



BARTONVILLE TOWN COUNCIL AGENDA

April 18, 2023 at 7:00 PM

Town Hall - 1941 E. Jeter Road, Bartonville, TX 76226

A. CALL MEETING TO ORDER

B. PLEDGE OF ALLEGIANCE

C. PRESENTATIONS

- [1.](#) Proclamation - Sexual Assault Awareness Month

D. PUBLIC PARTICIPATION

If you wish to address the Council, please fill out a "Public Meeting Appearance Card" and present it to the Town Secretary, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, citizens wishing to address the Council for items listed as public hearings will be recognized when the public hearing is opened. For citizens wishing to speak on a non-public hearing item, they may either address the Council during the Citizen Comments portion of the meeting or when the item is considered by the Town Council.

E. APPOINTED REPRESENTATIVE/LIAISON REPORTS

1. Denton County Emergency Services #1 Update - Chief Vaughn.
- [2.](#) Police Chief Report March 2023.
- [3.](#) Town Administrator - Monthly Reports March 2023: Financial, Animal Control, Code Enforcement, Engineering, Municipal Court, Permits.

F. 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 March 21, 2023, regular meeting minutes.
- [2.](#) Consider approval of an Interlocal Cooperation Agreement between Denton County and the Town of Bartonville for Shared Governance Communications & Dispatch Services System for Fiscal Year 2022-2023 in the amount of \$6343.00; and authorize the Town Administrator and Chief of Police to execute same on behalf of the Town.
- [3.](#) Consider termination of the October 2022 Agreement with William C. Spore for bookkeeping professional services.

G. PUBLIC HEARINGS

- 4.** **LP-2023-001/#ZC-2023-001** Public hearing to consider an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit “A,” Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the land use designation in the Town’s Comprehensive Plan for a 10.076-acre tract or parcel of land situated in the BBB & CRR Survey, Abstract Number 152A, Tracts 6 and 7, and Lot 1 of the Kincade Subdivision, in the Town of Bartonville, Denton County, Texas, from Rural Business (RB) to Residential (RE-2); and an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit “A,” Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the zoning designation of the same property described above from Rural Business (RB) to Residential Estates 2-Acre Lots (RE-2). ***(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its April 5, 2023 meeting.)***
- 5.** **CUP-2023-001** Public hearing to consider an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Article 14.02, Exhibit “A,” Ordinance 361-05, Zoning Ordinance, by amending Chapter 5, Agricultural District (AG), Article 5.2, Uses Permitted, by granting a Conditional Use Permit to authorize equestrian uses and special education services with equine therapy located at 2700 FM 407 East. ***(The Planning and Zoning Commission recommended approval with conditions by a vote of 5 to 0 at its April 5, 2023 meeting.)***

H. REGULAR ITEMS

- 6.** Discuss and consider approval of an ordinance amending Attachment “A” of Section 10 entitled “Rate Adjustment” of the Exclusive Franchise Agreement for Solid Waste Collection authorizing an 8.8 % CPI increase for solid waste and a 3.88% increase on the disposal and recycling processing on residential, commercial, and roll off services.
- 7.** Discuss and Consider Acceptance of Eagle Ridge Subdivision Public Improvements.
- 8.** Discuss and consider approval of Work Order #4 with SPI Asphalt Pavement Repair in the amount of \$96,914.50; and authorization for the Town Administrator to execute same on behalf of the Town.
- 9.** Discuss and consider approval of work authorization for Westwood Professional Services in the amount of \$78,000 for bid phase services and oversight of the reconstruction of E. Jeter Road (Phase 1) and repairs on Stonewood Boulevard; and authorization for Town Administrator execute same on behalf of the Town.
- 10.** Update on Ramhill Transmission Lines meetings.
- 11.** Discussion on nomination to slate of nominees to Denco 9-1-1 District Board of Managers.
- 12.** Discussion on placement times of waste and recycling receptacles.

I. CLOSED SESSION

Pursuant to the Open Meetings Act, Chapter 551, the Town Council will meet in a Closed Executive Session in accordance with the Texas Government Code.

- 1.** Section 551.071 Consultation with Town Attorney, and Section 551.072 Deliberation regarding real property, and any and all legal issues related thereto.

J. RECONVENE OPEN MEETING

The Town Council to reconvene into an open meeting and consider action, if any, on items discussed in closed session.

K. FUTURE ITEMS

L. ADJOURNMENT

I hereby certify that this Notice of Meeting was posted on the Town Website, and on the bulletin board, at Town Hall of the Town of Bartonville, Texas, a place convenient and readily accessible to the public at all times. Said Notice was posted on the following date and time; and remained posted continuously prior to the scheduled time of said meeting and shall remain posted until meeting is adjourned.

/s/ Tammy Dixon, Town Secretary

Posted: April 15, 2023 at 9:00 a.m.

The Town Council reserves the right to adjourn into executive session during the course of this meeting to discuss any item on the posted agenda as authorized by Chapter 551 of the Texas Government.



Office of the Mayor Proclamation

- WHEREAS:** sexual harassment, abuse, and assault are widespread problems. In the United States alone, nearly one in five women and one in 33 men have been raped at some time in their lives, and one in four girls and one in 6 boys is sexually abused by their 18th birthday. In fact, an American is sexually assaulted every 68 seconds; and
- WHEREAS:** sexual assault affects every adult, teen, and child in Denton County either as a victim/survivor of sexual assault or as a family member, significant other, friend, neighbor, or co-worker; and
- WHEREAS:** few survivors of sexual violence seek help immediately after victimization due to shame or fear of not being believed. In order to end sexual assault, we must alleviate these fears. We must begin by believing; and
- WHEREAS:** Denton County Friends of the Family staff and volunteers provide comprehensive and compassionate services to those impacted by sexual assault, including a Survivor Advocate Team responding 24/7 to local hospitals and law enforcement agencies to support victims of sexual assault; and
- WHEREAS:** April 2023 marks the twenty-first anniversary of Sexual Assault Awareness Month during which Denton County Friends of the Family will be intensifying efforts to promote public understanding of sexual assault, publicizing their services, emphasizing the need for increased community support for their agency, and to increase awareness of needs of survivors.

NOW, THEREFORE, I, Jaclyn Carrington, Mayor of the Town of Bartonville, Texas, do hereby proclaim, April 2023, as,

“SEXUAL ASSAULT AWARENESS MONTH”

in the Town of Bartonville, and encourage all citizens to learn more about the effects of sexual assault and how to support survivors.

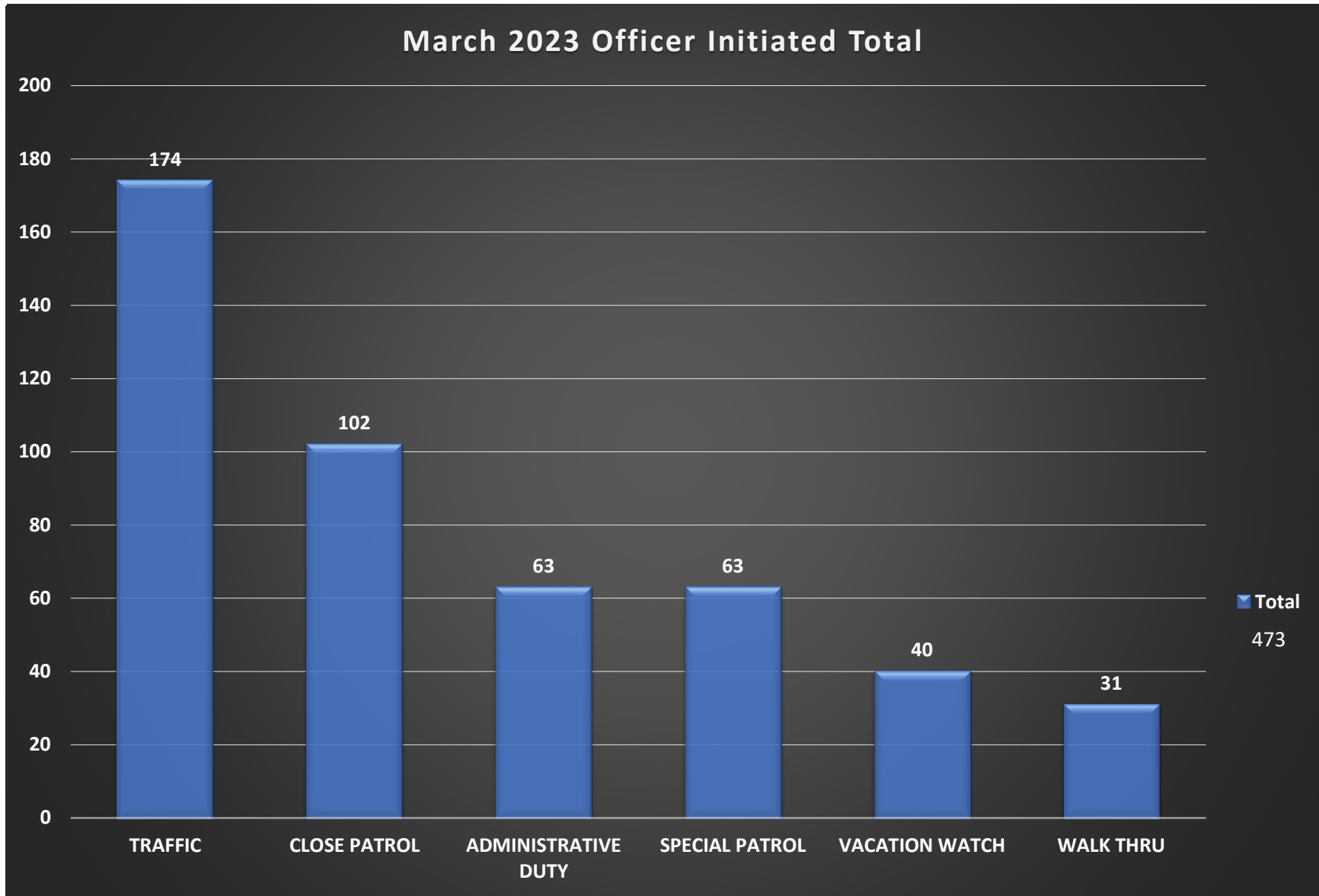
PROCLAIMED AND SIGNED on this the 18th day of April 2023.

