE TOWN OF PONDER.**

Mayor Pro-Tem Gorman moved to approve the Subdivider's Agreement between DR Horton-Texas, LTD, Bob Shelton Enterprises and the Town of Ponder contingent upon review and approval of all documents and exhibits by Sheri Clearman, Gary Morris, George Belcheff and John Boyle. Motion seconded by Council Member Crider. Ayes: Council member Crider, Mayor Pro-Tem Gorman, Council Member Cockburn, Council Member Howard and Council Member Lynch. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

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

Drainage on King George Way

**ITEM 21 ADJOURN.**

Council Member Crider moved to adjourn at 7:40 p.m. Motion seconded by Mayor Pro-Tem Gorman. Ayes: Council member Crider, Mayor Pro-Tem Gorman, Council Member Cockburn, Council Member Howard and Council Member Lynch. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

**APPROVED:**

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John Bassler, Mayor

\_\_\_\_\_  
Date

**ATTEST:**

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Sheri N. Clearman, City Secretary