

**MINUTES OF THE
TOWN COUNCIL
MARCH 12, 2018**

ITEM 1 CALL TO ORDER

Mayor Bassler called the meeting to order at 6:30 p.m.

ITEM 2 ROLL CALL

Those present were Mayor Bassler, Council Member Poole, Council Member Crowell, Council Member Cockburn and Council Member Mann.

ITEM 3 INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG.

Mayor Bassler led both.

ITEM 4 OPEN FORUM

Before Mayor Bassler opened this forum, he stated to the room that there are some emotional items on the agenda. Everyone will have five minutes to speak and that there will be no two-way communication. He stated that there will be a three-strike rule and if he has to ask anyone to stop talking he will be asking you to leave.

Seraluna Sanchez, a Ponder resident signed up and opted to wait and speak during item 12.

Brian Webb, a resident of 4021 High Road in Flower Mound spoke to the Council. He stated that he is a candidate for County Commissioner, Pct. 4. He has also been a Town Council Member at Flower Mound for the last 6 years. He said that he appreciates the job that the Town Council does. He serves on boards and commissions in the Lewisville for the last 15 years and believes that this is the experience that he brings to the Commissioners position. He extended an invitation to the community to educate him. His phone number is 972-816-5661. He said he would be happy to speak with anyone at any time.

ITEM 5 CONSENT AGENDA.

Council Member Crowell moved to approve the February 12, 2018 minutes, the February 2018 financial statement and the February 2018 Police Activity report. Motion seconded by Council Member Mann. Ayes: Council Member Crowell, Council Member Mann, Council Member Cockburn and Council Member Poole. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

ITEM 6 CONSIDER AND ACT ON RE-APPOINTING BUZZ BROOKS TO THE ECONOMIC DEVELOPMENT CORPORATION BOARD.

Council Member Poole moved to re-appoint Buzz Brooks to the EDC Board. Motion seconded by Council Member Mann. Ayes: Council Member Crowell, Council Member Mann, Council Member Cockburn and Council Member Poole. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

ITEM 7 CONSIDER AND ACT ON APPROVAL OF ORDINANCE 18-02, CALLING GENERAL ELECTION.

Council Member Crowell moved to approve Ordinance 18-02, calling a general election. Motion seconded by Council Member Mann. Ayes: Council Member Crowell, Council Member Mann, Council Member Cockburn and Council Member Poole. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

ITEM 8 CONSIDER AND ACT ON APPROVAL OF ORDINANCE 18-03, CALLING A SPECIAL ELECTION.

Council Member Crowell moved to approve Ordinance 18-03, calling a special election. Motion seconded by Council Member Mann. Ayes: Council Member Crowell, Council Member Mann, Council Member Cockburn and Council Member Poole. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

ITEM 9 CONSIDER AND ACT ON APPROVAL OF RESOLUTION 18-04, AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE AND AUTHORIZING THE PAYMENT OF TWO CENTS PER CAPITA.

Council Member Crowell moved to approve Resolution 18-04, authorizing continued participation with the Atmos Cities Steering Committee and authorizing the payment of two cents per capita. Motion seconded by Council Member Mann. Ayes: Council Member Crowell, Council Member Mann, Council Member Cockburn and Council Member Poole. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

ITEM 9A. CONSIDER AND ACT ON APPROVAL OF ORDINANCE 18-05, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM.

Council Member Crowell moved to approve Ordinance 18-05. Motion seconded by Council Member Mann. Ayes: Council Member Crowell, Council Member Mann, Council Member Cockburn and Council Member Poole. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

ITEM 10 CONSIDER AND ACT ON A RECOMMENDATION FROM P&Z TO APPROVE A FINAL RE-PLAT OF LOTS 25R1 AND 25R2, BLOCK B, PONDEROSA CREEKSIDE ESTATES.

Council Member Poole moved to accept the recommendation from P&Z and to approve a final re-plat of lots 25R1 and 25R2, Block B, Ponderosa Creekside Estates. Motion seconded by Council Member Crowell. Ayes: Council Member Crowell, Council Member Mann, Council Member Cockburn and Council Member Poole. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

ITEM 11 CONSIDER AND ACT ON APPROVAL TO ENTER INTO CONTRACT WITH HARDIN & ASSOCIATES CONSULTING, LLC TO CONDUCT A WATER QUALITY ANALYSIS AND TO AUTHORIZE GARY MORRIS TO SIGN ALL DOCUMENTS RELATED.