Jaclyn Carrington, MAYOR

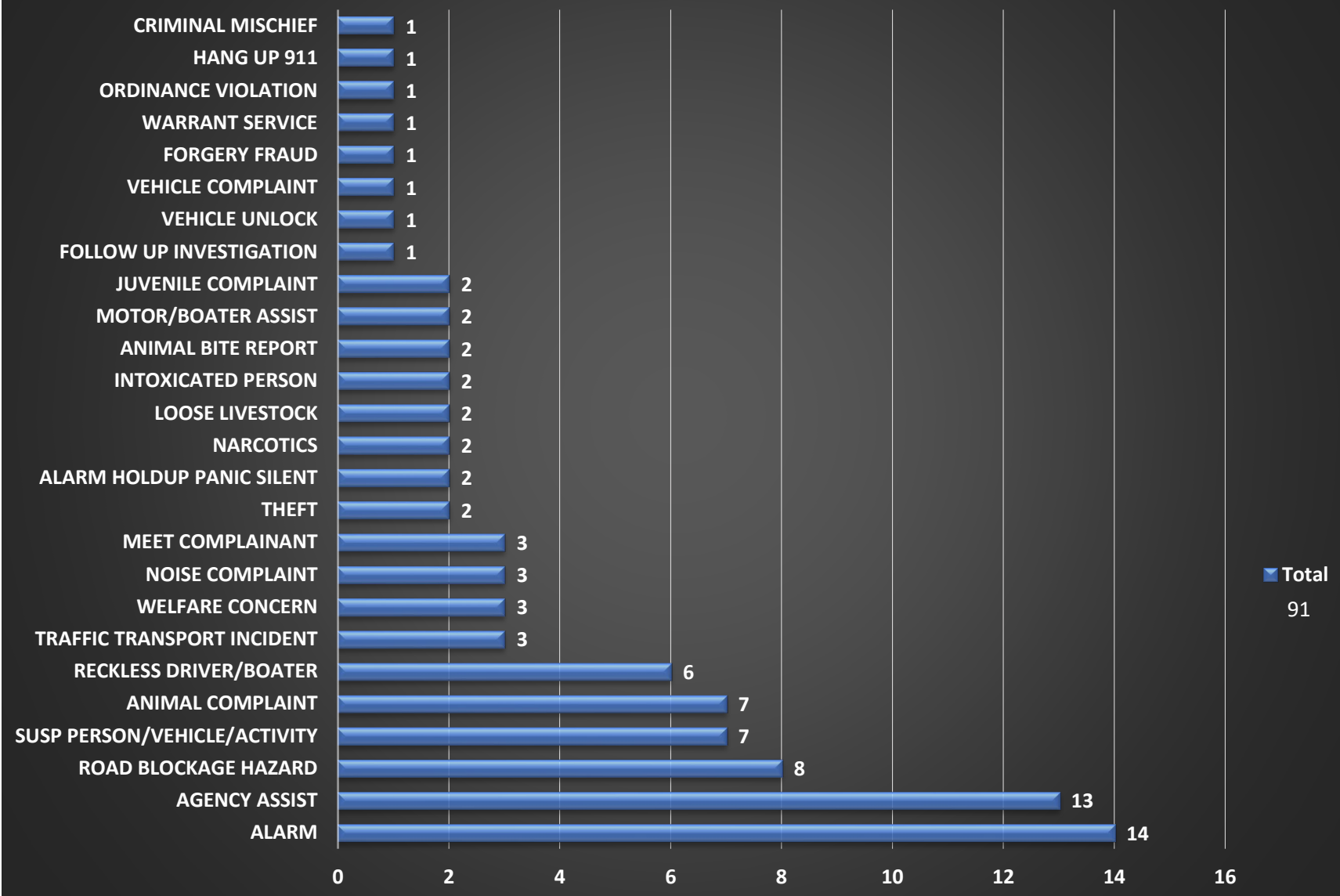
Bartonville Police Department

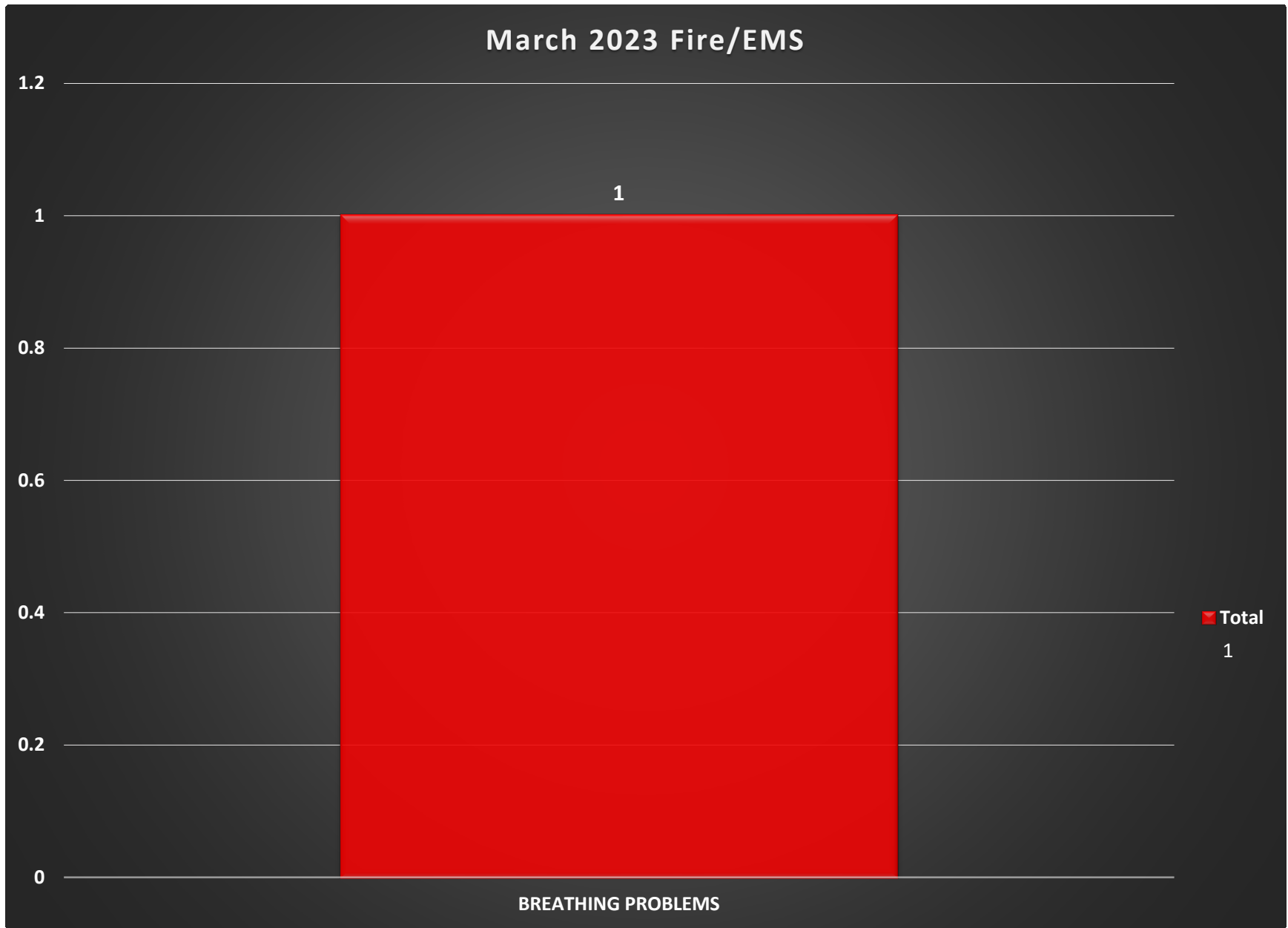
Monthly Report

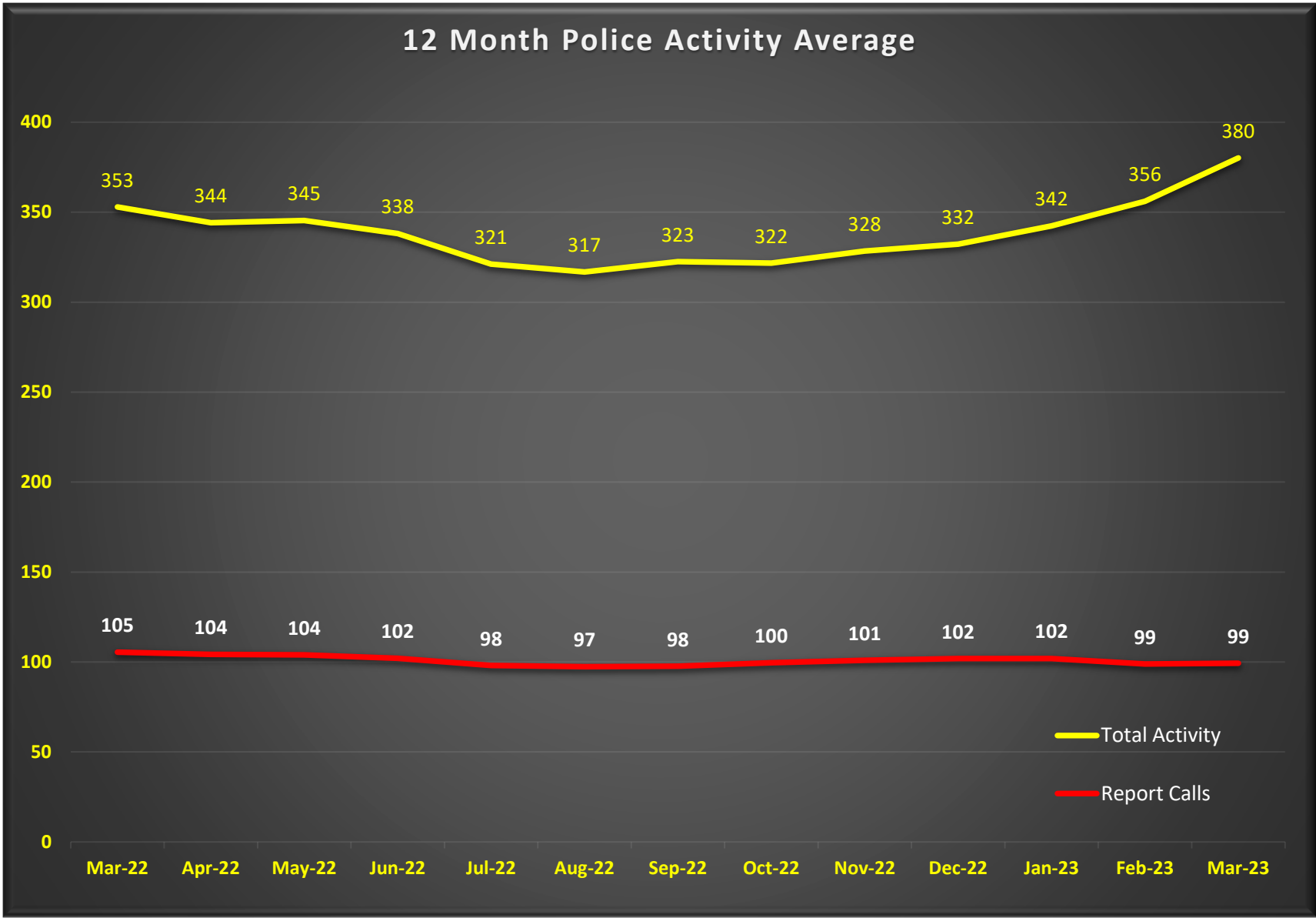




March 2023 Calls for Service

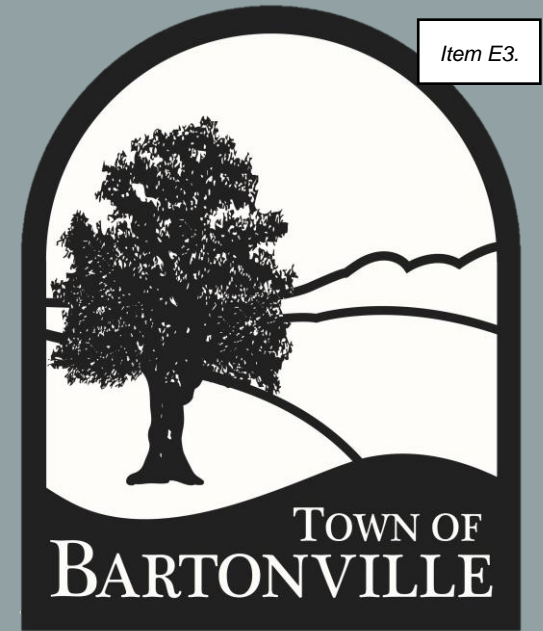






Town of Bartonville Monthly Financial Report

Month Ending
March 31, 2023

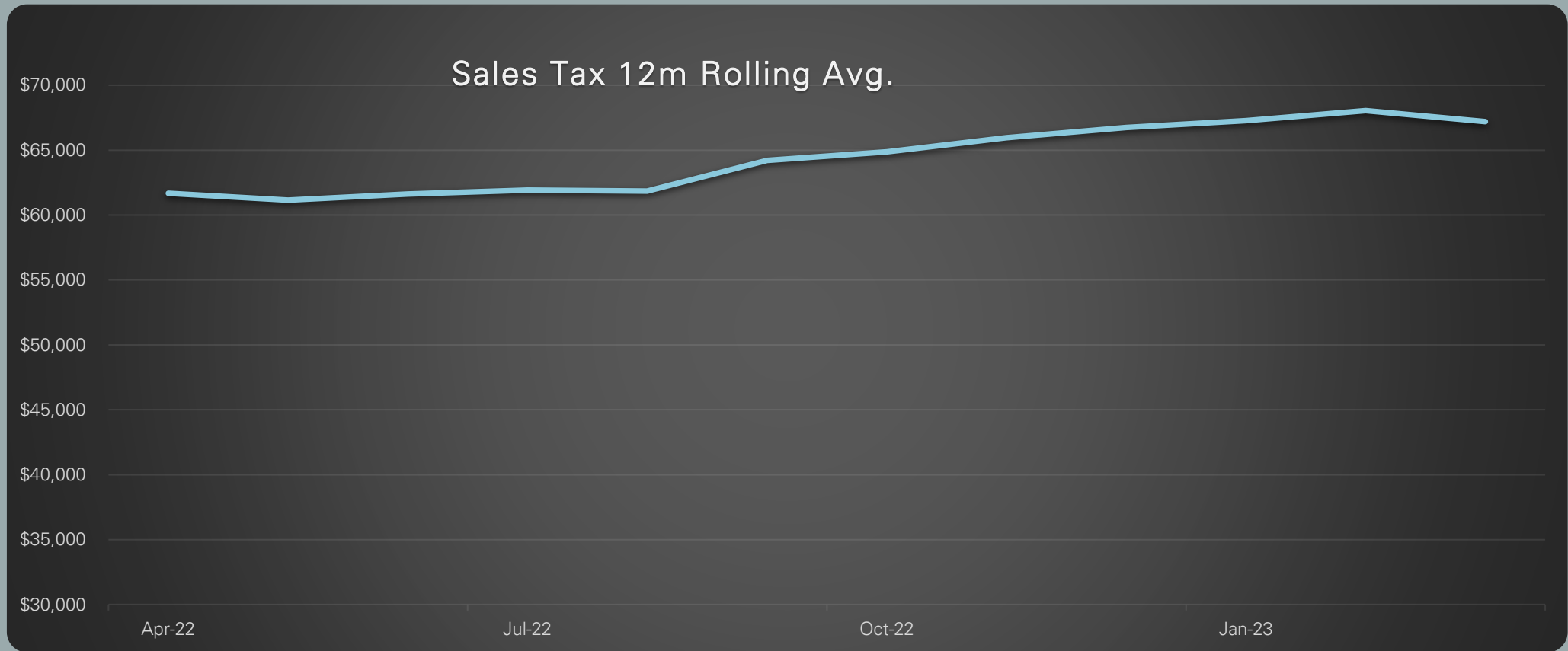


PRESENTED:
APRIL 18, 2023

All General Fund Revenues

	March 2023 Revenue	Year to Date Revenue	Current Year Budget	Projected Revenue Remaining	% of Budgeted Revenue Remaining	Prior year YTD	Prior year ending balance
Sales Tax	\$44,117.92	\$416,698.71	\$759,800.00	\$343,101.29	45.16%	\$381,033.14	\$770,632.31
Property Tax	\$36,311.14	\$954,680.93	\$943,000.00	(\$11,680.93)	(1.24)%	\$790,357.70	\$810,247.20
Franchise Fees	\$0	\$130,693.19	\$157,500.00	\$26,806.81	17.02%	\$105,651.32	\$211,360.40
Other/Transfer	\$12,930.19	\$108,878.88	\$134,000.00	\$25,121.12	18.75%	\$14,976.06	\$15,179.04
Development Fees	\$0	\$71,576.24	\$30,000.00	(\$41,576.24)	(138.59)%	\$124,581.64	\$130,143.64
Permit Fees	\$23,443.30	\$118,056.48	\$132,900.00	\$14,843.52	11.17%	\$93,174.22	\$201,909.51
Municipal Court	\$9,704.00	\$41,084.71	\$60,000.00	\$18,915.29	31.53%	\$21,529.54	\$56,295.24
Total Revenue	\$126,506.55	\$1,841,669.14	\$2,217,200.00	\$375,530.86	16.94%	\$1,531,303.62	\$2,195,767.34

Sales Tax Collections



All General Fund Expenditures

	March 2023 Expenditures	Year to Date Expenditures	Current Year Budget	Budget Balance Remaining	% of Balance Remaining	Prior Year YTD Balance	Prior year FY Ending Balance
Administration	\$99,760.46	\$478,131.84	\$1,092,716.00	\$614,584.16	56.24%	\$394,602.11	\$973,328.77
Police	\$75,031.54	\$348,569.35	\$780,986.00	\$432,416.65	55.37%	\$214,114.64	\$537,727.68
Municipal Court	\$450.00	\$2,450.00	\$5,400.00	\$2,950.00	54.63%	\$2,250.00	\$6,000.00
Transfers	\$62,551.11	\$200,349.34	\$241,600.00	\$41,250.66	17.07%	\$212,561.59	\$307,035.89
Total Expenses	\$237,793.11	\$1,029,500.53	\$2,120,702.00	\$1,091,201.47	51.45%	\$824,078.34	\$1,824,092.34

Expenditures by Department

Administration

	March 2023 Expenditures	YTD Expenditures	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Salary & Benefits	\$45,659.60	\$212,586.76	\$502,256.00	\$289,669.24	57.67%	\$120,259.91	\$276,241.26
Supplies	\$1,413.11	\$20,713.63	\$52,500.00	\$31,786.37	60.55%	\$20,295.40	\$37,727.88
Maintenance	\$5,632.96	\$19,827.06	\$37,500.00	\$17,672.94	47.13%	\$15,986.74	\$34,364.04
Contracted Service	\$44,907.78	\$180,792.71	\$338,490.00	\$157,697.29	46.59%	\$228,735.40	\$559,772.49
Fees & Service Charges	\$137.50	\$499.00	\$1,170.00	\$671.00	57.35%	\$502.17	\$1,237.84
Other	\$1,946.51	\$43,712.68	\$160,800.00	\$117,087.32	72.82%	\$8,822.49	\$63,985.26
Total Administration:	\$99,760.46	\$478,131.84	\$1,092,716.00	\$614,584.16	56.24%	\$394,602.11	\$973,328.77

Expenditures by Department

Police

	March 2023 Expenditures	YTD Expenditures	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
Salary & Benefits	\$69,017.34	\$312,410.08	\$709,486.00	\$397,075.92	55.97%	\$179,095.25	\$446,681.36
Supplies	\$1,693.76	\$6,396.25	\$30,000.00	\$23,603.75	78.68%	\$1,879.30	\$23,174.72
Maintenance	\$3,808.60	\$18,902.88	\$28,000.00	\$9,097.12	32.49%	\$22,384.64	\$58,407.99
Contracted Service	\$0.00	\$6,722.00	\$9,500.00	\$2,778.00	29.24%	\$6,320.00	\$8,082.21
Other	\$60.00	\$695.63	\$4,000.00	\$3,304.37	82.61%	\$454.52	\$1,381.40
Total Police Department:	\$75,031.54	\$348,569.35	\$780,986.00	\$432,416.65	55.37%	\$214,114.64	\$537,727.68

Mar 1, 2023 - Mar 31, 2023

Location	Notes	Code
Mar 28, 2023 10:39 AM 1941 JETER RD E	Patrolled city focusing on stray animals.	Animal Control
Mar 22, 2023 3:21 PM 240 green oaks	we responded to a dog bite at this address. the dog belonged next door. the dog is current and will do a home quarantine	Animal Control
Mar 21, 2023 4:09 PM 1941 JETER RD E	Patrolled city focusing on stray animals.	Animal Control
Mar 20, 2023 9:31 AM 1029 hat creek rd	report of s skunk out in the daylight we will drive the area and attempt to locate	Animal Control
Mar 16, 2023 4:54 PM 1941 JETER RD E	Patrolled city focusing on stray animals. spoke to thad	Animal Control
Mar 8, 2023 4:33 PM 1941 JETER RD E	Patrolled city focusing on stray animals. spoke to tammy	Animal Control

Location	Notes	Code
Mar 29, 2023 4:23 PM 1023 gene perry	spoke to the owner and they will move the jeeps from public view	Code Enforcement
Mar 28, 2023 10:42 AM 1205 chestnut	issued a citation for sewage running onto another property	Code Enforcement
Mar 28, 2023 10:41 AM 1023 gene perry	Issued a warning for junk vehicles:	Code Enforcement
Mar 28, 2023 10:40 AM	Patrolled city focusing on code issues.	Code Enforcement
Mar 23, 2023 4:12 PM 1205 chestnut	Issued a citation for sewer running onto another property:	Code Enforcement
Mar 21, 2023 4:23 PM 1205 chestnut	Issued a citation for open sewer running onto another property:	Code Enforcement
Mar 21, 2023 4:10 PM	Patrolled city focusing on code issues.	Code Enforcement
Mar 16, 2023 4:55 AM	Patrolled city focusing on code issues. spoke to thad	Code Enforcement
Mar 9, 2023 10:44 AM 1205 chestnut	Issued a warning for tall open septic running onto a neighboring property.	Code Enforcement
Mar 8, 2023 4:34 PM	Patrolled city focusing on code issues. spoke to tammy	Code Enforcement

Town of Bartonville
Municipal Court Council Report
From 3/1/2023 to 3/31/2023

4/12/2023 3

Item E3.

Violations by Type

Traffic	Penal	City Ordinance	Parking	Other	Total
104	0	5	0	1	110

Financial

State Fees	Court Costs	Fines	Tech Fund	Building Security	Total
\$5,548.00	\$1,501.10	\$8,552.00	\$240.00	\$294.00	\$16,135.10

Warrants

Issued	Served	Closed	Total
0	0	0	0

FTAs/VPTAs

FTAs	VPTAs	Total
0	0	0

Dispositions

Paid	Non-Cash Credit	Dismissed	Driver Safety	Deferred	Total
25	0	9	4	14	52

Trials & Hearings

Jury	Bench	Appeal	Total
0	0	0	0

Omni/Scofflaw/Collection

Omni	Scofflaw	Collections	Total
12	0	12	24

PermitReport

4/3/2023 2:4

Item E3.

Permit #	Contact	Property	Permit Type	Issued Date	Estimated Value	Square Footage	Paid Amount	Balance
22-00242-01	Elements Systems	1032 Hat Creek Road	OSSF Permit - Residential	3/30/2023			\$410.00	\$0.00
23-00017-01	Lingenfelter Custom Homes	1408 Brian Street	New Residence Permit	3/27/2023	\$2,000,000.00	5523.00	\$3,589.95	\$0.00
23-00017-02	Lingenfelter Custom Homes	1408 Brian Street	New Residence (Non AC)	3/27/2023	\$2,000,000.00	5523.00	\$1,568.25	\$0.00
23-00017-04	Lingenfelter Custom Homes	1408 Brian Street	Culvert/Driveway	3/27/2023	\$2,000,000.00	5523.00	\$120.00	\$0.00
23-00017-05	Lingenfelter Custom Homes	1408 Brian Street	Grading and Drainage Permit	3/27/2023	\$2,000,000.00	5523.00	\$275.00	\$0.00
23-00041-01	Verde Outdoor Solutions	1032 Hat Creek Road	Pool/Spa (inground)	3/7/2023			\$725.00	\$0.00
23-00046-01	Luna's Landscape and Construction		Contractor Registration - Irrigation	3/6/2023			\$125.00	\$0.00
23-00053-01	Blue Lagoons Construction	2610 Kentucky Derby	Pool/Spa (inground)	3/3/2023	\$63,910.00		\$800.00	\$0.00
23-00058-01	Lingenfelter Custom Homes	2717 Romero Way	New Residence Permit	3/22/2023			\$3,718.00	\$0.00
23-00058-02	Lingenfelter Custom Homes	2717 Romero Way	New Residence (Non AC)	3/22/2023			\$1,197.45	\$0.00
23-00058-04	Lingenfelter Custom Homes	2717 Romero Way	Grading and Drainage Permit	3/22/2023			\$275.00	\$0.00
23-00058-05	Lingenfelter Custom Homes	2717 Romero Way	Culvert/Driveway	3/22/2023			\$120.00	\$0.00
23-00058-06	Lingenfelter Custom Homes	2717 Romero Way	OSSF Permit - Residential	3/16/2023			\$410.00	\$0.00
23-00064-01	Lasso Works Cedar		Contractor Registration - General	3/1/2023			\$125.00	\$0.00
23-00065-01	Drew Walling Custom Homes	600 W Jeter Rd	Pool/Spa (inground)	3/7/2023			\$650.00	\$0.00
23-00066-01	Kellaway Landscape		Contractor Registration - Irrigation	3/3/2023			\$125.00	\$0.00
23-00067-01	Kellaway Landscape	1620 Gibbons Rd S	Plumbing Permit	3/1/2023			\$130.00	\$0.00
23-00068-01	Make Ready Repairs LLC		Contractor Registration - Plumbing	3/2/2023			\$0.00	\$0.00
23-00069-01	Blue Lagoons Construction		Contractor Registration - General	3/6/2023			\$125.00	\$0.00
23-00070-01	EIB Homes II, LLC	1501 Broome	New Residence Permit	3/14/2023		4135.00	\$2,687.75	\$0.00
23-00070-02	EIB Homes II, LLC	1501 Broome	New Residence (Non AC)	3/14/2023		4135.00	\$1,597.95	\$0.00
23-00070-04	EIB Homes II, LLC	1501 Broome	Grading and Drainage Permit	3/14/2023		4135.00	\$275.00	\$0.00
23-00070-05	EIB Homes II, LLC	1501 Broome	Culvert/Driveway	3/14/2023		4135.00	\$120.00	\$0.00
23-00071-01	Venado Construction		Contractor Registration - General	3/9/2023			\$125.00	\$0.00
23-00072-01	Venado Construction	354 Wolf Run Rd	Addition/REmodel Permit (AC)	3/20/2023		267.00	\$433.55	\$0.00
23-00074-01	Venado Construction	354 Wolf Run Rd	Addition/REmodel Permit (AC)	3/20/2023		1112.00	\$760.40	\$0.00
23-00075-01	Sol Nova Electric	1337 W Jeter Rd	Electrical Permit	3/7/2023			\$130.00	\$0.00
23-00076-01	Elements Systems	1095 Broome Rd	OSSF Application - Modification	3/15/2023			\$200.00	\$0.00
23-00077-01	KP Plumbing		Contractor Registration - Plumbing	3/8/2023			\$0.00	\$0.00
23-00078-01	Hyperion Electrical Contractors Inc.		Contractor Registration - Electrical	3/8/2023			\$0.00	\$0.00
23-00079-01	Venado Construction		Contractor Registration - General	3/9/2023			\$125.00	\$0.00
23-00080-01	SeCo Construction LLC		Contractor Registration - General	3/10/2023			\$125.00	\$0.00
23-00081-01	Round Table Pizza	3701 FM 407 500	Food Establishment Plan Review	3/16/2023		2000.00	\$200.00	\$0.00
23-00082-01	Round Table Pizza	3701 FM 407 500	Food Establishment Permit	3/16/2023			\$150.00	\$0.00
23-00083-01	RV Plumbing LLC		Contractor Registration - Plumbing	3/10/2023			\$0.00	\$0.00
23-00084-01	Andersons Construction Services	410 Country Ct	OSSF Application - Modification	3/23/2023			\$200.00	\$0.00
23-00085-01	International Electrical LLC		Contractor Registration - Electrical	3/13/2023			\$0.00	\$0.00
23-00086-01	RJM Services		Contractor Registration - Plumbing	3/13/2023			\$0.00	\$0.00
23-00087-01	4G Electrician		Contractor Registration - Electrical	3/14/2023			\$0.00	\$0.00
23-00088-01	ABC Home and Commercial Services		Contractor Registration - Plumbing	3/14/2023			\$0.00	\$0.00
23-00090-01	ABC Home and Commercial Services	601 McMakin Rd	Plumbing Permit	3/15/2023			\$130.00	\$0.00
23-00091-01	Dennis Services LLC		Contractor Registration - Electrical	3/15/2023			\$0.00	\$0.00
23-00092-01	Dennis Services LLC	623 W Jeter Rd	Electrical Permit	3/15/2023			\$130.00	\$0.00
23-00093-01	Anderson Lighting & Electric		Contractor Registration - Electrical	3/16/2023			\$0.00	\$0.00
23-00094-01	Sign Installation Group Inc dba National Signs & Service		Contractor Registration - Electrical	3/17/2023			\$0.00	\$0.00
23-00095-01	Sign Installation Group Inc dba National Signs & Service		Contractor Registration - General	3/20/2023			\$125.00	\$0.00
23-00096-01	The King's Electrical, LLC		Contractor Registration - Electrical	3/20/2023			\$0.00	\$0.00
23-00097-01	Windsor Crest Homes, Inc.		Contractor Registration - General	3/22/2023			\$125.00	\$0.00
23-00098-01	Lasso Works Cedar	1310 Gibbons Rd S	Covered Patio/Carport/Arbor Permit	3/24/2023			\$410.00	\$0.00
23-00100-01	Ruiz Lighting, LLC		Contractor Registration - Electrical	3/30/2023			\$0.00	\$0.00



TOWN COUNCIL COMMUNICATION

DATE April 18, 2023

FROM: Tammy Dixon, Town Secretary

AGENDA ITEM: Consider approval of the March 21, 2023, regular meeting minutes.

SUMMARY:

The Town Council held a regular meeting on March 21, 2023.

FISCAL INFORMATION:

N/A

RECOMMENDED MOTION OR ACTION:

Approve the meeting minutes for the regular meeting held on March 21, 2023.

ATTACHMENTS:

March 21, 2023, regular meeting minutes.

THE BARTONVILLE TOWN COUNCIL REGULAR MEETING HELD ON THE 21st DAY OF MARCH 2023, AT 1941 E. JETER ROAD, BARTONVILLE, TEXAS 7:00 P.M.

Item F1.

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 7:00 p.m.

B. PLEDGE OF ALLEGIANCE

Mayor Carrington led the pledge of allegiance.

C. PRESENTATIONS

1. Presentation of a 10-Year Service Award to Bobby Dowell, Chief of Police.

Mayor Carrington presented a 10-Year service award Bobby Dowell, Chief of Police in recognition of his years of service.

D. PUBLIC PARTICIPATION

There were none.

E. APPOINTED REPRESENTATIVE/LIAISON REPORTS

1. Denton County Emergency Services District #1 – Jim Strange

Jim Strange distributed a report created by Chief Vaughan that included the ESD's personnel count, incident county with a five-year comparison, major incident types, call volume per municipality, response times, and a communications update.

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

Chief Dowell reviewed the February statistics and answered questions from the Town Council. He stated the DEA drug take back day event was scheduled for April 25th and advised would be hosting a blood drive at the Bartonville Store on May 20th.

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

Mr. Chambers stated the Annual Spring Clean Up event was scheduled for April 15th. He reviewed the monthly financials and answered questions from the Town Council. Mr. Chambers

also stated the Code Enforcement Officer has issued some citations issued after multiple warnings were ignored.

F. CONSENT AGENDA

- 1. Consider approval of the February 21, 2023, regular meeting minutes.
- 2. Consider approval of the March 3, 2023, work session minutes.
- 3. Accept Certification of Unopposed Candidates and adopt a resolution cancelling the May 6, 2023, General Election.
- 4. Consider approval of a Consultant Services Agreement with Eddie Peacock, PLLC, for services relating to financial management support; and authorization for the Town Administrator to execute same on behalf of the Town.
- 5. Consider approval of an interlocal agreement between the Town of Bartonville and North Texas Central Council of Governments (NCTCOG) for grant funding to sponsor a tire collection event; and authorization for the Town Administrator to execute same on behalf of the Town.

Councilmember Crandall requested item 4. be removed from the Consent Agenda.

Councilmember Crandall moved to approve consent agenda items 1-3, and 5. Councilmember Roberts seconded the motion.

VOTE ON THE MOTION

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

G. REGULAR ITEMS

- 4. Consider approval of a Consultant Services Agreement with Eddie Peacock, PLLC, for services relating to financial management support; and authorization for the Town Administrator to execute same on behalf of the Town.

Councilmember Crandall inquired if the agreement with William Spore should be terminated. Following discussion staff was directed to place the agreement with Mr. Spore on the next agenda for formal action.

Councilmember Crandall moved to approve a Consultant Services Agreement with Eddie Peacock, PLLC, for services relating to financial management support; and to authorize the Town Administrator to execute same on behalf of the Town. Councilmember Crandall seconded the motion.

VOTE ON THE MOTION

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

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

Councilmember Roberts stated the Town Council received great applications and he and Councilmember Crandall were recommending Randy Van Alstine, Lori Van Alstine, Sean Stenovitch and Brenda Brown, as members and Lisa DeWitt as an alternate member. He further stated after Councilmember Elect Margie Arens takes office, he our Councilmember Crandall would step down so she could fill the other council position on the Committee.

Councilmember Roberts moved to appoint Randy Van Alstine, Lori Van Alstine, Sean Stenovitch and Brenda Brown as members, and Lisa DeWitt as an alternate member to the Special Events Advisory Committee. Councilmember Phillips seconded the motion.

VOTE ON THE MOTION

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

7. Discuss and consider approval of the purchase of striping and rumble strips from Roadrunner Traffic Supply, Inc. in the amount \$23,853 for placement throughout the town to enhance driving safety; and to authorize the Town Administrator to expend budgeted funds on behalf of the Town.

Mr. Chambers stated this item would complete most of the Ad Hoc Traffic Committee recommendations approved by Town Council. Purchase of the 3 radar signs at the entry points of town will be presented at a future council meeting if the bid exceeds \$15,000. He explained the signs have been ordered, but the striping and rumble strips need to be completed in conjunction with the sign installation for safety reasons.

Councilmember Crandall moved to approve the purchase of striping and rumble strips from Roadrunner Traffic Supply, Inc. in the amount \$23,853 for placement throughout the town to enhance driving safety; and to authorize the Town Administrator to expend budgeted funds 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

8. Discussion on short-term rentals.

Mr. Chambers stated this item was on the agenda at the request of Councilmember Crandall and asked if the Council would like to send this item to the Planning and Zoning Commission for review.

Councilmember Crandall stated short term rentals have been an issue with other cities and inquired if the Town should consider reviewing this matter.

Ed Voss, Town Attorney, provided a summary of legal issues related to short-term rentals, provided some examples of other cities that have passed ordinances that have been challenged, and advised there were proposed bills being considered under the current legislative session. Mr. Voss suggested the Town Council postpone this item for discussion until after the legislative session has concluded.

Following discussion staff was directed to place this item on a future agenda following the legislative session.

9. Discussion on street repair and maintenance.

Mr. Chambers stated following the March 3, 2023, work session, staff nor the Town Engineer, upon several requests, had not received any examples from GeoSolutions where their product was used in reconstruction projects. He explained for new construction, geogrid makes sense, however, for reconstruction it would be much more expensive than what was anticipated. Mr. Chambers added he and Town Engineer, Chris Cha drove around the community and one of the biggest issues observed is where trees are close to the roads. He stated they were evaluating what the most cost-effective process would be which was the traditional repairs of crack sealing and resurfacing, more frequently.

Mayor Carrington stated it was not cost efficient to utilize the geogrid since the roots would continue to cause damage and shared examples where the trees are closer. She stated Mr. Cha would be making a presentation to the Town Council at the April meeting with his recommendations for road repair and maintenance.

H./I. CLOSED SESSION/OPEN SESSION

Pursuant to the Open Meetings Act, Chapter 551, the Town Council convened into a Closed Executive Session at 7:41 p.m. and reconvened into open session 8:07 p.m. in accordance with the Texas Government Code regarding:

1. *Section 551.071 Consultation with Town Attorney* regarding legal issues regarding item. H.2. **No Action Taken.**
2. *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 Secretary

Councilmember Chapman moved to accept the retirement and resignation of Tammy Dixon, Town Secretary effective June 2, 2023; and moved to authorize the Town Administrator to advertise for the vacancy. Councilmember Sams seconded the motion.

VOTE ON THE MOTION

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

J. FUTURE ITEMS

- Cancellation of agreement with William Spore
- Update from the Denton County Emergency Services District #1

K. ADJOURNMENT

Mayor Carrington declared the meeting adjourned at 8:09 p.m.

APPROVED this the 18th day of April 2023.

Approved:

Jaclyn Carrington, Mayor

Attest:

Tammy Dixon, Town Secretary



TOWN COUNCIL COMMUNICATION

DATE April 18, 2023

FROM: Bobby Dowell, Chief of Police

AGENDA ITEM: Consider approval of an Interlocal Cooperation Agreement between Denton County and the Town of Bartonville for Shared Governance Communications & Dispatch Services System for Fiscal Year 2022-2023 in the amount of \$6343.00; and authorize the Town Administrator and Chief of Police to execute same on behalf of the Town.

SUMMARY:

This is for approval of the annual interlocal agreement with Denton County to provide emergency telecommunications and dispatch services. This is for Fiscal Year 2023-24.

FISCAL INFORMATION:

\$6343.00 FY 23-24 Budget

RECOMMENDED MOTION OR ACTION:

Move to approve an Interlocal Cooperation Agreement between Denton County and the Town of Bartonville for Shared Governance Communications & Dispatch Services System for Fiscal Year 2022-2023 in the amount of \$6343.00; and authorize the Town Administrator and Chief of Police to execute same on behalf of the Town.

ATTACHMENTS:

Interlocal Agreement

5. **ANNUAL SERVICE FEE.** Each Agency shall pay to the County a fee for services based on the workload generated by the Agency.

- 5.1. Agency shall pay to County the Total Amount on ***Exhibit "A"***.
- 5.2. The Agency shall complete ***Exhibit "A"***, Agency Payment Worksheet, to identify the payment terms preferred by Agency. Agency is responsible for sending payments to County
- 5.3. The fee for service will be based on the pro rata share of the workload generated by the Agency.
- 5.4. County agrees to provide Agency a proposed service fees for the next budget/fiscal year as agreed by the parties.
- 5.5. If this Agreement is terminated prior to the expiration of the term of the Agreement, payment shall be pro-rated by written agreement between the parties.
- 5.6. Dispatch costs for the upcoming fiscal year are calculated utilizing 50% of the approved Communications Budget for the current fiscal year and agency workload statistics from the previous fiscal year.

Agency workload percentages are calculated by:

- 5.6.1. Determining the agency's percentage of total Calls For Service (CFS)
- 5.6.2. Determining the agency's percentage of total Officer Initiated Activity (OIA)
- 5.6.3. Averaging the values from # 5.6.1 & # 5.6.2
- 5.6.4. Determining the percentage of OIA that is Mobile Data Computer (MDC) activity
- 5.6.5. Determining agency OIA that is not MDC Activity
- 5.6.6. Determining adjusted percentage of OIA that is MDC activity by dividing value of # 5.6.5 by total OIA
- 5.6.7. Determining agency CFS that are public requests by subtracting agency assists or mutual aid calls from the agency's CFS
- 5.6.8. Determining adjusted percentage of total CFS that are public requests by dividing value of # 5.6.7 by total CFS
- 5.6.9. Determining agency workload percentage by calculating average of # 5.6.6 and # 5.6.8
- 5.6.10. Determining agency final cost by workload by multiplying value of # 5.6.9 against 50% of the approved Communications budget

6. **COUNTY SERVICES AND RESPONSIBILITIES.** The County agrees to provide the following services and responsibilities:

6.1 The Sheriff shall have the sole discretion as to the method of providing the Services including, but not limited to the order of response to calls, and shall be the sole judge as to the most expeditious and effective manner of handling and responding to calls for service or the rendering thereof. The Sheriff shall have the sole discretion as to the method and final decision regarding the annual workload and cost statistics. The Sheriff will devote sufficient time to insure the performance of all duties and obligations set forth herein.

6.2 County shall furnish full-time communications services including a twenty-four

(24) hours a day, seven (7) days a week public safety answering point, radio services, dispatching services, or law enforcement transmission originating from AGENCY requesting law enforcement and fire protection services and access to local, regional, state, and national data bases and telecommunications systems.

- 6.3 The services provided by County include the following:
- 6.3.1 twenty-four (24) hours a day, seven (7) days a week public safety answering point;
 - 6.3.2 receiving emergency and routine calls for law enforcement, fire, and medical services;
 - 6.3.3 directing a response to said calls by dispatching the appropriate law enforcement, fire, and medical services;
 - 6.3.4 providing on-going communication support to the emergency personnel in the field; and
 - 6.3.5 updating, maintaining, and managing the County owned radio communications system, computer systems, support files, and resource materials necessary to accomplish the above.

6.4 County may add new Agencies not currently served by Denton County at the discretion of Denton County and the Denton County Sheriff's Office.

7. **AGENCY RESPONSIBILITIES.** The Agency agrees to the following responsibilities:

- 7.1 Providing accurate current GIS data of the corporate limits and extraterritorial jurisdiction of the Agency.
- 7.2 Furnish County with a current list of all Officers and Reserves authorized by Agency to use the communications system.
- 7.3 Agency is responsible for the costs and upgrades associated with maintaining Agency's communication equipment.
- 7.4 Agency agrees to abide by all laws of the United States and the State of Texas and all present or hereafter approved rules, policies and procedures of TLETS, NLETS, TCIC, NCIC and any other system now or in the future associated with TLETS concerning the collection, storage, processing, retrieval, dissemination and exchange of information for criminal justice purposes
- 7.5 Adherence to all Sheriff's Office communications rules and regulations.
- 7.6 Agency agrees to provide all necessary and required TLETS paperwork. See ***Exhibit "B"***.
- 7.7 Appoint representative and agree to participate in the Advisory Board.
- 7.8 Agency is responsible for sending payments to County as more fully described in ***Exhibit "A"*** to this Agreement.

8. **AGREEMENT.** The parties acknowledge they have read and understand and intend to be bound by the terms and conditions of this Agreement. This Agreement contains the entire understanding between the parties concerning the subject matter hereof. No prior understandings, whether verbal or written, between the parties or their agents are enforceable unless included in writing in this agreement. This Agreement may be amended only by written instrument signed by both parties.

9. AGREEMENT LIASONS. Each party to this agreement shall designate a Liaison to insure the performance of all duties and obligations of the parties. The Liaison for each party shall devote sufficient time and attention to the execution of said duties on behalf of the Party to ensure full compliance with the terms and conditions of this Agreement.

10. ASSIGNMENT. Neither party shall assign, transfer, or sub-contract any of its rights, burdens, duties, or obligations under this Agreement without the prior written permission of the other party to this Agreement.

11. AGENCY LIABILITY. The Agency understands and agrees that the Agency, its employees, servants, agents, and representatives shall at no time represent themselves to be employees, servants, agents, and/or representatives of the County. The Agency shall not be required to indemnify nor defend County for any liability arising out of the wrongful acts of employees or agents of County to the extent allowed by Texas law.

12. COUNTY LIABILITY. The County understands and agrees that the County, its employees, servants, agents, and representatives shall at no time represent themselves to be employees, servants, agents, and/or representatives of the Agency. The County shall not be required to indemnify nor defend Agency for any liability arising out of the wrongful acts of employees or agents of Agency to the extent allowed by Texas law.

13. DISPUTES/RECOURSE. County and Agency agree that any disputes or disagreements that may arise which are not resolved at the staff level by the parties should be referred to the Appointed Liaisons for each entity. Any further disputes arising from the failure of either Agency or County to perform and/or agree on proportionate reduction in fees shall be submitted to mediation, with the parties splitting the mediation fees equally. It is further agreed and understood that the scope of matters to be submitted to dispute mediation as referenced above is limited to disputes concerning sufficiency of performance and duty to pay or entitlement, if any, to any reduced fee or compensation. Any other disputes or conflicts involving damages or claimed remedies outside the scope of sufficiency of performance and compensation adjustment shall be referred to a court of competent jurisdiction in Denton County, Texas.

14. EXHIBITS. Attached hereto, and referred to elsewhere in this Agreement are the following Exhibits, which are hereby incorporated by reference.

Exhibit A	Agency Payment Worksheet
Exhibit B	TEXAS LAW ENFORCEMENT TELECOMMUNICATION SYSTEM (TLETS) NON - TWENTY-FOUR HOUR TERMINAL AGENCY AGREEMENT

15. MULTIPLE ORIGINALS. It is understood and agreed that this Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

16. NOTICES. All notices, demands or other writings may be delivered by either party by U.S. First Class Mail or by other reliable courier to the parties at the following addresses:

County:	1	Denton County Judge Denton County Commissioners Court 1 Courthouse Drive, Ste 3100 Denton, Texas 76208
	2	Denton County Sheriff Denton County Sheriff's Office 127 N. Woodrow Lane Denton, Texas 76205
	3	Assistant District Attorney Counsel to the Sheriff 127 N. Woodrow Lane Denton, Texas 76205

Name of Agency:	Bartonville Police Department
Contact Person	Thad Chambers, Town Administrator
Address	1941 E. Jeter Road
City, State, Zip	Bartonville, TX 76226
Telephone	817-693-5287
Email	tchambers@townofbartonville.com

17. SEVERABILITY. The validity of this Agreement and/or any of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas. Further, this Agreement shall be performed and all compensation payable in Denton County, Texas. In the event that any portion of this Agreement shall be found to be contrary to law, it is the intent of the parties hereto that the remaining portions shall remain valid and in full force and effect to the extent possible.

18. THIRD PARTY. This Agreement is made for the express purpose of providing communications and dispatch services, which both parties recognize to be a governmental function. Except as provided in this Agreement, neither party assumes any liability beyond that provided by law. This Agreement is not intended to create any liability for the benefit of third parties.

19. VENUE. This agreement will be governed and construed according to the laws of the State of Texas. This agreement shall be performed in Denton County, Texas.

20. WAIVER. The failure of County or Agency to insist upon the performance of any term or provision of this Agreement or to exercise or enforce any right herein conferred, or the waiver of a breach of any provision of this Agreement by either party, shall not be construed as a waiver or relinquishment to any extent of either party's right to assert or rely upon any such term or right, or future breach of such provision, on any future occasion.

21. AUTHORIZED OFFICIALS. Each party has the full power and authority to enter into and perform this Agreement. The persons executing this Agreement represent they have been properly authorized to sign on behalf of their governmental entity.

22. CURRENT FUNDS. All payments made by Agency to County pursuant to this Agreement shall be from current revenues available to Agency.

23. DISPATCH & COMMUNICATION RECORDS. The parties acknowledge that the Denton County Sheriff's Office may release dispatch and communication records of Agency pursuant to the Texas Public Information Act until such a time that the parties agree to transfer such responsibility to Agency.

DENTON COUNTY, TEXAS

AGENCY

Andy Eads, County Judge
Denton County Commissioners Court
1 Courthouse Drive, Ste 3100
Denton, Texas 76208
(940)349-2820

Thad Chambers, Town Administrator

Town of Bartonville

1941 E. Jeter Road

Bartonville, TX 76226

817-693-5280

EXECUTED duplicate originals on this

EXECUTED duplicate originals on this

Date: _____

Date: _____

Approved by Town Council

Approved as to content:

Approved as to content:

Denton County Sheriff's Office

Bobby Dowell, Chief of Police

Approved as to form:

Assistant District Attorney
Counsel to the Sheriff

2023-24 Budget Year
Denton County Sheriff's Office
Communications Agreement
Agency Payment Worksheet/Invoice

Agency:	Bartonville Police Department
Payment Contact Person:	Chief Dowell and/or Thad Chambers, Town Administrator
Phone Number:	817-693-5280
Email:	rdowell@townofbartonville.com or tchambers@townofbartonville.com
Address:	1941 E. Jeter Rd
City, State, Zip	Bartonville, TX 76226
AGENCY TOTAL AMOUNT DUE	\$ 6,343.00

Agency Should Include this Worksheet with Each Payment Sent to Denton County.

Make checks payable to:	Denton County
Mail payments to:	911 Dispatch Agreement Payments Denton County Sheriff's Office Attn: Sherry Cochran 127 N. Woodrow Lane Denton, Texas 76205

Payment Plan Options

**Agency MUST
Select One
Payment Option**

- | | | |
|---|--------------------------|---------------------------|
| 1 | <input type="checkbox"/> | One Annual Payment (100%) |
| 2 | <input type="checkbox"/> | Two Payments (50%) |
| 3 | <input type="checkbox"/> | Four Payments (25%) |
| 4 | <input type="checkbox"/> | Twelve Monthly Payments |
| 5 | <input type="checkbox"/> | Other Payment Option |

TEXAS LAW ENFORCEMENT TELECOMMUNICATION SYSTEM (TLETS)
NON - TWENTY-FOUR HOUR TERMINAL AGENCY AGREEMENT 2023-2024

Twenty-Four Hour Terminal Agency	DENTON COUNTY SHERIFF’S OFFICE
Non Twenty-Four Hour Terminal Agency	Town of Bartonville Police Department

This document constitutes an agreement between the following parties:

The Twenty-Four Hour Terminal Agency agrees to make entries into the Texas Crime Information Center (TCIC) and the National Crime Information Center (NCIC) computers for the Non Twenty-Four Hour Terminal Agency.

All records must be entered with the Twenty-Four Hour Agency’s ORI, and all case reports and original warrants must be held at the Twenty-Four Hour Agency for hit confirmation purposes.

The Non Twenty-Four Hour Agency agrees to abide by all laws of the United States and the State of Texas and all present or hereafter approved rules, policies and procedures of TLETS, NLETS, TCIC, NCIC and any other system now or in the future associated with TLETS concerning the collection, storage, processing, retrieval, dissemination and exchange of information for criminal justice purposes.

The Twenty-Four Hour Agency reserves the right to suspend service to the Non Twenty-Four Hour Agency which may include canceling of records entered for the Non Twenty-Four Hour Agency when applicable policies are violated. The Twenty-Four Hour Agency may reinstate service following such instances upon receipt of satisfactory assurances that such violations have been corrected.

In order to comply with NCIC policies established by the NCIC Advisory Policy Board, the Non Twenty-Four Hour Agency agrees to maintain accurate records of all TCIC/NCIC entries made through the Twenty-Four Hour Agency and to immediately notify the Twenty-Four Hour Agency of any changes in the status of those reports to include the need for cancellation, addition, deletion or modification of information. The Twenty-Four Hour Agency agrees to enter, update and remove all records for the Non Twenty-Four Hour Agency on a timely basis, as defined by NCIC.

In order to comply with NCIC Validation requirements, the Non Twenty-Four Hour Agency agrees to perform all validation procedures as required by NCIC on all records entered through the Twenty-Four Hour Agency.

Either the Twenty-Four Hour Agency or the Non Twenty-Four Hour Agency may, upon thirty days written notice, discontinue this agreement.

To the extent allowed by the laws of the State of Texas, the Non Twenty-Four Hour Agency agrees to indemnify and save harmless the Twenty-Four Hour Agency as well as the DPS, its Director and employees from and against all claims, demands, actions and suits, including but not limited to any liability for damages by reason of or arising out of any false arrests or imprisonment or any cause of the Non Twenty-Four Hour Agency or its employees in the exercise of the enjoyment of this Agreement.

In witness whereof, the parties hereto caused this agreement to be executed by the proper officers and officials.

DENTON COUNTY SHERIFF’S OFFICE

AGENCY

Signature: _____

Signature: _____

By: **Tracy Murphree**

By: **Bobby Dowell**

Title: **Denton County Sheriff**

Title: **Chief of Police**

Date: _____

Date: _____



TOWN COUNCIL COMMUNICATION

DATE April 18, 2023

FROM: Tammy Dixon, Town Secretary
Consider termination of the October 2022 Agreement with William C. Spore for
AGENDA ITEM: bookkeeping professional services.

SUMMARY:

The Town Council approved a proposal for booking professional services with William Spore at the October 18, 2022, meeting for preparation of the Fiscal Year End 21-22 audit.

Mr. Spore began the bookkeeping process early January; however, his services were interrupted by health and other issues. The Town is now working with another entity to obtain the needed bookkeeping services to provide to the auditor for the fiscal

RECOMMENDED MOTION OR ACTION:

Move to terminate the October 2022 Agreement with William C. Spore for bookkeeping professional services.



TOWN COUNCIL COMMUNICATION

DATE April 18, 2023

FROM: Thad Chambers, Town Administrator

AGENDA ITEM: **LP-2023-001/#ZC-2023-001** Public hearing to consider an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the land use designation in the Town's Comprehensive Plan for a 10.076-acre tract or parcel of land situated in the BBB & CRR Survey, Abstract Number 152A, Tracts 6 and 7, and Lot 1 of the Kincade Subdivision, in the Town of Bartonville, Denton County, Texas, from Rural Business (RB) to Residential (RE-2); and an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the zoning designation of the same property described above from Rural Business (RB) to Residential Estates 2-Acre Lots (RE-2). ***(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its April 5, 2023 meeting.)***

APPLICATION ANALYSIS:

Applicant: Alexander Michael Wacker (property owner)

Land Use and Zoning: Current land use designation is Rural Business (RB). Current zoning is Rural Business (RB).

Summary: The applicant is the owner of a 10.076-acre tract of land located on the southeast corner of East Jeter Rd and McMakin Road. The legal description of the property is BBB & CRR Survey, Abstract Number 152A, Tracts 6 and 7, and Lot 1 of the Kincade Subdivision. The corresponding Denton CAD parcels numbers are 82579, 73555, and 37531. The applicant has applied for an amendment of the Land Use Plan for the subject property from Rural Business (RB) to Residential (RE-2). In addition, the applicant is concurrently requesting a change in the zoning designation of the subject property from Rural Business (RB) to Residential Estates 2-Acre Lots (RE-2).

The subject property is currently vacant save for an existing single-family home and accessory structure, both in a state of disrepair. The applicant states that he is requesting the land use and zoning change in order to pasture livestock and construct a barn. The applicant didn't provide any additional supporting justification for the requested land use and zoning change.