Council Member Crowell moved to approve entering into a contract with Hardin and Associates Consulting, LLC to conduct a water quality analysis and to authorize Gary Morris to sign all documents related. Motion seconded by Council Member Mann.

Council Member Poole asked what the scope of the contract was going to be. Gary Morris replied that it will basically be a TCEQ type report. The consultant will have a team that may want to go into one of the homes. Council Member Crowell asked if there will be redundancies with their testing and the TCEQ tests. Sheri Clearman replied that yes there will be redundancies.

Ayes: Council Member Crowell, Council Member Mann, Council Member Cockburn and Council Member Poole. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

ITEM 12 DISCUSSION RELATIVE TO THE WATER QUALITY IN THE TOWN OF PONDER.

Seraluna Sanchez, resident of 523 Lonestar Park, Ponder, TX spoke to the Council about the water quality in Remington Park. She presented the Council with a cake to thank them for hearing her and for calling somebody in since there were some tensions and concerns and not having to wait another 30 days for anything to be done and the babies were still taking baths. At her house they are still experiencing the rashes. She said that her first question was going to be what the scope of work is and are the tests going to be extensive.

Gary Morris replied that it is very expensive to do this. He said that the firm is going to pull the same exact chemical analysis as TCEQ has done. He also said that if the firm is not going to give us credit for the tests that TCEQ has already done, that he will go ahead and have them conduct them again.

Ms. Sanchez asked if they are broad panel and would they include the solvents that were reported in the Record Chronicle.

Gary Morris replied that it is a full analysis and that he would speak to them and make sure that they are included. He added that the solvents that she is talking about have no maximum contaminant limits.

Ms. Sanchez stated that there are issues that are not being reported such as light headedness. She asked if Ponder staff had been in contact with any of the other communities who are reporting some of the same issues.

Gary Morris replied that he had not been in contact with any other Towns.

Ms. Sanchez asked if it would be possible for Council to contact these other agencies about if there are more issues out there.

Gary Morris replied that the problem with that is that others are on surface water that comes from lakes. Ours comes from wells. It's like comparing oranges to apples there. He also stated that he is taking this concern very serious. He said that if there is a problem that we want to find it. He reported that the TCEQ was at the office doing an in-house investigation and they reported that there were no problems. The TCEQ pulled samples for testing and they also did some chlorine residuals. The chemical analysis results will probably take about a month to get back. Gary will reach out to Hardin in the morning to set up a plan for the water quality analysis. Gary presented a drawing of what the distribution system looks like on Keenland Street. The drawing showed that an 8" water main comes into a single tap between the two houses and puts a bull head on that is attached to the two meters that will service each house. (drawing attached) He has spoken to 406 Keenland and 402 Keenland and they have no problems. He suggested checking the plumbing, fittings and water heater inside the house. Mr. Morris also presented a drawing of a production map. It showed the wells, ground storage tank and the CO2 injection site. The CO2 is injected before it hits the storage sites. The booster pumps come on at some point and push the water into the distribution system. However, well 7 is distributed by gravity flow. He reported that they did not take raw samples. Mr. Morris reported that the Avigliano home is now one of our regular sample sites. He took a chlorine residual from that site today and the result 0.91. HE likes to see it between 1 and 1.5 so he instructed his techs to tweak it up a little. He reported that we use the chlorine to kill any bacteria or any disease-causing agents before putting it into the distribution system.

Ms. Sanchez stated that chlorine isn't the concern, that it is the other chemicals that they don't know.

Gary stated that anyone can go on the TCEQ website and see results from any tests that they have ever done on our water system.

Alex Avigliano, resident of 404 Keenland, Ponder, TX thanked the Council for their efforts. He reported that the people in Ponder who are reporting problems, inserted that he appreciates all the work Gary has been doing, but that this goes beyond just them. He put together a survey and that 52 people responded to it and out of the 52 people that 26 said yes they are experiencing issues and 27 said no. When he analyzed the data he said that 52% of the people say they are having skin irritations and 15% say they don't. He stated that he broke it down one step farther and asked what type and he said that people with skin irritations only have them when in contact with this water. Mr. Avigliano submitted a doctor's note stating that it was diagnosed as a contact dermatitis meaning that when your skin is in contact with something specific it causes this. He said that they have done their investigations way before they brought it before Council and that they have used the same colognes, soaps, etc. for years and have lived there since December of 2016. He said that he can live with the chlorine, he knows that they need it. This is something new that is going on. He feels that this has been going on longer than he originally thought, and that people didn't have the courage to report it. His wife put it on Facebook to say if anyone is having issues to let them know just so they knew that they weren't crazy. Their Water Fixers Facebook page now has over 100 members. Mr. Avigliano also stated that some of these people are afraid to come and address this with the Town because people have ridiculed and bullied Seraluna Sanchez and Meghan Avigliano, his wife, not to say that that is what the Town is doing, but he would appreciate the support. He stated that he works in Irving and when he washes his hands there he doesn't experience an issue but when he turns the water on at home he does. He is suggesting that it is something sporadic going on with the water. He again stated that he appreciates the Town spending the money to research this and that he would create a go fund me page to take up collections to pay for it.