Land Use Plan Amendment

According to the Bartonville Comprehensive Plan, it is the applicant's responsibility to provide evidence proving that the proposed rezoning is better or more consistent with land uses in the surrounding area than what is shown on the Land Use Plan map. Plan amendments should not be made without thorough analysis of immediate needs, as well as consideration for long-term effects of amendments to the Plan. The Town Council and other Town officials should consider each proposed amendment carefully to determine whether or not it is consistent with the Plan's goals and policies and whether it will be beneficial for the long-term health and vitality of the Town of Bartonville.

The subject property is currently designated as Rural Business (RB) on the adopted Future Land Use Plan. The RB land use designation was assigned to the property from its previous Agricultural (AG) designation in 2015 through Ordinance 579-15, following a request by the then-owner. This designation has been established in two locations in Bartonville – the intersection of McMakin Road and East Jeter Road, and at the intersection of FM 407 and FM 1830. Based on mapping data prepared for the Town of Bartonville, the total area of land designated as RB in the Land Use Plan is 31.36 acres. With the Town’s total land area consisting of 4,393.33 acres, the RB land use classification makes up 0.71 percent of the total area of the Town.

While commercial land use designations are generally associated with higher property and sales tax revenues than traditional suburban and semi-rural residential development, the commercial uses typically demand higher levels of utility service such as water and sewer to provide sufficient intensity of development as to make a commercial development work. Given that the Town’s sewer service area does not extend to the subject property, the property will be required to be served by a septic system, thus limiting the potential for a productive commercial center on the 10-acre parcel. This may be a reason that this property did not develop for commercial uses in the intervening years since the original land use plan amendment. The minimum lot size within the RE-2 land use plan designation (and the corresponding zoning district) provides sufficient space to accommodate septic systems. Therefore, a conversion of the land use designation from RB to RE-2 is suitable for this location and meets the Comprehensive Plan and other adopted plans.

Zoning Change

Bartonville Zoning Ordinance Appendix A, Section A.1.A.5 lists the criteria of approval for a zoning change:

1. Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use Map and any other incorporated plan maps;
2. Whether the proposed zoning map amendment is consistent with an annexation or development agreement in effect;
3. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
4. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area; and
5. Any other factors which will substantially affect the public health, safety, morals, or general welfare.

Because a zoning change must be consistent with the Comprehensive Plan (see approval criterion #1), approval of this zoning change request is contingent upon the approval of the land use plan amendment described above. The proposed zoning change amendment would amend the zoning designation of the subject property from Rural Business (RB) to Residential Estates 2-Acre Lots (RE-2). The Rural Business (RB) district is intended to provide local shopping facilities which provide retail business service and office facilities for the convenience of residents of the Town. There is a similar geographic relationship of the area of land designated as RB zoning and the total Town area as that described above regarding the Land Use Plan. The RE-2 zoning designation is intended to provide areas for rural residential

development, guide development in an orderly fashion, and allow for a land use buffer for areas of lower intensity.

Approval criterion #3 listed above requires decision makers to consider the uses permitted by the proposed change in zoning district classification to immediate area of the land to be reclassified. With RB-zoned properties to the north and west of the subject property and RE-2 zoned property to the south, the subject property serves as a buffer between existing commercial and residential uses. In response to approval criterion #4, as stated previously, the development of local shopping facilities requires additional public infrastructure that the Town is unable to provide for this location in the foreseeable future through a modification of the town's sewer service area. Therefore, the amendment of the zoning classification to RE-2 meets the applicable approval criteria listed above.

RECOMMENDED MOTION OR ACTION:

Planning & Zoning Commission is recommending approval.

PUBLIC COMMENT

As of this writing the Town has not received any public comment.

ATTACHMENTS:

- Land Use Amendment and Zoning Change Applications
- Letter mailed to property owners within 200' with location map and mailing list
- Published legal notice
- Draft Ordinances



Town of Bartonville

Application for Land Use Plan Amendment

All applications must be submitted in accordance with the Submission Schedule attached hereto.

Applicant (Owner or Agent, Specify): KAZ Surveying, Inc. (Surveyor)

Mailing Address: 1720 Westminster Street, Denton, TX 76205

Phone: 940-382-3446

Fax: _____

Owner's Name(s) if different: Alexander Michael Wacker

Owner's Address: 353 County Road 2510, Decatur, TX 76234

Phone: 940-902-3659

Fax: _____

Current Land Use Plan Designation: Vacant
Rural Business

I hereby request that the Land Use Plan be changed to: Residential RE-2

A letter of intent should be submitted with this application. The letter of intent should define the reason(s) why the applicant is proposing to change the land use of the subject property and the acreage of the property. When reviewing proposals to change the Land Use Plan, the Town takes into consideration the below listed items. It would be beneficial for the applicant to address the following in the letter of intent:

- Will the proposed change enhance the proposed site and the surrounding area?
- Is the proposed change a better use than what is shown on the Land Use Plan?
- Will the proposed use impact adjacent residential areas in a negative manner? Or, will the proposed use be compatible with, or even enhance, adjacent residential properties?
- Are uses adjacent to the proposed use similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?
- Does the proposed use present a significant benefit to either the Town or the community as a whole in terms of public health, safety and/or welfare (i.e. would it address a physical or social need of the community or its citizens; would it be to the Town's economic advantage; would it add needed jobs in a particular employment sector, etc.)?

I hereby certify that the information concerning this proposed land use plan amendment is true and correct and that I am the owner of record or the authorized¹ for the owner of the above described property.

[Signature]
Signature of Applicant/Owner

1-20-23
Date

STAFF USE ONLY:	
Date Submitted: _____	Fee Paid: _____
Accepted By: _____	Check No. : _____
P& Z Public Hearing: _____	Metes & Bounds Attached: <input type="checkbox"/> Yes <input type="checkbox"/> No
Council Public Hearing: _____	Notarized Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

¹ A NOTARIZED statement that authorizes the agent to represent the owner(s) in this matter must be attached to this application.



NOTARY FORM

Town of Bartonville

THE FOLLOWING IS TO BE COMPLETED BY EACH OWNER THAT IS NOT SIGNING THIS APPLICATION.

Dated: 1/20/2023

I, Alexander Michael Wacker, owner of the Property located at 147 McMakin Road do hereby certify that I have given my permission to KAZ Surveying, Inc., to submit this land use plan amendment application.

Alexander Michael Wacker
Print Name

[Signature]
Signature of Owner

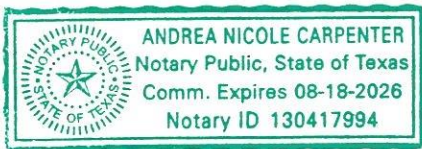
147 McMakin Rd
Address

940-902-3659
Phone No.

State of Texas §
County of Denton §

Before me, Andrea Carpenter, a Notary Public in and for said County and State, on this day personally appeared Alexander Wacker known to me to be the person whose name is subscribed to the foregoing certificate, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

(Seal)

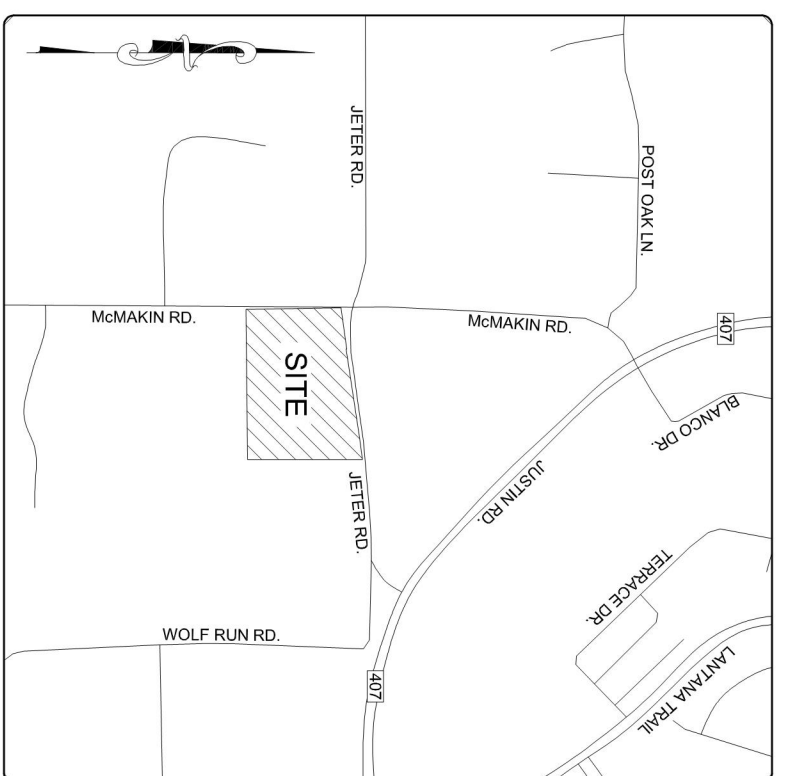


Andrea Carpenter
Notary

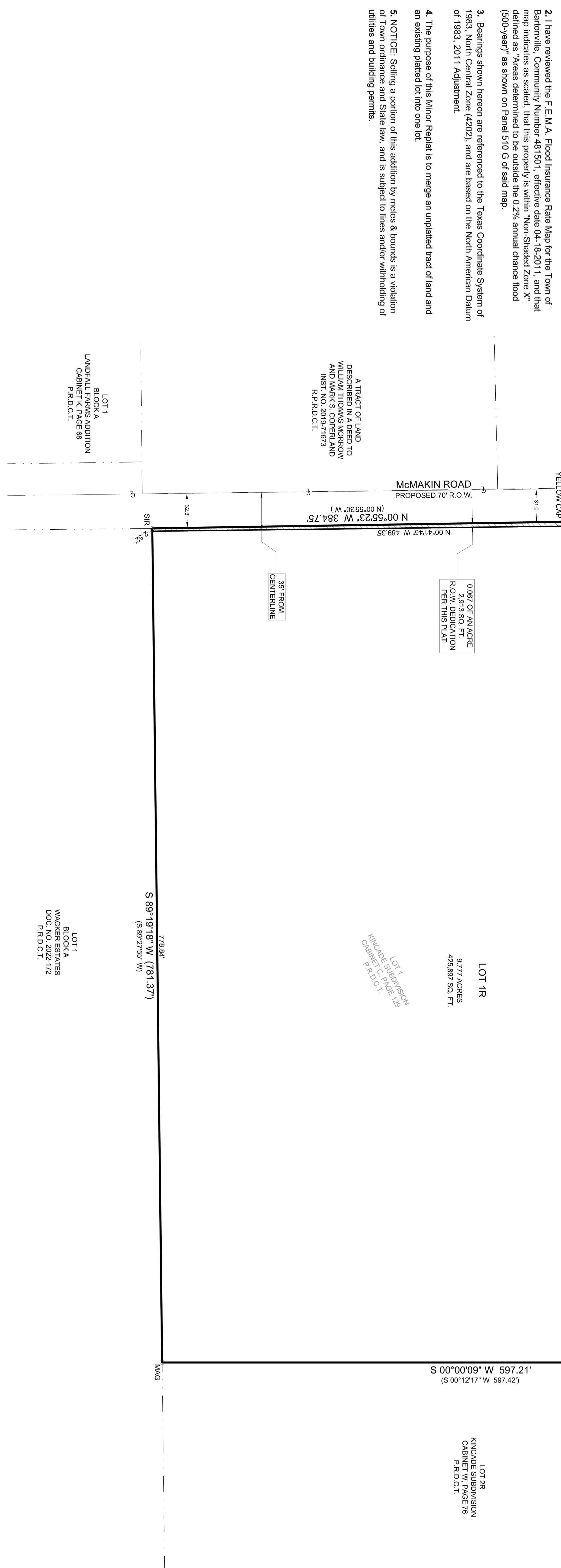
Hello, I'm writing this letter for the purpose of the zone change on the 10 acres I own on the corner of Jeter and McMackin road. I'm looking to get it re zoned from RB-2 to RE-2 because I will be using it as a pasture for my animals and am wanting to put up a barn.

Thanks

Alex Wacker



General Notes:
 1. All capped iron rods found are stamped "KAZZ" unless otherwise noted.
 2. I have reviewed the F.E.M.A. Flood Insurance Rate Map for the Town of Bartoville, Community Number 481501, effective date 04-18-2011, and that map indicates as scaled, that this property is within "Non-Shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance flood (500-year)" as shown on Panel 510 G of said map.
 3. Bearings shown hereon are referenced to the Texas Coordinate System of 1983, North Central Zone (4202), and are based on the North American Datum of 1983, 2011 Adjustment.
 4. The purpose of this Minor Replat is to merge an unplatted head of land and an existing platted lot into one lot.
 5. NOTICE: Selling a portion of this addition by metes & bounds is a violation of Town ordinance and State law, and is subject to fines and/or withholding of utilities and building permits.



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°57'19"E	3.87'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	2964.75'	114.05'	114.05'	N 82°18'27"E

Approved by Planning and Zoning Commission
 Town of Bartoville, Texas

Chairman _____ Date _____

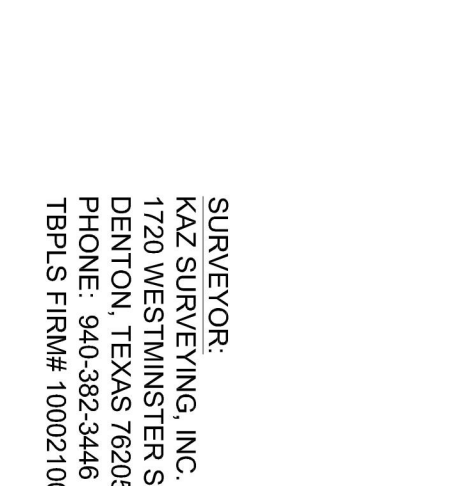
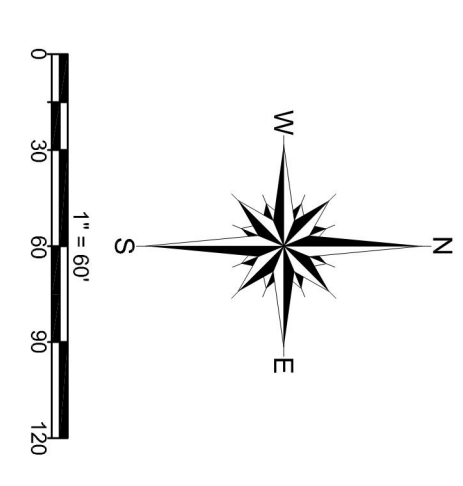
Minor plat approved by the Town of Bartoville for filing at the office of the County Clerk of Denton County, Texas
 Town of Bartoville, Texas

Mayor _____ Date _____

ATTEST:
 Town Secretary _____ Date _____

LEGEND

ROB = POINT OF BEGINNING
 FIRCOP = CAPPED IRON ROD FOUND
 FIR = IRON ROD FOUND
 FIRCOP = CAPPED IRON ROD FOUND
 P.R.D.C.T. = PLAT RECORDS DENTON COUNTY, TEXAS
 R.P.R.D.C.T. = REAL PROPERTY RECORDS DENTON COUNTY TEXAS
 R.O.W. = RIGHT OF WAY
 N = NORTHING
 S = SOUTHERING
 E = EASTING
 W = WESTING
 MD 83 = NORTH AMERICAN DATUM 1983
 CHU = CENTERLINE OF ROAD
 OBU = OVERHEAD UTILITIES
 = SURVEY LINE OF ROAD
 = CENTERLINE OF ROAD



SURVEYOR:
 KENNETH A. ZOLLINGER, INC.
 1720 WESTMINSTER STREET
 DENTON, TEXAS 76205
 PHONE: 940-382-3446
 TBP.LS.FIRM# 10002100

OWNER:
 ALEXANDER MICHAEL WACKER
 351 COUNTY ROAD 2510
 DECATUR, TEXAS 76234
 PHONE: 940-902-3659

OWNERS CERTIFICATION

STATE OF TEXAS
 COUNTY OF DENTON

WHEREAS, Alexander Michael Wacker, is the owner of all that certain head of land lying and being situated in the Buffalo Bayou, Brazos and Colorado Railroad Company, Abstract Number 152, Denton County, Texas, being Lot 1 of KinCADE Subdivision, an addition to the Town of Bartoville, Denton County, Texas, according to the Plat thereof recorded in Cabinet C, Page 129, Plat Records, Denton County, Texas (P.R.D.C.T.), and all of that called 0.573 of an acre head of land described in a deed to Alexander Michael Wacker as recorded in Instrument Number 2022-113957, Real Property Records, Denton County, Texas (R.P.R.D.C.T.), and being more particularly described by metes & bounds as follows:

BEGINNING at a 1/2" iron rod found for corner at the Southwest intersection of Jeter Road and McMakin Road being the Northwest corner of said 0.573 of an acre tract;

THENCE North 81 degrees 58 minutes 25 seconds East, along the South Right of Way line of Jeter Road and North property line of said 0.573 of an acre tract, a distance of 216.16 feet to a 1/2" iron rod found for corner in said South Right of Way line being the Northeast corner of said 0.573 of an acre tract;

THENCE South 00 degrees 57 minutes 19 seconds East, along said South Right of Way line and East property line of said 0.573 of an acre tract, a distance of 3.87 feet to a 1/2" iron rod set for corner in same being the Northerly Northwest corner of said Lot 1;

THENCE North 81 degrees 30 minutes 07 seconds East, along said South Right of Way line and North property line of said Lot 1, a distance of 467.44 feet to a leaning wood TxDOT monument found in same marking the beginning of a curve to the right having a radius of 2864.75 feet and a chord bearing and distance of North 82 degrees 18 minutes 29 seconds East, a distance of 114.05 feet;

THENCE continuing along said South Right of Way line and North property line of said Lot 1 along said curve, an arc distance of 114.05 feet to a 1/2" iron rod w/ yellow cap found for corner in said South Right of Way line being the Northeast corner of said Lot 1 and Northwest corner of Lot 28 of KinCADE Subdivision, an addition to the Town of Bartoville, Denton County, Texas, according to the Plat thereof recorded in Cabinet W, Page 76, P.R.D.C.T.;

THENCE South 00 degrees 00 minutes 08 seconds West, along a common line between said Lot 1 and said Lot 28, a distance of 697.21 feet to a MAG nail set in the concrete base of a fence post in the North line of lot 1 in Block A of Wacker Estates, an addition to the Town of Bartoville, Denton County, Texas, according to the Plat thereof recorded in Document Number 2022-172, P.R.D.C.T., being the Southeast corner of said Lot 1 and Southwest corner of said Lot 28;

THENCE South 89 degrees 19 minutes 18 seconds West, along a common line between said Lot 1 and said Block A of Wacker Estates, a distance of 781.37 feet to a 1/2" iron rod set for corner in the East Right of Way line of McMakin Road being the Southwest corner of said Lot 1 and Northwest corner of said Block A of Wacker Estates;

THENCE North 00 degrees 55 minutes 23 seconds West, along said East Right of Way line and West property line of said Lot 1, a distance of 384.75 feet to a 1/2" iron rod w/ yellow cap found for corner in said East Right of Way line being the Westerly Northwest corner of said Lot 1 and Southwest corner of said 0.573 of an acre tract;

THENCE North 00 degrees 58 minutes 53 seconds West, continuing along said East Right of Way line along the West line of said 0.573 of an acre tract, a distance of 111.12 feet to the POINT OF BEGINNING and containing 9.844 acres of land, more or less.

OWNER'S DEDICATION

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That, Alexander Michael Wacker, acting herein by and through his (his) duly authorized officers, does hereby adopt the minor replat designating the hereinabove described property as lot 1R of KinCADE Subdivision, an addition to the Town of Bartoville, Denton County, Texas, and does hereby dedicate, in fee simple, to public use forever, the streets and easements shown hereon. The streets are dedicated for street purposes, the easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat, no buildings, fences, trees or shrubs or other improvements or growths shall be constructed, or placed upon, over and across the streets as shown, except that landscape improvements, if approved by the Town of Bartoville, in addition, utility easements shall be placed on the streets as shown, and the streets shall be subject to the use by public utilities being subordinate to the public and Town of Bartoville and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The Town of Bartoville and public utility entities shall at all times have the full right of ingress and egress to or from their respective systems for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, an addition to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the Town of Bartoville, Denton County, Texas.

WITNESS MY HAND, THIS _____ DAY OF _____, 2023.

ALEXANDER MICHAEL WACKER _____ DATE _____

STATE OF TEXAS
 COUNTY OF DENTON

I, KENNETH A. ZOLLINGER, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM LAND ACTUAL SURVEY MADE ON THE GROUND AND THAT THE MONUMENTS SHOWN HEREON WERE FOUND OR PLACED WITH CAPPED 1/2" IRON RODS STAMPED "KAZZ" UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE DEVELOPMENT ORDINANCE OF THE TOWN OF BARTOVILLE, DENTON COUNTY, TEXAS.

FOR REVIEW ONLY
 KENNETH A. ZOLLINGER, R.P.L.S. # 5312 DATE _____

CERTIFICATE OF SURVEYOR

STATE OF TEXAS
 COUNTY OF DENTON

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED KENNETH A. ZOLLINGER, LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE THIS _____ DAY OF _____, 2023.

NOTARY PUBLIC, DENTON COUNTY, TEXAS.
 MY COMMISSION EXPIRES _____

FOR REVIEW ONLY

STATE OF TEXAS
 COUNTY OF DENTON

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED KENNETH A. ZOLLINGER, LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE THIS _____ DAY OF _____, 2023.

NOTARY PUBLIC, DENTON COUNTY, TEXAS.
 MY COMMISSION EXPIRES _____

MINOR REPLAT OF KINCADE SUBDIVISION LOT 1R

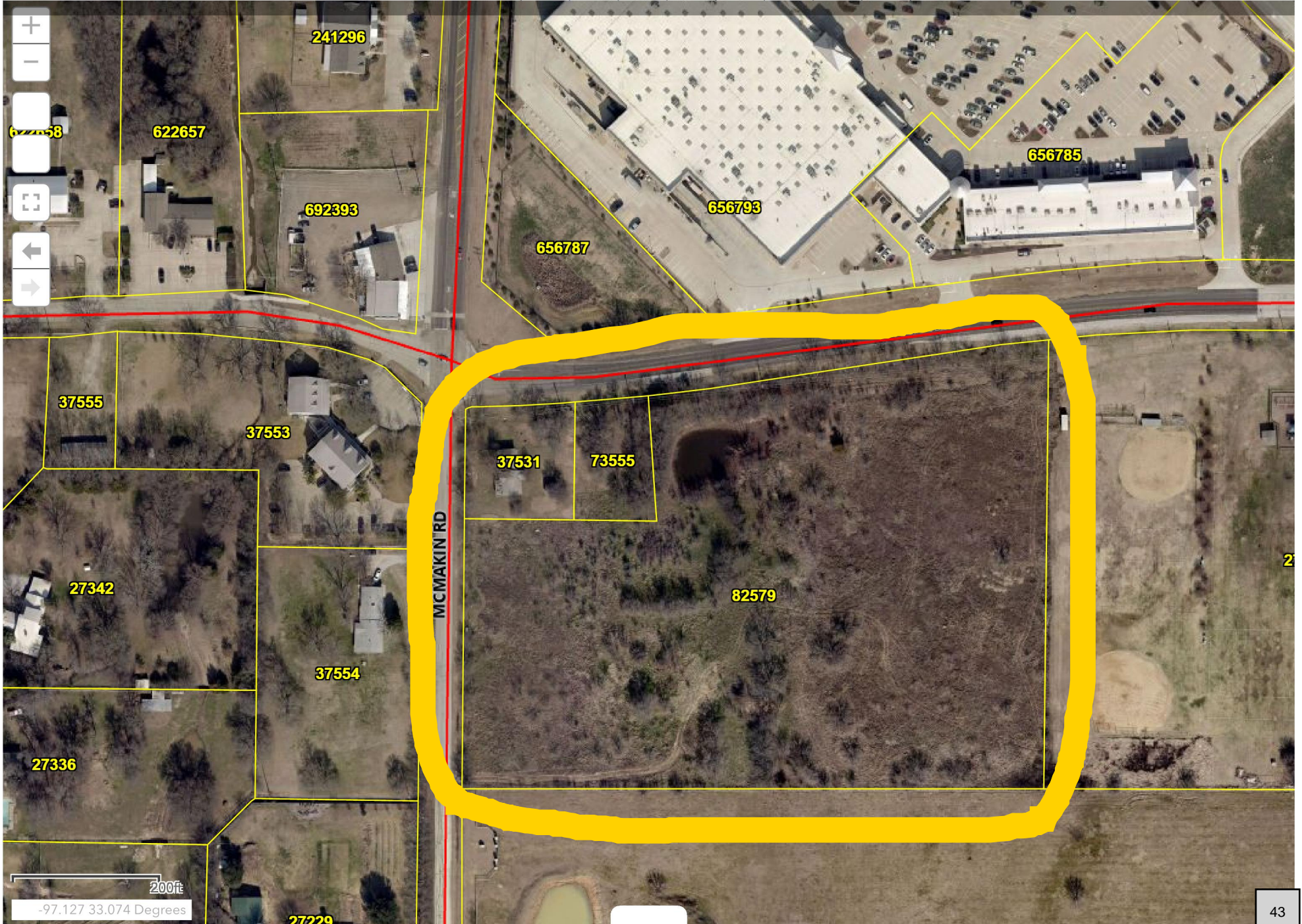
BEING A REPLAT OF LOT 1 OF THE KINCADE SUBDIVISION, AN ADDITION TO THE TOWN OF BARTOVILLE, TEXAS, RECORDED IN CABINET C, PAGE 129, OF THE PLAT RECORDS OF DENTON COUNTY, TEXAS

AND BEING 9.84 ACRES IN THE B.B. & C. R.R. SURVEY, ABSTRACT NUMBER 152, TOWN OF BARTOVILLE, DENTON COUNTY, TEXAS

1720 WESTMINSTER STREET
 DENTON, TX 76205
 PHONE: (940)382-3446
 JOB NUMBER: 220817
 DRAWN BY: DOANCI
 R.P.L.S. # 532263
 KENNETH A. ZOLLINGER



Search by Property ID





Town of Bartonville

Application for Zoning Map Amendment

All applications must be submitted in accordance with the Submission Schedule attached hereto.

Applicant (Owner or Agent, Specify): KAZ Surveying, Inc. (Surveyor)

Mailing Address: 1720 Westminster Street, Denton, TX 76205

Phone: 940-382-3446 Fax: _____

Owner's Name(s) if different: Alexander Michael Wacker

Owner's Address: 353 County Road 2510, Decatur, TX 76234

Phone: 940-902-3659 Fax: _____

Engineer/Surveyor if applicable: _____

Mailing Address: _____

Phone: _____ Fax: _____

General Location of Property: Southeast Intersection of Jeter Road and McMakin Road

Legal Description of Property: ~~NO 73555 A0152A BBB & CRR, TR 6, 0.25 ACRES, OLD DCAD TR 1B~~
~~ID 37531A0152A BBB & CRR, TR 7, 0.323 ACRES, OLD DCAD TR 1A~~ *see attached deed*
ID 82579 KINGADE LOT 1

(Attach Complete Metes and Bounds Description)

Nature and reason for Zoning Change: Building a barn/barndominium at the Northwest corner

Does this request conform with the adopted Land Use Plan? Yes No

If the change requested does not conform with the adopted Land Use Plan, you must submit a Land Use Plan Amendment Application.

Current Zoning: Rural Business (RB)

I hereby request that the Zoning Designation be changed to: Residential (R-2)
(If a PD is proposed, submit PD Application)

I hereby certify that the information concerning this proposed zoning change is true and correct and that I am the owner of record or the authorized¹ for the owner of the above described property.



Signature of Applicant/Owner

1-20-23

Date

STAFF USE ONLY:	
Date Submitted: _____	Fee Paid: _____
Accepted By: _____	Check No. : _____
P& Z Public Hearing: _____	Metes & Bounds Attached: <input type="checkbox"/> Yes <input type="checkbox"/> No
Council Public Hearing: _____	Notarized Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

¹ A NOTARIZED statement that authorizes the agent to represent the owner(s) in this matter must be attached to this application.



NOTARY FORM

Town of Bartonville

THE FOLLOWING IS TO BE COMPLETED BY EACH OWNER THAT IS NOT SIGNING THIS APPLICATION.

Dated: 1/20/2023

I, Alexander Michael Wacker, owner of the Property located at 147 McMakin Road do hereby certify that I have given my permission to KAZ Surveying, Inc. to submit this zoning amendment application.

Alexander Michael Wacker
Print Name

[Signature]
Signature of Owner

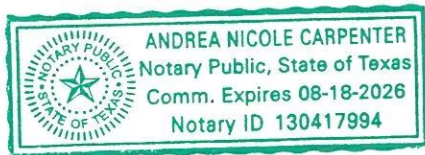
147 McMakin RD
Address

940-902-3659
Phone No.

State of Texas §
County of Denton §

Before me, Andrea Carpenter, a Notary Public in and for said County and State, on this day personally appeared Alexander Wacker known to me to be the person whose name is subscribed to the foregoing certificate, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

(Seal)



Andrea Carpenter
Notary

Instrument Number: 113957

ERecordings-RP

WARRANTY DEED

Recorded On: August 04, 2022 10:46 AM

Number of Pages: 4

" Examined and Charged as Follows: "

Total Recording: \$38.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 113957
Receipt Number: 20220804000317
Recorded Date/Time: August 04, 2022 10:46 AM
User: Terri B
Station: Station 20

Record and Return To:

eRecording Partners



STATE OF TEXAS
COUNTY OF DENTON

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

Juli Luke
County Clerk
Denton County, TX

Special Warranty Deed

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: August 3, 2022

Grantor: EKY REAL ESTATE HOLDINGS, LLC

Grantor's Mailing Address:

4901 Bridle Bit Road
Flower Mound, TX 75022

Grantee: ALEXANDER MICHAEL WACKER

Grantee's Mailing Address:

353 County Road 2510
Decatur, TX 76234

Consideration: Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

TRACT I:

Field Notes to all that certain tract or parcel of land situated in the B.B.B. AND C.R.R. CO. SURVEY, ABSTRACT NUMBER 152, Denton County, Texas, being a resurvey of all of a called 0.573 of an acre of land situated in the Deed to McMakin Ten Acre, LLC, as recorded in Document Number 2017-129585, Real Property Records of Denton County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner at the southeast corner of herein described tract at the re-entrant northeast corner of Lot 1 of Kincade Addition, as recorded in Cabinet C, Slide 129, Plat Records, Denton County, Texas;

THENCE South 84 degrees 37 minutes 24 seconds West with a south line of said 0.573 acre tract and a north line of said Lot 1, a distance of 215.11 feet to a capped iron rod found for a corner

from which a PK nail found for reference bears South 84 degrees 42 minutes 18 seconds East, a distance of 26.73 feet;

THENCE North 01 degree 05 minutes 08 seconds West with an east line of an asphalt survey roadway under apparent public use posted as McMakin Road and a west line of said 0.573 of an acre tract a distance of 111.19 feet to a capped iron rod set for corner in the south line of Farm to Market Road 407;

THENCE North 81 degrees 57 minutes 17 seconds East with a south line of said F.M. 407 and a north line of said 0.573 of an acre tract, a distance of 216.49 feet to a capped iron rod set for corner;

THENCE South 00 degrees 47 minutes 46 seconds East along or near a fence part of the way with an east line of said 0.573 of an acre tract and a west line of said Lot 1, a distance of 121.65 feet to the Point of Beginning and enclosing 0.573 of an acre of land, more or less.

TRACT II;

BEING Lot 1 of KINCADE SUBDIVISION, an addition to the Town of Bartonville, Denton County, Texas, according to the map or plat thereof recorded in Cabinet C, Slide 129, Plat Records, Denton County, Texas.

Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty: All presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; shortages in area; and taxes for 2022, which Grantee assumes and agrees to pay.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

EKY REAL ESTATE HOLDINGS, LLC

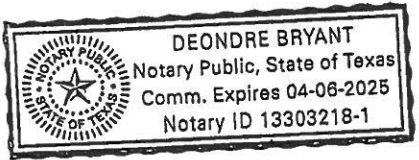
By: *Jeffrey D. York*
JEFFREY D. YORK, Manager

Carmen M. York
CARMEN M. YORK, Manager

STATE OF TEXAS §

COUNTY OF Dallas §

This instrument was acknowledged before me on the 3rd day of August, 2022, by JEFFREY D. YORK, Manager of EKY REAL ESTATE HOLDINGS, LLC, on behalf of said limited liability company.

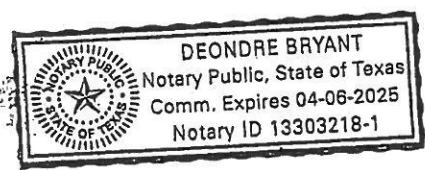


[Signature]
NOTARY PUBLIC, State of Texas

STATE OF TEXAS §

COUNTY OF Dallas §

This instrument was acknowledged before me on the 3rd day of August, 2022, by CARMEN M. YORK, Manager of EKY REAL ESTATE HOLDINGS, LLC, on behalf of said limited liability company.



[Signature]
NOTARY PUBLIC, State of Texas

March 23, 2023

[NAME]
[ADDRESS]
[CITY], [STATE] [ZIP]

Re: Proposed Land Use and Zoning Amendment for 147 McMakin Road, Bartonville, Texas

Dear [NAME],

The Planning and Zoning Commission for the Town of Bartonville, Texas will conduct a public hearing at 7:00 p.m. on April 5, 2023, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider recommendations to the Town Council regarding an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the land use designation in the Town's Comprehensive Plan for a 10.076-acre tract or parcel of land situated in the BBB & CRR Survey, Abstract Number 152A, Tracts 6 and 7, and Lot 1 of the Kincade Subdivision, in the Town of Bartonville, Denton County, Texas, from Rural Business (RB) to Residential (RE-2). The tract of land is located at the southeastern corner of the intersection of McMakin Road and E Jeter Road in Bartonville, Texas.;

and an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the zoning designation of the same property described above from Rural Business (RB) to Residential Estates 2-Acre Lots (RE-2). The applicant is Alexander Michael Wacker.

The Town Council will conduct a second Public Hearing at 7:00 p.m. on April 18, 2023, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider the change of land use designation in the Town's Comprehensive Plan, change in zoning designation, and recommendations of the Planning and Zoning Commission. All interested parties are encouraged to attend.

Sincerely,

Tammy Dixon, TRMC, CMC
Town Secretary
Town of Bartonville

DENTON RECORD-CHRONICLE
P.O. BOX 369
DENTON TX 76202
(940)566-6800

Item G4.

ORDER CONFIRMATION

Salesperson: Legals Denton Printed at 03/15/23 09:28 by plaga-dm

Acct #: 232 Ad #: 51231 Status: New WHOLD

BARTONVILLE TOWN OF Start: 03/18/2023 Stop: 03/18/2023
1941 EAST JETER ROAD Times Ord: 1 Times Run: ***
ARGYLE TX 76226 STD9 1.00 X 62.00 Words: 269
Total STD9 63.00
Class: 9005 DP LG LEGALS
Rate: CLLLG Cost: 50.10
Affidavits: 1
Ad Descrpt: 147 MCMAKIN ROAD LAND USE
Descr Cont: NOTICE OF PUBLIC HEARING
Given by: RYAN A WELLS-AD TERRAM CONSULT
P.O. #: TAMMY DIXON
Contact: Created: plaga 03/15/23 09:25
Phone: (817)430-4052 Last Changed: plaga 03/15/23 09:27
Fax#: Agency:
Email: tdixon@townofbartonville.com

URL: _____

Source: _____ Section: CLASSIFIED Page: ____
Camera Ready: N Group: _____ AdType: CLASS
Misc: _____
Color: _____
Proof: _____ Pickup Date: _____ Ad#: _____
Delivery Instr: _____ Pickup Src: _____
Changes: None ___ Copy ___ Art ___ Size ___ Copy Chg Every Run ___
Coupon: _____ Gang Ad #: _____
Ad Copy Method: _____
Special Instr: _____

COMMENTS:
LGL - 147 McMakin Road Land Use

PUB ZONE EDT TP RUN DATES
DRMC A 95 S 03/18
DWRC A 84 S 03/18

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

ORDER CONFIRMATION (CONTINUED)

Salesperson: Legals Denton

Printed at 03/15/23 09:28 by plaga-dm

Acct #: 232

Ad #: 51231

Status: New WHOLD WHOI

NOTICE OF PUBLIC HEARING

The Planning and Zoning Commission for the Town of Bartonville, Texas will conduct a public hearing at 7:00 p.m. on April 5, 2023, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider recommendations to the Town Council regarding an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the land use designation in the Town's Comprehensive Plan for a 10.076-acre tract or parcel of land situated in the BBB & CRR Survey, Abstract Number 152A, Tracts 6 and 7, and Lot 1 of the Kincade Subdivision, in the Town of Bartonville, Denton County, Texas, from Rural Business (RB) to Residential (RE-2). The tract of land is located at the southeastern corner of the intersection of McMakin Road and E Jeter Road in Bartonville, Texas.

and an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the zoning designation of the same property described above from Rural Business (RB) to Residential Estates 2-Acre Lots (RE-2). The applicant is Alexander Michael Wacker.

The Town Council will conduct a second Public Hearing at 7:00 p.m. on April 18, 2023, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider the change of land use designation in the Town's Comprehensive Plan, change in zoning designation, and recommendations of the Planning and Zoning Commission. All interested parties are encouraged to attend.

Drc 03/18/2023

**TOWN OF BARTONVILLE
ORDINANCE NO. _____-23**

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE LAND USE MAP OF THE BARTONVILLE COMPREHENSIVE MASTER PLAN TO REFLECT A CHANGE IN THE ZONING DESIGNATION FOR THE APPROXIMATELY 10.076 ACRES LOCATED AT THE SOUTHEAST CORNER OF McMAKIN AND EAST JETER ROADS, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, FROM A ZONING DESIGNATION OF "RB" RURAL BUSINESS TO A ZONING DESIGNATION OF "RE-2" RESIDENTIAL; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; PROVIDING FOR A PENALTY; PROVIDING FOR NO VESTED RIGHTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Bartonville, Texas, is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town of Bartonville, Texas, is a general law municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town; and

WHEREAS, the Planning and Zoning Commission of the Town of Bartonville and the Town Council of the Town of Bartonville, in compliance with state law, have given the requisite notice by publication and otherwise, and after holding due public hearings and affording full and fair hearings to all property owners generally, the Town Council of the Town of Bartonville is of the opinion that the Land Use Map of the Bartonville Comprehensive Master Plan should be amended as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct legislative determinations and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.
LAND USE MAP AMENDED**

The Land Use Map of the Bartonville Comprehensive Master Plan shall be and the same is hereby amended by changing the zoning designation of approximately 10.076 acres, located at the Southeast corner of McMakin and East Jeter Roads, as more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes, from a zoning designation of "RB" Rural Business to a zoning designation of "RE-2" Residential Estates.

**SECTION 3.
CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of Ordinances of the Town of Bartonville, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

**SECTION 4.
SEVERABILITY**

It is hereby declared to be the intention of the Town Council of The Town of Bartonville that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 5.
SAVINGS**

All rights and remedies of the Town of Bartonville are expressly saved as to any and all violations of the provisions of any Ordinances affecting zoning classifications or changes in zoning classifications, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 6.
ENGROSSMENT AND ENROLLMENT**

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

**SECTION 7.
PUBLICATION**

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

**SECTION 8.
PUNISHMENT**

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the Town of Bartonville, Texas, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 9.
NO VESTED RIGHTS**

No person or entity shall acquire any vested rights in this Ordinance or any specific regulations contained herein. This Ordinance and any regulations may be amended or repealed by the Town Council of the Town of Bartonville, Texas, in the manner provided by law.

**SECTION 10.
EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and publication, as the law provides.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on this the 18th day of April, 2023.

APPROVED:

Jaclyn Carrington, Mayor

(Seal)

ATTEST:

Tammy Dixon, Town Secretary

Exhibit A
Field Notes 10.076 Acres

Tract I:

WHEREAS, Being a 0.573 acre tract of land situated in the B.B.B. & C.R.R. Co. Survey, Abstract No. 152, in the Town of Bartonville, Denton County, Texas, and being that same tract of land described by deed to McMakin Ten Acre, LLC, as recorded in Document No. 2017-129585, of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a ½ inch iron rod with yellow cap marked “Arthur Surveying Company” set for the northeast corner of the herein described tract, same point being the northernmost northwest corner of Lot 1 of Kincade Subdivision, an addition to the Town of Bartonville, Denton County, Texas, according to the Plat thereof recorded in Cabinet C, page 129 of the Plat Records of Denton County, Texas, same point being in the south line of F.M. Road No. 407 (a variable width right-of-way);

THENCE South 00 degrees 43 minutes 14 seconds West, with a west line of said Lot 1, a distance of 121.66 feet to a ½ inch iron rod found for corner;

THENCE South 84 degrees 52 minutes 41 seconds West, with a north line of said Lot 1, a distance of 215.00 feet to a ½ inch iron rod with yellow cap marked “Arthur Surveying Company” set for corner next to a wood cross tie set in concrete for corner in the east line of McMakin Road (a variable width right-of-way);

THENCE North 00 degrees 56 minutes 29 seconds West, with the east line of said McMakin Road, a distance of 111.10 feet to a ½ inch iron rod with yellow cap marked “Arthur Surveying Company” set for corner in the south line of said F.M. Road No. 407;

THENCE North 82 degrees 06 minutes 00 seconds East, with the south line of said F. M. Road No. 407, a distance of 216.49 feet to the POINT OF BEGINNING and containing a total of 0.573 acre of land more or less, and being subject to any and all easements that may be in effect.

Tract II:

Being Lot 1 of Kincade Subdivision, an addition to the Town of Bartonville, Denton County, Texas, according to the plat recorded in Cabinet C, Page 129, Plat Records, Denton County, Texas, containing 9.503 acres.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 361-05, THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF BARTONVILLE, AS AMENDED, BY CHANGING THE ZONING DESIGNATION OF APPROXIMATELY 10.076 ACRES LOCATED AT THE SOUTHEAST CORNER OF McMAKIN AND EAST JETER ROADS, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, FROM A ZONING DESIGNATION OF "RB" RURAL BUSINESS TO A ZONING DESIGNATION OF "RE-2" RESIDENTIAL ESTATE, AND BY AMENDING THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Bartonville, Texas, is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town of Bartonville, Texas, is a general law municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the Town has the authority to adopt a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential or other purposes, and to amend said ordinance and map for the purpose of promoting the public health, safety, morals and general welfare; and

WHEREAS, the owner of a 10.076 acre tract of land located at the Southeast corner of McMakin and East Jeter Roads in Bartonville, Texas, has initiated an application on the hereinafter described property to re-zone same; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the Town of Bartonville on the 5th day of April, 2023, and by the Town Council of the Town of Bartonville on the 18th day of April, 2023, with respect to the zoning change described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with Chapter 211 of the Local Government Code; and

WHEREAS, the Town Council of the Town of Bartonville, Texas does hereby deem it advisable and in the public interest to amend Ordinance 361-05, Zoning Regulations for the Town of Bartonville, as amended, and the Official Zoning Map of the Town, as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct legislative determinations and are incorporated herein and made a part hereof for all purposes

**SECTION 2.
ORDINANCE 361-05 AMENDED**

Ordinance 361-05, Zoning Regulations for the Town of Bartonville, as amended, and the Official Zoning Map of the Town of Bartonville is hereby amended so as to change the zoning classification of approximately 10.076 acres located at the Southeast Corner of McMakin and East Jeter Roads in the Town of Bartonville, as more particularly described in Exhibit "A" attached hereto, and incorporated herein for all purposes, from a zoning designation of "RB" Rural Business to a Zoning Designation of "RE-2" Residential Estate.