Meghan Avigliano reported to the Council that she received the TCEQ report back and that a couple of times that there was no residual and it concerns her. She wants to know how the water was being cleaned during that time. She is not experiencing rashes at this time just some itching and it comes and goes. No rashes for about a week. She stated that she can tell that we are trying to fix the problem because it is not as bad. She said that she can still smell the bleach.

Gary Morris asked Mr. Avigliano if there were address on the survey? Mr. Avigliano stated that most of them have.

Council Member Poole stated that he has read all of the comments on social media and heard comments at this meeting and his concern is that no one knows what it is but people are going on social media saying that the water is toxic and that it is not safe to drink or use. He said that there is no proof yet that this is from the water. He said that he understands contact dermatitis, but that can come from jewelry cleaner, cosmetics and a number of things and he doesn't want to see our Town drug unnecessarily through the mud. He stated that he has asked on social media if anyone has been to a dermatologist, had their water heaters tested, because the sediment that is in the bottom of your water heater may also cause these issues or the anode being old can also cause issues. These social media groups are stating that it's the Town that has water issues and now the Town is expected to go fix everyone's water issues. Mr. Poole said that we want everyone to have clean drinking water, but our concern is the Town of Ponder at this point. He also said that the Town is willing to help but has had one official complaint and TCEQ has had two official complaints. The group is telling people to call TCEQ but no one is saying to call Sheri or Gary at the Town. He feels like it is trying to be blown up and made a fracking issue. He would like to see what is going on in our Town before worrying about a larger issue such as other Towns.

Seraluna Sanchez asked the Mayor if she could speak again. He said she could say one last thing. She stated that during the course of what has gone on online that she has done her best to be as diplomatic as possible. Knowing that the Council requested doctor's notes, she gave her children a bath and rushed them to the care now. She asked if they could stay open and it has put a stress on their lives. She said that she has to give them showers instead of baths and can't let them entertain themselves for five minutes. She said that she does not want to see Ponder drug through the mud either. She said that she worries that this isn't a Ponder issue that it is much larger and that they have hits around the area and they have a lead on where to look. She said that she called the TCEQ and that they think they can handle the issue. She said that she doesn't think that insinuating that they are too stupid to realize that it could be the soap is constructive when they have proof (showed a picture) and said that it was her kids back and it did that after two minutes of contact in the shower. She reported that people that have water heaters that are a year old and that they are grasping for straws. She stated that she has seen this rash on kids around the area and they have a lead. People from all over all calling her.

Council Member Poole stated that the notion that people are bullying them or calling them stupid has to stop. He said that no one in the room thinks they are stupid and those words have not come out of his mouth or anyone else in here. He stated that he and his wife have been accused of bullying and drug through the mud on these Facebook pages for asking questions. Mr. Poole apologized if it is taken that way but that it is not meant that way and that people asking questions is not bullying. He said that his daughter had a rash a couple of nights ago and he took her to the doctor and it turned out to be something else and he didn't feel the need to blast it out all over the place or place blame on anything because they didn't know what caused it. He asked if Ms. Sanchez could tell us for sure that it is the water causing the rashes. He asked her if she knew what Urticaria was. She replied if his kid was exposed like hers was. She also replied that she didn't know what it was. He suggested that it was a very common thing and she should look it up.

ITEM 13 ITEMS FOR THE NEXT AGENDA.
Audit

ITEM 14 ADJOURN.

Council Member Mann moved to adjourn at 7:15 p.m. Motion seconded by Council member Crowell. Ayes: Council Member Crowell, Council Member Mann, Council Member Cockburn and Council Member Poole. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

APPROVED:

John Bassler, Mayor

Date

ATTEST:

Sheri N. Clearman, City Secretary