**SECTION 3.
OFFICIAL ZONING MAP AMENDED**

The Town Secretary is hereby directed to amend the official zoning map to reflect the changes in classification approved herein.

**SECTION 4.
CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of Ordinances of the Town of Bartonville, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

**SECTION 5.
SEVERABILITY**

It is hereby declared to be the intention of the Town Council of The Town of Bartonville that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council

without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 6.
SAVINGS**

All rights and remedies of the Town of Bartonville are expressly saved as to any and all violations of the provisions of any Ordinances affecting zoning classifications or changes in zoning classifications, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7.
ENGROSSMENT AND ENROLLMENT**

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

**SECTION 8.
PUBLICATION**

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**SECTION 9.
PUNISHMENT**

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the Town of Bartonville, Texas, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 10.

This Ordinance shall take effect immediately from and after its passage and publication, as the law provides.

Ordinance No. _____

Page 4

Item G4.

PASSED AND APPROVED by a vote of ____ to ____ this the 18th day of April, 2023.

ATTEST:

APPROVED:

Tammy Dixon, Town Secretary

Jaclyn Carrington, Mayor

Exhibit A
Field Notes 10.076 Acres

Tract I:

WHEREAS, Being a 0.573 acre tract of land situated in the B.B.B. & C.R.R. Co. Survey, Abstract No. 152, in the Town of Bartonville, Denton County, Texas, and being that same tract of land described by deed to McMakin Ten Acre, LLC, as recorded in Document No. 2017-129585, of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a ½ inch iron rod with yellow cap marked “Arthur Surveying Company” set for the northeast corner of the herein described tract, same point being the northernmost northwest corner of Lot 1 of Kincade Subdivision, an addition to the Town of Bartonville, Denton County, Texas, according to the Plat thereof recorded in Cabinet C, page 129 of the Plat Records of Denton County, Texas, same point being in the south line of F.M. Road No. 407 (a variable width right-of-way);

THENCE South 00 degrees 43 minutes 14 seconds West, with a west line of said Lot 1, a distance of 121.66 feet to a ½ inch iron rod found for corner;

THENCE South 84 degrees 52 minutes 41 seconds West, with a north line of said Lot 1, a distance of 215.00 feet to a ½ inch iron rod with yellow cap marked “Arthur Surveying Company” set for corner next to a wood cross tie set in concrete for corner in the east line of McMakin Road (a variable width right-of-way);

THENCE North 00 degrees 56 minutes 29 seconds West, with the east line of said McMakin Road, a distance of 111.10 feet to a ½ inch iron rod with yellow cap marked “Arthur Surveying Company” set for corner in the south line of said F.M. Road No. 407;

THENCE North 82 degrees 06 minutes 00 seconds East, with the south line of said F. M. Road No. 407, a distance of 216.49 feet to the POINT OF BEGINNING and containing a total of 0.573 acre of land more or less, and being subject to any and all easements that may be in effect.

Tract II:

Being Lot 1 of Kincade Subdivision, an addition to the Town of Bartonville, Denton County, Texas, according to the plat recorded in Cabinet C, Page 129, Plat Records, Denton County, Texas, containing 9.503 acres.



TOWN COUNCIL COMMUNICATION

DATE April 18, 2023

FROM: Thad Chambers, Town Administrator

AGENDA ITEM: **CUP-2023-001** Public hearing to consider an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Article 14.02, Exhibit "A," Ordinance 361-05, Zoning Ordinance, by amending Chapter 5, Agricultural District (AG), Article 5.2, Uses Permitted, by granting a Conditional Use Permit to authorize equestrian uses and special education services with equine therapy located at 2700 FM 407 East. *(The Planning and Zoning Commission recommended approval with conditions by a vote of 5 to 0 at its April 5, 2023 meeting.)*

APPLICATION ANALYSIS:

Applicant: CCM Engineering (consultant), on behalf of the Education Leads to Success Foundation (property owner)

Zoning: Agricultural District (AG)

Summary: The applicant has applied for a Conditional Use Permit to authorize equestrian uses and special education services with equine therapy located at their existing facility located at 2700 FM 407 East., described as A.R. Loving Survey, Abstract Number 736, Tracts 5, 5A(1)(PT),6(PT), and 7A. There is an existing facility whose use has been "grandfathered in" as an existing legal nonconforming use upon the adoption of the Bartonville Zoning Ordinance (BZO) (Ordinance 361-05, et. seq.). "Equestrian Center" and "Animal-Assisted Therapy" are both conditionally-permitted uses in the Agricultural District.

The Education Leads to Success Foundation has entered into a lease partnership with Universal Academy, an open-enrollment charter school, to establish a new school facility on their 100-acre site which is locally known as "CJ's Legacy Ranch". Because the existing equestrian center is an existing legal nonconforming use under the current Bartonville Zoning Ordinance, the applicant is required to first acquire the Conditional Use Permit for the existing use before adding any new uses to the site. In addition, Universal Academy is an equestrian-based charter school which is expected to have a close operational relationship with the existing equestrian facility – this would be considered an expansion of a legal nonconforming use, which is prohibited in BZO Section 1.11.

Bartonville Zoning Ordinance Section 16.10 lists the criteria for approval of a proposed conditional use permit:

1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
3. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhood and includes improvements either on-site or within the public rights-of-way to mitigate development-related adverse impacts, such as traffic, noise, odors,

visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;

4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
5. The proposed use incorporates roadway adjustments, traffic-control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

The CUP application is for an existing equestrian facility. The purpose of the CUP is to bring the existing use of the property into compliance with the current Bartonville Zoning Ordinance. One of the primary objectives of the Comprehensive Plan is to protect the existing residential areas and to preserve the rural atmosphere of the entire community. The existing equestrian facility has long contributed to the character goals described in the Comprehensive Plan. In addition, the Agricultural zoning district is intended to accommodate those property owners who wish to maintain active agricultural operations on their property. Equestrian-centered uses align with this intended use. Approval criteria 1, 2, and 7 are met with the existing use.

Approval criteria 3-6 are not altogether applicable in this case since this CUP is for an existing facility. Staff are not aware of any problems from the existing equestrian facility with regard to adverse effects to the roadway system or neighboring property owners that would need to be addressed through this CUP. Through discussions with the applicant, staff are aware that a site plan, site civil plan, and plat submittals will be required to prepare the site for the new school facility. As there will certainly be additional impacts generated from the new school facility, staff will identify mitigation measures to address those future impacts with subsequent application submittals.

RECOMMENDED MOTION OR ACTION:

Planning & Zoning Commission is recommending approval with the following conditions:

1. Soil in the equestrian arenas is to be kept in a dust-free condition.
2. Lights in the equestrian arena and all outside equestrian operations shall cease at 10:00PM nightly.
3. All amplified sound in any equestrian accessory building or outdoor equestrian arena shall comply with the Town's noise ordinance, as amended, or the terms of this Ordinance, whichever is more restrictive. Any amplified sound in any equestrian accessory building or outdoor equestrian arena shall comply with the following sound level when measured at the property boundary of the receiving land: 62 decibels as measured on a sound level meter using the A-weighting network. Notwithstanding any provision herein, any amplified sound in any equestrian accessory building or outdoor equestrian arena shall not unreasonably disturb or interfere with the peace, comfort, and repose of neighboring persons of ordinary sensibilities. This provision applies between the hours of 8:00AM to 7:00PM. Amplified

sound in an equestrian accessory building or outdoor equestrian arena outside of stated hours is prohibited.

4. If manure is not spread on the property, manure must be contained in a compost structure at least 250 feet from any property line and removed weekly or composted.
5. There shall be no more than 6 horse training clinics per year, and no more than 4 horse show events and/or additional horse training clinics per year, at a rate of no more than 2 of such events per month and events may not occur on consecutive weekends. A horse training clinic shall include no more than 30 participants per day not to exceed 2 days. A horse show event is defined as including more than 30 participants per day not to exceed 2 days.

PUBLIC COMMENT

As of this writing the Town has not received any public comment.

ATTACHMENTS:

- CUP Application
- Letter mailed to property owners within 200' with location map and mailing list
- Published Legal Notice
- Draft Ordinance



Town of Bartonville

Application for Conditional Use Permit

Item G5.

All applications must be submitted in accordance with the Submission Schedule attached hereto. Please complete the attached checklist. A site plan application must be submitted with all Conditional Use Permit Applications.

Applicant (Owner or Agent, Specify): CCM Engineering (Agent)

Mailing Address: 2570 Justin Rd., Highland Village, TX 75077

Phone: 972-691-6633 Fax: _____

Email Address*: cody@ccm-eng.com
 (*This will be the primary method of communication)

Owner's Name(s) if different¹: Education Leads to Success Foundation

Owner's Address: 2700 FM 407 East Bartonville TX 76226

Phone: 469-667-9546 Fax: _____

General Location of Property: 2700 FM 407 East Bartonville TX 76226

Current Zoning: AG

Legal Description of Property: _____
 (Attach Complete Metes and Bounds Description)

Use Being Requested (In accordance with Appendix C:Land Use Table, of the Town of Bartonville's Comprehensive Zoning Ordinance): Public school horse ranch spec. education services w/ equine therapy

I hereby certify that the information concerning this proposed zoning change is true and correct and that I am the owner of record or the authorized for the owner of the above described property.

Cody Crannell

Digitally signed by Cody Crannell
 DN: G=Cody Crannell, O=United States, E=cody@ccm-eng.com, O=CCM
 Engineering, L=US, CN=Cody Crannell
 Date: 2023.03.07 15:46:04-0600'

3/7/23

Signature of Applicant/Owner

Date

STAFF USE ONLY:

Date Submitted: _____ Fee Paid: _____

Accepted By: _____ Check No. : _____

P & Z Public Hearing: _____ Metes & Bounds Attached: Yes No

Council Public Hearing: _____ Notarized Statement: Yes No N/A

¹ A NOTARIZED statement that authorizes the agent to represent the owner(s) in this matter must be attached to this application.

All applications must contain the required information as specified in the Town of Bartonville's Comprehensive Zoning Ordinance, (Code of Ordinances, Chapter 14, Exhibit "A"), including but not limited to Chapter 16 relating to conditional use permits.

ITEMS TO BE INCLUDED:

✓

Completed Application
Notarized statement signed by each property owner
Tax certificate indicating no taxes are due
Application Fee
Completed Site Plan Application and documentation (to be submitted on a separate form)

APPLICATION REVIEW PROCEDURES

Upon initial submittal, your case will be distributed to the following for review: Bartonville Water Supply Corporation or Argyle Water Supply Corporation (as applicable), the Argyle Volunteer Fire District and the Town Engineer and other members of the Development Review Committee (DRC). The Plan(s) will then be scheduled for a DRC meeting (see attached schedule). At the DRC meeting, each department will furnish a copy of comments/concerns to the applicant. Once the plans are corrected, revisions must be submitted. The revisions will then go before the Planning and Zoning Commission (P&Z) for their review and recommendation. Once the P&Z Commission has made their recommendation, the Town Council will review and take action on the application.

SUBMITTAL REQUIREMENTS FOR DEVELOPMENT REVIEW COMMITTEE (DRC):

**See attached schedule for submittal deadlines.

Upon initial submittal the following is required

1. A set of ten (10) full size plans;
2. One (1) 11" X 17" copy; and
3. A digital copy of the plans in pdf form to be submitted via CD.

SUBMITTAL REQUIREMENTS FOR P&Z COMMISSION:

**See attached schedule for submittal deadlines.

Once the DRC has made their recommendation, the following is required on or before the deadline for revisions to the P&Z in accordance with the attached schedule:

1. An additional set of ten (10) full size plans;
2. One (1) 11" X 17" copy; and
3. A digital copy of the plans in pdf form to be submitted via CD.

SUBMITTAL REQUIREMENTS FOR TOWN COUNCIL:

**See attached schedule for submittal deadlines.

Once the P&Z Commission has made their recommendation, the following is required on or before the deadline for revisions to the Council in accordance with the attached schedule:

1. An additional set of ten (10) full size plans;
2. One (1) 11" X 17" copy; and
3. A digital copy of the plans in pdf form to be submitted via CD.

EXPIRATION OF CONDITIONAL USE PERMIT

A conditional use permit shall expire if:

1. A building permit for the use has not been approved within one (1) year of the date of approval of the permit;
2. The building permit subsequently expires;
3. The use has been discontinued or abandoned for a period exceeding six (6) months; or
4. A termination date attached to the permit has passed.

CRITERIA FOR APPROVAL

A. Factors - When considering applications for a conditional use permit, the Commission and the Council shall evaluate the impact of the proposed conditional use on and its compatibility with surrounding properties and neighborhoods to ensure the appropriateness of the use at the particular location, and shall consider the extent to which:

1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
3. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhood and includes improvements either on-site or within the public rights-of-way to mitigate development-related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
5. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

B. Conditions - The Commission may recommend and the council may require such modifications in the proposed use and attach such conditions to the conditional use permit as are necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. Conditions include but are not limited to matters related to limitation of building size or height, increased open space, increased impervious surface, enhanced loading and parking requirements, additional landscaping and improvements including curbing and pedestrian amenities, vehicular access and parking, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit and hours of operation.



NOTARY FORM

Town of Bartonville

THE FOLLOWING IS TO BE COMPLETED BY EACH OWNER THAT IS NOT SIGNING THIS APPLICATION.

Dated: 03/08/2023

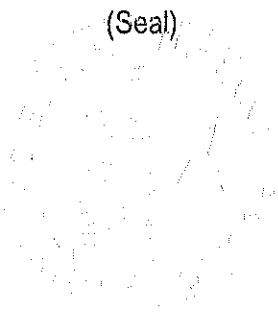
I, King Hollis, owner of the Property located at 2700 FM 407 E Bartonville Tx 76226 do hereby certify that I have given my permission to _____, to submit this conditional use permit application.

<u>King Hollis</u>	<u>King Hollis</u>
Print Name	Signature of Owner

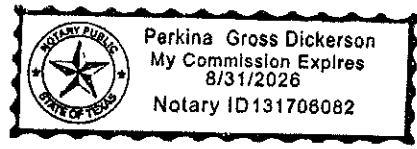
<u>2700 FM 407 E Bartonville Tx 76226</u>	<u>214 708 5460</u>
Address	Phone No.

State of Texas §
County of DALLAS §

Before me, Perkina Gross Dickerson, a Notary Public in and for said County and State, on this day personally appeared King Hollis known to me to be the person whose name is subscribed to the foregoing certificate, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.



Perkina Gross Dickerson
Notary



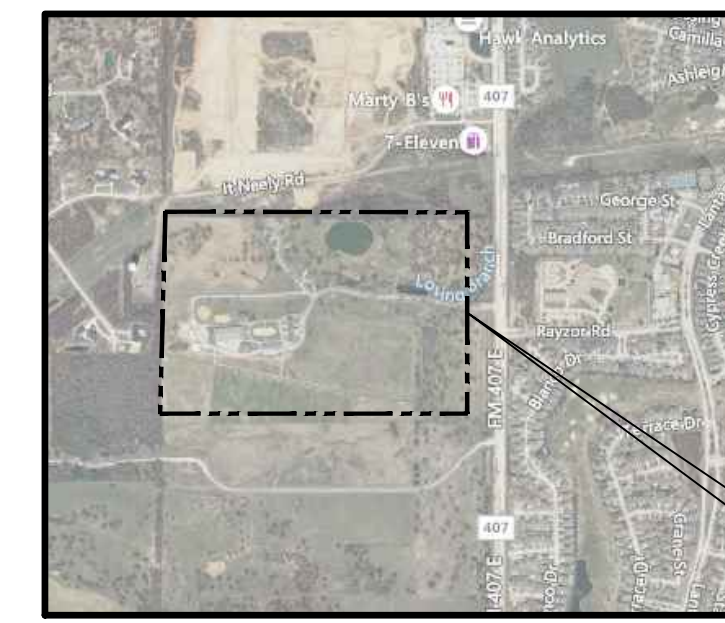
Owner Info:

EDUCATION LEADS TO SUCCESS
FOUNDATION
2104 CAVALIER WAY
FLOWER MOUND, TX 75022-5588

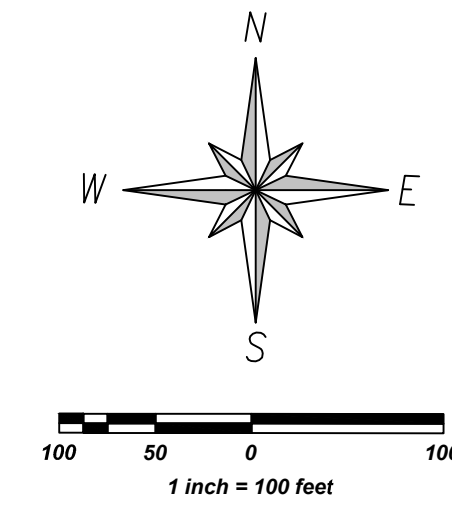
- EXISTING SITE USES:
- EQUINE THERAPY
 - HORSE TRAINING AND STORAGE

NOTES:

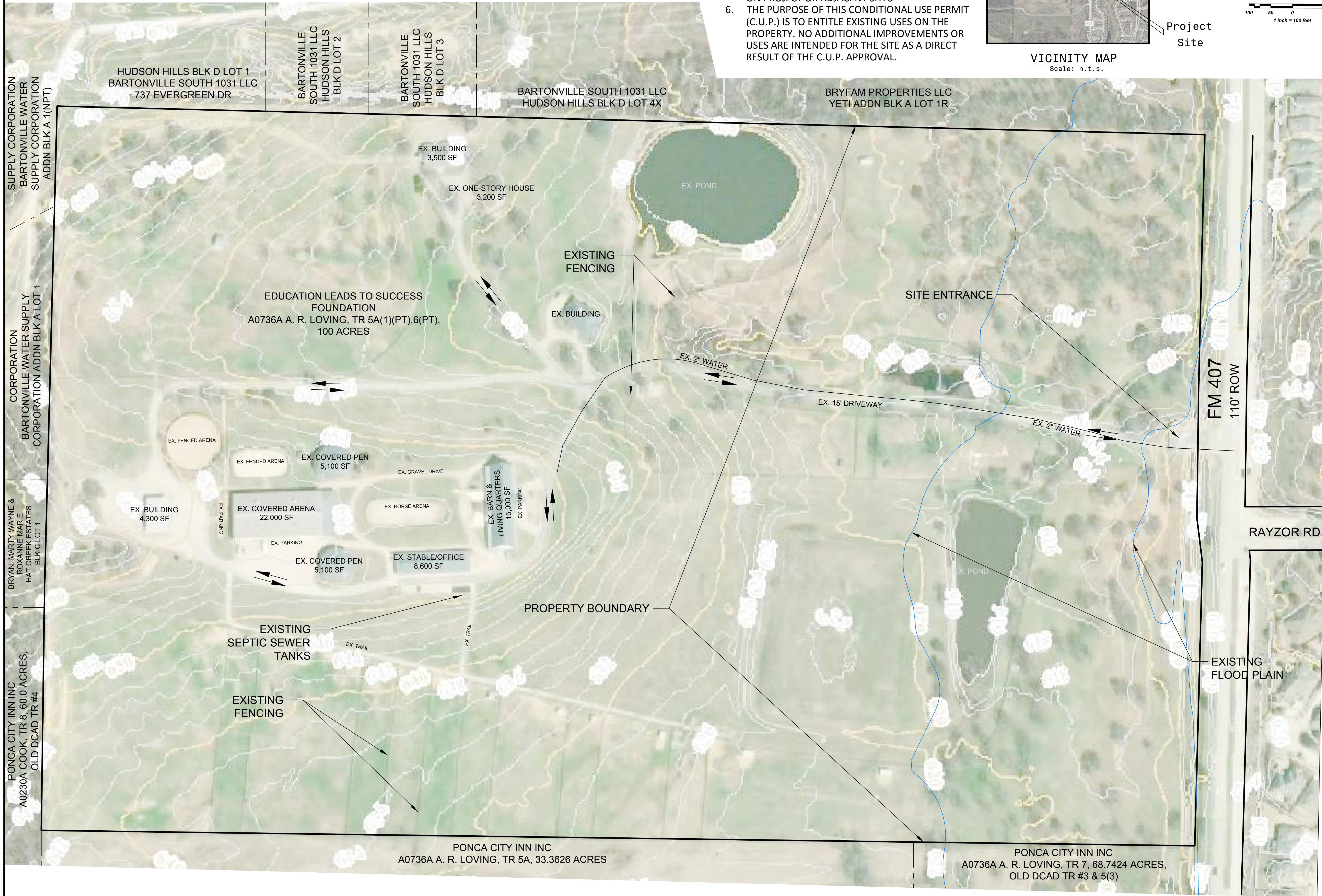
1. SITE ACREAGE: 100 AC
2. EXISTING ZONING: AG
3. NO EXISTING FIRE LANE ON SITE
4. SITE IS AN EXISTING EQUESTRIAN CENTER AND THAT USE IS TO REMAIN
5. NO EXISTING STORM OR WASTEWATER FACILITIES ON PROJECT OR ADJACENT SITES
6. THE PURPOSE OF THIS CONDITIONAL USE PERMIT (C.U.P.) IS TO ENTITLE EXISTING USES ON THE PROPERTY. NO ADDITIONAL IMPROVEMENTS OR USES ARE INTENDED FOR THE SITE AS A DIRECT RESULT OF THE C.U.P. APPROVAL.



VICINITY MAP
Scale: n.t.s.



Project Site

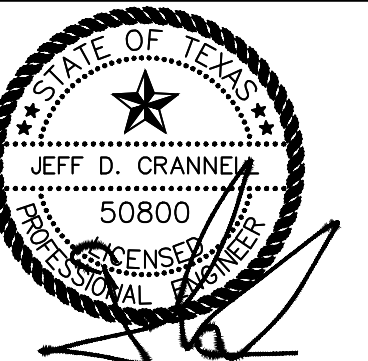


CCM Engineering

2570 FM 407, Suite 209
Highland Village, Texas 75077
Ph: 972.691.6633
Fax: 972.691.6628
TBPE FIRM #605

Legacy Ranch
Equestrian Center
Town of Bartonville,
Denton County

Site Plan



REVISIONS

DESIGN: CCM
DRAWN: CCM
DATE: 3/8/23
SCALE:
NOTES:
FILE:

March 23, 2023

[NAME]
[ADDRESS]
[CITY], [STATE] [ZIP]

Re: Proposed Conditional Use Permit for Education Leads to Success Foundation, 2700 FM 407 East, Bartonville, Texas

Dear [NAME],

The Planning and Zoning Commission for the Town of Bartonville, Texas will conduct a public hearing at 7:00 p.m. on April 5, 2023 at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider recommendations to the Town Council regarding a proposed Conditional Use Permit to allow equestrian uses and special education services with equine therapy on a 100-acre tract of land situated in the A.R. Loving Survey, Abstract Number 736, Tracts 5, 5A(1)(PT),6(PT), and 7A, in the Town of Bartonville, Denton County, Texas. The tract of land is located on the west side of FM 407, directly opposite the intersection of FM 407 and Rayzor Road, in Bartonville, Texas. The applicant is CCM Engineering, on behalf of the Education Leads to Success Foundation.

The Town Council will conduct a second Public Hearing at 7:00 p.m. on April 18, 2023, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider the proposed Conditional Use Permit and recommendations of the Planning and Zoning Commission. All interested parties are encouraged to attend.

Sincerely,

Tammy Dixon, TRMC, CMC
Town Secretary
Town of Bartonville

DENTON RECORD-CHRONICLE
P.O. BOX 369
DENTON TX 76202
(940)566-6800

Item G5.

ORDER CONFIRMATION

Salesperson: Legals Denton Printed at 03/15/23 09:22 by plaga-dm

Acct #: 232 Ad #: 51230 Status: New WHOLD

BARTONVILLE TOWN OF Start: 03/18/2023 Stop: 03/18/2023
1941 EAST JETER ROAD Times Ord: 1 Times Run: ***
ARGYLE TX 76226 STD9 1.00 X 43.00 Words: 187
Total STD9 44.00
Class: 9005 DP LG LEGALS
Rate: CLLLG Cost: 36.80
Affidavits: 1

Contact: Ad Descrpt: ELTS CUP NEWSPAPER NOTICE
Phone: (817)430-4052 Descr Cont: NOTICE OF PUBLIC HEARING
Fax#: Given by: RYAN A WELLS-AD TERRAM CONSULT
Email: tdixon@townofbartonville.com P.O. #: TAMMY DIXON
Agency: Created: plaga 03/15/23 09:20
Last Changed: plaga 03/15/23 09:22

URL: _____

Source: _____ Section: CLASSIFIED Page: ____
Camera Ready: N Group: _____ AdType: CLASS
Misc: _____
Color: _____
Proof: _____ Pickup Date: _____ Ad#: _____
Delivery Instr: _____ Pickup Src: _____
Changes: None ____ Copy ____ Art ____ Size ____ Copy Chg Every Run ____
Coupon: _____ Gang Ad #: _____
Ad Copy Method: _____
Special Instr: _____

COMMENTS:
LGL - ELTS CUP Newspaper Notice

PUB ZONE EDT TP RUN DATES
DRMC A 95 S 03/18
DWRC A 84 S 03/18

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type) Name (signature)

(CONTINUED ON NEXT PAGE)

DENTON RECORD-CHRONICLE
P.O. BOX 369
DENTON TX 76202
(940)566-6800

Item G5.

ORDER CONFIRMATION (CONTINUED)

Salesperson: Legals Denton

Printed at 03/15/23 09:22 by plaga-dm

Acct #: 232

Ad #: 51230

Status: New WHOLD WHOI

NOTICE OF PUBLIC HEARING

The Planning and Zoning Commission for the Town of Bartonville, Texas will conduct a public hearing at 7:00 p.m. on April 5, 2023 at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider recommendations to the Town Council regarding a proposed Conditional Use Permit to allow equestrian uses and special education services with equine therapy on a 100-acre tract of land situated in the A.R. Loving Survey, Abstract Number 736, Tracts 5, 5A(1)(PT),6(PT), and 7A, in the Town of Bartonville, Denton County, Texas. The tract of land is located on the west side of FM 407, directly opposite the intersection of FM 407 and Rayzor Road, in Bartonville, Texas. The applicant is CCM Engineering, on behalf of the Education Leads to Success Foundation.

The Town Council will conduct a second Public Hearing at 7:00 p.m. on April 18, 2023, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider the proposed Conditional Use Permit and recommendations of the Planning and Zoning Commission. All interested parties are encouraged to attend.

Drc 03/18/2023

**TOWN OF BARTONVILLE
ORDINANCE NO. XXX-23**

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF AN EQUESTRIAN CENTER AND SPECIAL EDUCATION SERVICES WITH EQUINE THERAPY LOCATED AT 2700 FM 407 EAST, BARTONVILLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR NO VESTED RIGHTS; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Bartonville, Texas, is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town of Bartonville, Texas, as a general law municipality, is empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town; and

WHEREAS, the Planning and Zoning Commission of the Town of Bartonville and the Town Council of the Town of Bartonville, in compliance with state law with reference to amending the Zoning Ordinance, have given the requisite notice by publication and otherwise, and after holding due public hearings and affording full and fair hearings to all property owners generally, the Town Council of the Town of Bartonville, Texas, is of the opinion that said zoning ordinance should be amended as provided herein.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct legislative determinations and are incorporated herein and made a part hereof for all purposes.

SECTION 2. CUP GRANTED

The Zoning Ordinance for the Town of Bartonville, Texas, as amended, is hereby amended by granting a Conditional Use Permit (CUP) to allow for the operation of an Equestrian Center and Special Education Services with Equine Therapy located at 2700 FM 407 East, Bartonville, Texas. The official zoning map of the Town of Bartonville, Texas, shall be amended to reflect the CUP granted by this Ordinance with the following conditions:

1. Soil in the equestrian arenas are to be kept in a dust-free condition.
2. Lights in the equestrian arena and all outside equestrian operations shall cease at 10:00PM nightly.
3. All amplified sound in any equestrian accessory building or outdoor equestrian arena shall comply with the Town's noise ordinance, as amended, or the terms of this Ordinance, whichever is more restrictive. Any amplified sound in any equestrian accessory building or outdoor equestrian arena shall comply with the following sound level when measured at the property boundary of the receiving land: 62 decibels as measured on a sound level meter using the A-weighting network. Notwithstanding any provision herein, any amplified sound in any equestrian accessory building or outdoor equestrian arena shall not unreasonably disturb or interfere with the peace, comfort and repose of neighboring persons of ordinary sensibilities. This provision applies between the hours of 8:00AM to 7:00PM. Amplified sound in an equestrian accessory building or outdoor equestrian arena outside of stated hours is prohibited.
4. If manure is not spread on the property, manure must be contained in a compost structure at least 250 feet from any property line and removed weekly or composted.
5. There shall be no more than 6 horse training clinics per year, and no more than 4 horse show events and/or additional horse training clinics per year, at a rate of no more than 2 of such events per month and events may not occur on consecutive weekends. A horse training clinic shall include no more than 30 participants per day not to exceed 2 days. A horse show event is defined as including more than 30 participants per day not to exceed 2 days.

SECTION 3. SEVERABILITY

It is hereby declared to be the intention of the Town Council of the Town of Bartonville, Texas, that the phrases, clauses, sentences, paragraphs, and sections of

this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of such unconstitutional phrases, clause, sentence, paragraph, or section.

SECTION 4. SAVINGS

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Town of Bartonville Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. ENGROSS AND ENROLL

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

SECTION 6. PUBLICATION

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

SECTION 7. PUNISHMENT

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Bartonville Zoning Ordinance as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

SECTION 8.

NO VESTED RIGHTS

No person or entity shall acquire any vested rights in this Ordinance or any specific regulations contained herein. This Ordinance and any regulations may be amended or repealed by the Town Council of the Town of Bartonville, Texas, in the manner provided bylaw.

**SECTION 9.
EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such case provides.

DULY PASSED AND APPROVED by the Town Council of the Town of Bartonville, Texas, on the 18th day of April, 2023.

APPROVED:

(Seal)

Jaclyn Carrington, Mayor

ATTEST:

Tammy Dixon, Town Secretary



TOWN COUNCIL COMMUNICATION

DATE April 18, 2023

FROM: Tammy Dixon, Town Secretary

AGENDA ITEM: Discuss and consider approval of an ordinance amending Attachment “A” of Section 10 entitled “Rate Adjustment” of the Exclusive Franchise Agreement for Solid Waste Collection authorizing an 8.8 % CPI increase for solid waste and a 3.88% increase on the disposal and recycling processing on residential, commercial, and roll off services.

SUMMARY:

On April 04, 2023, the Town received a request from Waste Connections successor-in-interest to Progressive Waste Solutions for an increase in rates effective June 1, 2023.

The Town Council selected Waste Connections as the exclusive solid waste hauler for solid waste services in the Town effective January 1, 2014. Pursuant to Section 10 of the Franchise Agreement, on the anniversary date of the agreement, the company shall have the right to increase the rates in accordance with the Consumer Price Index-Urban Consumers (CPI-U). Further, they can request a landfill disposal adjustment, due to an increase in disposal cost.

The company has been granted rate adjustments over the years as follows:

Rate Adjustments			
12/16/2014	Ordinance 574-14	1.78%	01/01/2015
01/17/2017	Ordinance 616-17	3%	02/01/2017
01/16/2018	Ordinance 627-18	4.20%	02/01/2018
02/19/2019	Ordinance 653-19	2.30%	03/01/2019
01/21/2020	Ordinance 679-20	2.30%	03/01/2020
05/18/2021	Ordinance 703-21	3%	06/01/2021
05/17/2022	Ordinance 726-22	9%	06/01/2022

The requested increase represents an 8.8% CPI increase for solid waste and a 3.88% increase on disposal and recycling. The current residential rate per home is \$12.02 for trash and \$7.24 for recycle. If approved, the new rates will be \$13.31 for trash and \$8.14 for recycle, a total of \$21.45, an increase of \$2.19.

FISCAL INFORMATION: N/A**RECOMMENDED MOTION OR ACTION:**

Move to approve an ordinance amending Attachment "A" of Section 10 entitled "Rate Adjustment" of the Exclusive Franchise Agreement for Solid Waste Collection authorizing an 8.8 % CPI increase for solid waste and a 3.88% increase on the disposal and recycling processing on residential, commercial, and roll off services.

ATTACHMENTS:

- Section 10 of the Franchise Agreement
- Waste Connections Rate Increase Request
- Waste Connections Rate Sheet
- Draft Ordinance

SECTION 8. TITLE TO EQUIPMENT.

Notwithstanding anything to the contrary contained herein, it is expressly understood and agreed that all equipment, including, but not limited to, Containers, provided by the Service Provider in connection with the Services, shall at all times remain the property of the Service Provider.

SECTION 9. RATES AND FEES.

Subject to adjustment, as provided in Section 10 hereof, the rates and fees to be charged and received by the Service Provider are listed in Attachment "A". These rates and fees apply to the City and all Commercial, Industrial and Residential Units that are located within the City's corporate limits and billed by the City for water and sewer services.

SECTION 10. RATE ADJUSTMENT.

A. CPI-U Adjustment. On each anniversary date of this Agreement, the Service Provider shall have the right, in its sole discretion and upon giving prior notice to the Town, to increase the rates set forth in Attachment "A", attached hereto (the "Initial Rates") in accordance with the CPI-U. As used herein, "CPI-U" shall mean the revised Consumer Price Index rate for all urban consumers (all items included) for the nearest available metropolitan area, based on the latest available figures from the Department of Labor's Bureau of Labor Statistics (the "Bureau"). The CPI-U used will be the CPI-U published by the Bureau during the month ninety (90) days preceding the adjustment under this Section 10.A. The amount of the increase under this Section 10.A. shall be equal to the percentage that the CPI-U has increased over the previous twelve (12) month period.

B. Operating Cost Adjustment. In addition to the rate adjustments provided for in Section 10.A., at any time during the term of this Agreement, the Service Provider may petition the Town for additional rate and price adjustments at reasonable times on the basis of material or unusual changes in its cost of operations not otherwise the basis of any other rate adjustments herein, including, but not limited to, changes in the cost of disposal and changes in the cost of diesel fuel. At the time of any such petition, the Service Provider shall provide the Town with documents and records in reasonable form and sufficient detail to reasonably establish the necessity of any requested rate adjustment. The Town shall not unreasonably withhold, condition or delay its consent to any requested rate increase. In the event the Town fails or refuses to consent to any such requested rate increase and the Service Provider can demonstrate that such rate increase is necessary to offset the Service Provider's increased costs in connection with performing the services under this Agreement not otherwise offset by any previous rate adjustments hereunder, the Service Provider may, in its sole discretion, terminate this Agreement upon ninety (90) days written notice to the Town.

C. Governmental Fees. The parties acknowledge that the rates herein include all applicable fees, taxes or similar assessments incurred under federal, state and local laws, rules and ordinances (excluding sales taxes and taxes imposed on income) (the "Fees"). The parties acknowledge and understand that the Fees may vary from time to time, and, in the event any of

WASTE CONNECTIONS LONE STAR, INC.

802 Topeka Justin, TX 76247
 Contact: Hyon Cho
 Phone: 940-648-3902

**Town of Bartonville
 RATE SHEET**

Effective: June 2023 Billing

Single-Family Residential Unit Services - (1) Roll-Out:	<u>\$13.51</u>	per month, per Single-Family Residential Unit
Additional Roll-Out:	<u>\$7.38</u>	per month, per additional Roll-Out, per Single-Family Residential Unit
Optional Recycling: Single-Family Residential Units - (1) Recycling Container:	<u>\$8.14</u>	per month, per Single-Family Residential Unit
Senior Citizen Recycling Rate*- (1) Recycling Container:	<u>\$6.65</u>	per month, per Single-Family Residential Unit*

*Senior Citizen Recycling Rate applies to a Single-Family Residential Unit located within the Town whose head of the household is 65 years of age or older.

**MONTHLY CHARGES FOR COMMERCIAL, INDUSTRIAL
 AND MULTI-FAMILY RESIDENTIAL UNITS**

CONTAINER SIZE	Lifts Per Week					Price for Each Additional Lift
	1	2	3	4	5	Extra-Lifts
2 Cubic Yd	\$103.55	\$196.36	\$268.84	\$358.42	\$448.02	\$45.92
3 Cubic Yd	\$116.06	\$228.49	\$300.84	\$403.91	\$504.91	\$55.06
4 Cubic Yd	\$141.02	\$255.28	\$331.90	\$457.69	\$568.63	\$73.43
6 Cubic Yd	\$164.26	\$312.39	\$420.44	\$537.32	\$668.15	\$86.57
8 Cubic Yd	\$181.63	\$336.15	\$504.08	\$671.65	\$699.58	\$95.75

FRONT LOAD COMPACTOR RATES

	HAUL	RENTAL
6 Cubic Yd	\$85.97 per haul	Negotiable
8 Cubic Yd	\$106.05 per haul	Negotiable

Containers with Locks \$3.78 per collection, per container
 Containers with Casters \$7.37 per collection, per container
 Containers with Gates \$5.86 per collection, per container

CONTAINER ROLL OFF OPEN TOPS RATE SCHEDULE

CONTAINER SIZE	HAUL	DISPOSAL*	DELIVERY	DAILY RENT	DISPOSAL**
20 Cubic Yd	\$370.05 per haul	\$50.07 per ton	\$181.53 per delivery	\$6.98 per day	\$62.91 per ton
30 Cubic Yd	\$370.05 per haul	\$50.07 per ton	\$181.53 per delivery	\$6.98 per day	\$62.91 per ton
40 Cubic Yd	\$370.05 per haul	\$50.07 per ton	\$181.53 per delivery	\$6.98 per day	\$62.91 per ton

*Per ton disposal fee for each of the first ten (10) tons of Solid Waste disposed of in a load

**Disposal fee for each ton of Solid Waste disposed of in excess of ten (10) tons in any load

CONTAINER TEMPORARY DUMPSTER SERVICES

CONTAINER SIZE	HAUL	DAILY RENT	DELIVERY
6 Cubic Yd	\$161.83 per haul	\$2.82 per day	\$70.40 per delivery
8 Cubic Yd	\$161.83 per haul	\$2.82 per day	\$70.40 per delivery

Franchise Fees:

Residential: 6% Franchise Fee
 Commercial: 6% Franchise Fee
 Roll-Off/Compactor: 6% Franchise Fee

* All rates are inclusive of all franchise and billing fees
 * Rates do not include any Sales Tax
 * Rates do not include any Fuel Surcharges



WASTE CONNECTIONS INC.
Connect with the Future®

March 31, 2023
Town of Bartonville
Attn: Honorable Mayor and Members of Council
1941 E. Jeter Rd.
Bartonville, TX 76226

RE: Price Adjustment based on Consumer Price Index (CPI)

Dear Honorable Mayor and Members of Council,

Waste Connections would like to sincerely thank you for the great opportunity we have had to serve the citizens and community of Lake Worth.

Each year we evaluate cost per our contract with the city based on 100% of the CPI-U (All urban consumer price index) for Dallas Fort Worth not seasonally adjusted all items. Based on the available data, 100% of the CPI increase is 8.8%. Based on our contract, 8.8% will be the increase for 2023.

Inflation and operating costs have gone up considerably such as employee wages, maintenance on equipment, and disposal costs. In addition to our 8.8% CPI we are also requesting a blended 3.88% increase to cover the increase related to our disposal costs for Residential and Commercial Services.

Per contract this will take effect on the June 2023 bill cycle.

Should you have any questions or concerns regarding this adjustment or anything else, please feel free to contact Hyon Cho at 817-222-2221 or by email at Hyon.cho@wasteconnections.com.

Best Regards,

Hyon Cho
Site Manager
Waste Connections of TX

Residential	
Monthly Tonnage	57.26
Prior Rate/Ton -Denton	\$ 28.73
Total Disposal Cost	\$ 1,645.20
Monthly Tonnage	57.3
Current Rate/Ton - Denton	\$ 35.52
Total Disposal Cost	\$ 2,034.03
Variance	\$ 388.82
Monthly Revenue	\$ 10,894.61
LF Cost Adjustment	3.57%
Disposal Pass-Through PI Dollars	\$ 388.82

Tons	118.95
Pre Cost	\$ 3,858.31
Post Cost	\$ 4,729.48
Variance	\$ 871.17
Revenue	\$ 22,430.57
PI	3.88% Letter increase for Disposal Pass Through

Commercial	
Monthly Tonnage	61.68
Prior Rate/Ton - Minnis	\$ 35.88
Total Disposal Cost	\$ 2,213.11
Monthly Tonnage	61.7
Current Rate/Ton - Minnis	\$ 43.70
Total Disposal Cost	\$ 2,695.45
Variance	\$ 482.34
Monthly Revenue	\$ 11,535.96
LF Cost Adjustment	4.18%
Disposal Pass-through PI Dollars	\$ 482.34

Roll Off	
Monthly Tonnage	-
Prior Rate/Ton - Denton	\$ -
Total Disposal Cost	\$ -
Monthly Tonnage	-
Current Rate/Ton - Denton	\$ -
Total Disposal Cost	\$ -
Variance	\$ -
Monthly Revenue	\$ -
LF Cost Adjustment	#DIV/0!
Disposal Pass Through PI Dollars	#DIV/0!

Total RO Pass-Thru	
Tons	-
Pre Cost	\$ -
Post Cost	\$ -
Variance	\$ -
Revenue	\$ -
RO PI	#DIV/0!

Roll Off	
Monthly Tonnage	-
Prior Rate/Ton - Minnis	\$ -
Total Disposal Cost	\$ -
Monthly Tonnage	-
Current Rate/Ton - Minnis	\$ -
Total Disposal Cost	\$ -
Variance	\$ -
Monthly Revenue	\$ -
LF Cost Adjustment	#DIV/0!
Disposal Pass Through PI Dollars	#DIV/0!

CPI for All Urban Consumers (CPI-U) 12-Month Percent Change

Series Id: CUURS37ASA0, CUUSS37ASA0

Not Seasonally Adjusted

Series Title: All items in Dallas-Fort Worth-Arlington, TX, all urban

Area: Dallas-Fort Worth-Arlington, TX

Item: All items

Base Period: 1982-84=100

Years: 2021 to 2022

	Year	Annual
2021		5.2
2022		8.8

**TOWN OF BARTONVILLE, TEXAS
ORDINANCE _____**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING ATTACHMENT “A” OF SECTION 10, ENTITLED “RATE ADJUSTMENT” OF THE EXCLUSIVE FRANCHISE AGREEMENT FOR THE COLLECTION, HAULING, RECYCLING AND DISPOSAL OF MUNICIPAL SOLID WASTE, CONSTRUCTION AND DEMOLITION WASTE, AND RECYCLABLE MATERIALS IN THE TOWN OF BARTONVILLE, TEXAS, ADOPTED BY ORDINANCE 555-13, AUTHORIZING A 8.8% CPI INCREASE IN SOLID WASTE DISPOSAL RATES AND A 3.88% INCREASE IN THE DIPSOSAL RATES FOR RESIDENTIAL AND COMMERCIAL SERVICES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Bartonville, Texas is a type "A" General Law Municipality located in Denton County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the collection of municipal solid waste is a governmental function performed for protection of the public health, safety and general welfare; and

WHEREAS, the Town Council of the Town of Bartonville, Texas (“Town Council”), adopted Ordinance No. 555-13 providing for an exclusive franchise for residential and commercial solid waste collection and recycling services to Progressive Waste Solutions in the Town of Bartonville; and

WHEREAS, the successor-in-interest to Progressive Waste Solutions is Waste Connections; and

WHEREAS, Pursuant to Section 10 of the Franchise Agreement, entitled “Rate Adjustment,” Waste Solutions is entitled to request an increase in the rates charged to the Town for solid waste collection services on each anniversary date of the Agreement; and

WHEREAS, the Town Council adopted Ordinance No. 574-14 on December 16, 2014, regarding a previous small rate adjustment; and

WHEREAS, the Town Council adopted Ordinance No. 616-17 on January 17, 2017, regarding a 3% rate adjustment; and

WHEREAS, the Town Council adopted Ordinance No. 627-18 on January 16, 2018, regarding a 4.2% rate adjustment; and

WHEREAS, the Town Council adopted Ordinance No. 653-19 on February 19, 2019, regarding a 2.3% rate adjustment; and

WHEREAS, the Town Council adopted Ordinance No. 679-20 on January 21, 2020,

Ordinance No. _____

Page 2

regarding a 2.3% rate adjustment in solid waste and a 2.5% rate adjustment in the disposal and recycling; and

WHEREAS, the Town Council adopted Ordinance No. 703-21 on May 18, 2021, regarding a 3% rate adjustment; and

WHEREAS, the Town Council adopted Ordinance No. 726-22 on May 17, 2022, regarding a 9% rate adjustment; and

WHEREAS, Waste Connections has presented a proposed 8.8% CPI increase in solid waste disposal rates and a 3.88% increase in the disposal rates for residential and commercial services as set forth in Exhibit "A" attached to this Ordinance; and

WHEREAS, the Town Council has reviewed the proposed rate adjustment and has agreed that the adjustment is fair and reasonable and, by this Ordinance, wishes to provide for an amendment to the Agreement in order to permit the imposition of such adjustment.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:

SECTION 1.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2.

Section 10 of the Agreement entitled "Rate Adjustment" is hereby amended and, effective with services to be provided beginning on June 1, 2023, the rates for residential and commercial services provided by Waste Connections shall be in accordance with the rates and fees set forth more particularly on Exhibit "A" attached hereto.

SECTION 3.

This Ordinance shall in no manner amend, change, supplement or revise any other terms or conditions of the Agreement as approved by Ordinance No. 555-13.

SECTION 4.

This Ordinance shall be cumulative of all provisions of Ordinances of the Town of Bartonville, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

SECTION 5.

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid

Ordinance No. _____

Page 3

judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 6.

All rights and remedies of the Town of Bartonville are expressly saved as to any and all violations of the provisions of any Ordinances affecting solid waste collection and recycling, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

SECTION 8.

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

SECTION 9.

This Ordinance shall take effect and be in full force from and after its passage and publication.

AND IT IS SO ORDAINED.

PASSED AND APPROVED this the 18th day of April 2023.

APPROVED:

Jaelyn Carrington, Mayor

ATTEST:

Tammy Dixon, Town Secretary

Ordinance No. _____

Page 4

Exhibit A



TOWN COUNCIL COMMUNICATION

DATE April 18, 2023

FROM: Thad Chambers, Town Administrator

AGENDA ITEM: Discuss and Consider Acceptance of Eagle Ridge Subdivision Public Improvements.

SUMMARY: The public improvements, roads and drainage at Eagle Ridge subdivision is now complete. The Town Engineer’s firm, Westwood, has conducted the construction inspections to ensure that the public improvements match the construction plans approved by the Town Council.

All outstanding items have now been addressed as outlined in the attached Town Engineer’s Construction Acceptance letter. Building permits will be issued upon acceptance by Town Council.

RECOMMENDED MOTION OR ACTION: Move to accept the Eagle Ridge subdivision public improvements.

ATTACHMENTS

Town Engineers Project Acceptance Letter
Construction Observation Report

April 12, 2023

Mr. Thad Chambers
City Administrator
Town of Bartonville
1941 E. Jeter Road
Bartonville, Texas 76226

Re: Eagle Ridge Subdivision
Project Completion/Acceptance

Dear Mr. Chambers:

It has been determined that the work for the referenced project was performed in general conformance with the approved construction documents and is complete.

The items and deficiencies noted during the previous walkthroughs have been sufficiently addressed.

This letter serves as a completion notice for the above referenced project. The two-year maintenance period provided in the subdivision regulations shall commence from the date above, April 12, 2023, and the two-year maintenance period would continue until April 12, 2025.

While accepted, this does not relieve the developer nor maintenance bond from maintaining the ditch slopes and silt within ditches nor culverts, any silt accumulation or ditch grading including culvert replacement is still subject to the maintenance bond if it deviates from the accepted plans over the two-year period noted above.

Should you have any questions about the information contained herein, please do not hesitate to call.

Sincerely,

/s

Christopher J. Cha, PE

Engineer

CONSTRUCTION OBSERVATION REPORT (1)

Re: **City of Bartonville**
Development Inspection
Eagle Ridge Development

Project No: R0043295.00
Date: 3/28/2023

Present at Site: Bart Wilson, Inspector-Pacheco Koch/Westwood

Bart Wilson –During the site visit, the following observations were made:



March 7, 2023- Steep Drop Offs and Erosion off the edge of the road. Recommend some type of barrier (mbgf) to avoid drive offs. In addition riprap should be added. It is currently being included in some locations but the steep dropp off conditions are still prevelant. Note the silt in the pipe that needs to be cleaned out.



March 7, 2023 -Drainage coming from adjacent resevoir to the south of the development overflows into the ditch on the south side of the development. This was overlooked in the development design as the natural flow came from a pipe that extended into the property. That pipe was removed and water diverted into the ditches. This has created erosion as well as standing water in various locations.



March 7, 2023 more areas that have erosion issues



March 7, 2023- Looking south at the adjacent reservoir showing water entering the subdivision the travelling circuitiously through the development with standing water evident.



TOWN COUNCIL COMMUNICATION

DATE April 18, 2023

FROM: Thad Chambers, Town Administrator

AGENDA ITEM: Discuss and consider approval of Work Order #4 with SPI Asphalt Pavement Repair in the amount of \$96,914.50; and authorization for the Town Administrator to execute same on behalf of the Town.

SUMMARY:

Location: Crack sealing at Rustic Court, Country Court, Seals Road, and McMakin Road. Spot Repair at the same locations and additional pothole repair around the Town. Pavement marking at Bridle Bit. Barricade repair at Badminton and Excavation and Barricade at Kentucky Derby.

Summary: This is the spring contract or work authorization for SPI Asphalt. It includes crack sealing, pothole repair and spot repair at Rustic Court, Country Court, Seals Road, and McMakin Road. Additionally, there have been some other potholes noted and those are included under miscellaneous pothole repair. SPI has agreed to fix the barricades at the end of Badminton along with adding pavement markings on Bridle Bit. Finally, there is a washout at Kentucky Derby near the entrance into Eagle Ridge subdivision. There was a hole in the asphalt pavement noted by a resident and upon further inspection there is quite a bit of washout underneath the pavement at the cul-de-sac on Kentucky Derby at the entrance of Eagle Ridge. Excavation is needed to fully understand the extent of the washout and whether culvert/pipe repair is needed or just fill in the area with excavatable flowable fill.

RECOMMENDED MOTION OR ACTION:

Staff is recommending approval.

FISCAL IMPACT:

\$100,000 is in the current budget for street maintenance.

This contract will use \$96,914.50 of those available funds.

PUBLIC COMMENT

N/A

ATTACHMENTS:

Work Authorization #4 Quantity and Cost

Westwood

CONSTRUCTION COST FOR WORK ORDER #4

Client Name: Town of Bartonville, Texas
 Project Title: Work Order #4 - SPI Asphalt

PK No.: 3340-13.295
 Date: 4/14/2023

Bid No.	Bid Item Description	Unit	Estimated Quantity	Unit Cost	Total Cost
Work Order #4					
1	Mobilization for Crack Sealing	LS	1	\$ 1,800.00	\$ 1,800.00
	Crack Sealing				
	Rustic Court	LF	720		-
	Country Ct	LF	3,750		-
	Seals Rd	LF	6,320		-
	McMakin Rd (E. Jeter to 50 LF S. of Landfall Cr)	LF	4,120		-
2	Subtotal for Crack Sealing	LF	14,910	\$ 2.75	41,002.50
3	Mobilization for Asphalt Spot Repair	LF	1	\$ 1,800.00	1,800.00
	4" Asphalt Spot Repair				
	Rustic Court	SY	40		-
	Country Ct	SY	25		-
	Seals Rd	SY	30		-
	McMakin Rd (E. Jeter to 50 LF S. of Landfall Cr)	SY	300		-
	Misc. Pothole Repair	SY	100		-
4	Subtotal for Asphalt Spot Repair	SY	495	\$ 74.00	36,630.00
	Bridle Bit				-
5	4" Yellow Solid Thermoplastic Marking	LF	688	1.50	1,032.00
6	Fix Barricades at Badminton	LS	1	1,800.00	1,800.00
7	Excavation and Barricade around Kentucky Derby	LS	1	\$ 3,750.00	3,750.00
	PAVING IMPROVEMENTS SUB-TOTAL				\$ 87,814.50
	SUB-TOTAL CONSTRUCTION COSTS				\$ 87,814.50
	10% CONTINGENCY				\$ 8,800.00
	TOTAL OPINION OF CONSTRUCTION COSTS				\$ 96,614.50



TOWN COUNCIL COMMUNICATION

DATE April 18, 2023

FROM: Thad Chambers, Town Administrator

AGENDA ITEM: Discuss and consider approval of work authorization for Westwood Professional Services in the amount of \$78,000 for bid phase services and oversight of the reconstruction of E. Jeter Road (Phase 1) and repairs on Stonewood Boulevard; and authorization for Town Administrator execute same on behalf of the Town.

BACKGROUND INFORMATION

Location: E. Jeter Road (north/south portion) just west of Porter Road & Stonewood Boulevard at its intersection with Porter Road approximately 1,500 linear feet to the west.

Summary: These portions of roadway have been identified for reconstruction. E. Jeter Boulevard will be fully reconstructed with 2" of Type D HMAC on 4" Type B HMAC and include crossing culvert replacement. There has been discussion on the best subgrade treatments including cement stabilization, lime stabilization and geogrid on compacted subgrade. The anticipated course of action is to design and bid the project with these alternatives and see what kind of cost benefit can be had given the price differences for each. It is hard to understand the price difference in the geogrid without hard bids given the applications presented previously were raw land and no reconstruction had been provided.

Stonewood Boulevard is anticipated to have some crack sealing, asphalt replacement and drainage/culvert work done.

RECOMMENDED MOTION OR ACTION:

Staff is recommending approval.

PUBLIC COMMENT

N/A

ATTACHMENTS:

- Work Authorization
- Scope
- Compensation
- Project Location Map

Client or Counterparty Work Order

Master Services Agreement

PROJECT TITLE: ___Bartonville - E. Jester Road & Stonewood Boulevard Reconstruction___

CLIENT NAME _Town of Bartonville_____

DATE OF WORK ORDER _04/18/2023_____

PROJECT WORK ORDER NUMBER 001_____

PROJECT LOCATION: _Bartonville, Texas_____

CONTRACTOR PROJECT NUMBER: _R0044161.00_____

This Project Work Order between Client and Westwood is set forth pursuant to our “Master Services Agreement” executed on February 21, 2023.

I. Contract Documents

This project work order, any resulting change orders, and the Master Services Agreement comprise the contract documents, and there are no other general or supplementary conditions further stipulated.

II. Project Description

Bartonville - E. Jeter Road & Stonewood Boulevard Reconstruction

III. Client and Westwood Responsibilities

1. Client Responsibilities

Advertisement of Bid in Newspaper of Record

2. Westwood Responsibilities

Listed in Exhibit A

IV. Deliverables

Listed in Exhibit A

V. Schedule

1. Notice to Proceed is understood to be this work order signed, dated, and fully executed by both Consultant and Westwood.

VI. Staff

1. Pursuant to completion of this work order, Westwood will utilize the following primary personnel under the designated roles listed:

a. Chris Cha, Engineer

Project Manager and Engineer

Christopher.cha@westwoodps.com, 817-412-7155

b. Ryley Paroulek, PE, Engineer

Project Manager and Engineer

ryley.paroulek@westwoodps.com, 817-412-7155

VII. Project Work Order Attachments:

1. Exhibit A – Scope
2. Exhibit B – Compensation

VIII. Form of Contract

1. See attached Exhibit A & B

ACCEPTED AND AGREED TO:

Town of Bartonville

Westwood Professional Services, Inc.

(Signature)

(Signature)

(Name – Printed)

(Name – Printed)

(Title)

(Title)

EXHIBIT A to Agreement between the
Town of Bartonville, (TOWN) and
Westwood Professional Services, Inc.,
(CONSULTANT) for Consulting
Services

EXHIBIT 'A' – SCOPE OF SERVICES

**TOWN OF BARTONVILLE – E. JETER ROAD & STONEWOOD BOULEVARD
RECONSTRUCTION**

PROJECT DESCRIPTION:

The project consists of civil engineering, design and survey for the Town of Bartonville's E. Jeter Road and Stonewood Boulevard reconstruction in Bartonville, Texas. The design will consist of new asphalt (HMAC) roadway along E. Jeter Road and Stonewood Boulevard. Stonewood Boulevard is anticipated to have crack sealing and 2" Type D HMAC overlay, and E. Jeter will be reconstructed with 2" Type D HMAC on 4" of Type B HMAC. There will be alternate bid for geogrid vs. cem-lime stabilization along with ditch grading. This is approximately 3,550 linear feet and includes drainage improvements along Stonewood and Jeter. (PROJECT)

BASIC SERVICES:

- A. Project Management, Coordination & Permitting
1. Manage the Team:
 - Lead, manage and direct design team activities
 - Ensure quality control is practiced in performance of the work
 - Communicate internally among team members
 - Allocate team resources
 2. Communications and Reporting:
 - Attend a pre-design project kickoff meeting with TOWN staff to confirm and clarify scope, understand TOWN objectives, and ensure economical and functional designs that meet TOWN requirements.
 - Conduct review meetings with the TOWN at the end of each design phase.
 - Prepare and submit monthly invoices in the format acceptable to the TOWN.
 - Prepare and submit monthly progress reports.
 - Prepare and submit baseline Project Schedule initially and Project Schedule updates.
 - Coordinate with other agencies and entities as necessary for the design of the proposed infrastructure and provide and obtain information needed to prepare the design.
 - With respect to coordination with permitting authorities, CONSULTANT shall communicate with permitting authorities such that their regulatory requirements are appropriately reflected in the designs. CONSULTANT shall work with regulatory authorities to

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obtain approval of the designs, and make changes necessary to meet their requirements.

3. Constructability Review:

- Prior to the 90 percent review meeting with the TOWN, the CONSULTANT shall schedule and attend a project site visit with the TOWN Project Manager and Construction personnel to walk the project. The CONSULTANT shall summarize the TOWN's comments from the field visit and submit this information to the TOWN in writing.

4. Utility Clearance:

- The CONSULTANT will consult with the TOWN, public utilities, private utilities and government agencies to determine the approximate location of above and underground utilities, and other facilities (current and future) that have an impact or influence on the project. CONSULTANT will design TOWN facilities to avoid or minimize conflicts with existing utilities, and where known and possible consider potential future utilities in designs.
- CONSULTANT will provide plans to and coordinate with utility TOWN related to the relocation efforts of franchise utilities that remain in conflict with the proposed construction.

B. Preliminary Design (60% Submittal)

1. Prepare preliminary construction plans. Prepare the following sheets at the engineering scale indicated:

- Cover Sheet
- General Notes
- Quantity Sheet
- Project Layout & Survey Control Sheet
- Drainage Area Map.
Scale 1" = 100'
- Roadway Plan & Profile Sheets.
Scale 1" = 20' Horizontal; 1" = 2' Vertical
- Culvert Plan & Profile Sheets.
Scale 1" = 20' Horizontal; 1" = 2' Vertical
- Cross Section Sheets.
Scale 1" = 20' Horizontal; 1" = 4' Vertical
- Erosion Control Sheets
- Detail Sheets

Information required can be combined on sheets if the information can be clearly shown and is approved by TOWN's project manager.

2. Assemble standard construction contract documents and modify special technical specifications, if needed, for the project (if any).

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3. Prepare an estimate of construction quantities and develop the preliminary opinion of probable construction costs.
 4. Submit one (1) full sized 22"x34" set of preliminary 60% plans, two (2) sets of half size (11"x17") plans, one (1) set of preliminary construction contract documents, special conditions and preliminary opinion of probable construction costs to the TOWN for review.
- C. Final Design (90% & 100% Submittals)
1. Revise preliminary plans incorporating comments from the TOWN.
 2. Submit one (1) full sized 22"x34" set of 90% plans, two (2) sets of half size (11"x17") plans, one (1) set of 90% construction contract documents and 90% opinion of probable construction costs for TOWN review.
 3. Incorporate final TOWN review comments into the plans and construction contract documents to finalize construction plans for proposed improvements.
 4. Finalize construction contract documents including TOWN standard specifications, special technical specifications and special conditions (if any).
 5. Estimate of final construction quantities and final opinions of construction cost.
 6. Submit (1) sealed (100%) set of final plans and construction documents.
- D. Bid Phase Services
CONSULTANT will support the bid phase of the project as follows.
1. Bid Advertisement:
 - CONSULTANT shall prepare and submit to TOWN a draft Bid Advertisement for publishing by the TOWN.
 2. Bid Document Distribution:
 - The CONSULTANT shall sell construction plans and contract bid documents. The CONSULTANT shall also maintain a plan holders list of documents sold.
 3. Bidder Assistance:
 - The CONSULTANT will develop and implement procedures for receiving and answering bidders' questions and requests for additional information. The procedures shall include a log of all

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significant bidders' questions and requests, and the response thereto. The CONSULTANT will provide technical interpretation of the contract bid documents and will prepare proposed responses to all bidders' questions and requests, in the form of addenda.

- Attend the prebid conference in support of the TOWN.
 - Attend the bid opening in support of the TOWN.
4. Bid Analysis and Recommendation of Award:
 - The CONSULTANT will tabulate and review all bids received for the construction project, assist the TOWN in evaluating bids, and recommend award of the contract.
 - The CONSULTANT will assist the TOWN in determining the qualifications and acceptability of prospective contractors, subcontractors, and suppliers.
 - The CONSULTANT shall make a recommendation of award to the TOWN.
 5. Conformed Construction Documents:
 - Upon award of a contract by the TOWN, the CONSULTANT shall assist with the execution, assembly and distribution of the construction contract documents for the Project.

E. Construction Phase Services

1. Preconstruction Conference:
 - The CONSULTANT shall attend the preconstruction conference.
2. Site Visits:
 - The CONSULTANT shall visit the project site at appropriate intervals as construction proceeds to observe and report on progress. It is estimated that one (1) visit per month will be made by the CONSULTANT.
3. Shop Drawing and Lab Report Review
 - The CONSULTANT shall review shop and erection drawings submitted by the contractor for compliance with design concepts. The CONSULTANT shall review laboratory, shop, and mill test reports on materials and equipment.
4. Instructions to Contractor
 - The Engineer shall provide necessary interpretations and clarifications of contract documents, review change orders and make recommendations as to the acceptability of the work, at the request of the TOWN.
5. Contractor's Payment Estimates

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- The Engineer shall review monthly and final estimates for payments to contractors. The payment estimates shall include appropriate certifications.

7. Final Inspection

- The Engineer shall attend final inspection of the Project with representatives of the TOWN and the construction contractor.

F. Project Completion

- 1. Prepare construction "Record Drawings" based upon mark-ups and information provided by the construction contractor(s). Submit one (1) set of the record drawings (with "record drawing stamp" bearing the signature of the Engineer and the date) to the TOWN on a CD-ROM disk or flash drive containing 22"x34" black and white PDF images.

G. Direct Expenses

1. Included in this item are usual and customary expenses normally incurred during performance of the services described. These expenses could include courier delivery charges, copies of existing engineering plans and/or maps, printing and reproduction (either in-house or by a reproduction company) and mileage.

SPECIAL SERVICES:

H. Field Survey

1. Establish Survey Control

Establish survey control along each street or intersecting streets as necessary. These control points will be established based on and tied to established TOWN horizontal and vertical control points. The horizontal control for each street in the PROJECT will be established on the State Plane Coordinate System (NAD'83 Surface Coordinates) from TOWN monumentation. Control points will be established using 5/8" iron rods, 18" long. These control points will be established using GPS and conventional surveying methods.

2. Benchmark Loop

A benchmark circuit will be established, based on the vertical control points provided. These benchmarks will be located outside of the construction limits and put in such a place so that they may be easily found for future use. Benchmarks will be located at about 1,000' intervals and will be referenced. Benchmarks shall be looped in accordance with

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good surveying practice prior to field surveys. All control leveling work will be performed using appropriate modified second order procedures with closed loops into the PROJECT vertical control.

3. Existing Streets, Driveways and Right-of-Way

Existing streets, driveways and right-of-way will be profiled and cross-sectioned at 50' intervals and to a point at least 10' outside of the easement line. Low points, high points and other unique features will be noted. Pavement surfacing will be determined by visual inspection only.

4. Existing Drainage Channels and Drainage Area Verification

Existing drainage channels and swales will be profiled and cross sectioned within the immediate vicinity of the PROJECT, 100' upstream and downstream. Low points, high points and any other unique features will be noted. Additional surveying may be necessary to verify the limits of drainage areas.

5. Existing Underground and/or Overhead Utilities

Utility TOWN's will be contacted, on an as-needed basis, and requested to assist in locating existing utilities identified for the PROJECT. Above ground features of existing utilities within the proposed Right-of-Way for the limits of the PROJECT will be field located, including elevations of sanitary and storm sewer manhole flowlines and water/gas valve stems. The location of utilities between above ground features will be determined from visual inspection, utility records, and/or from locations determined by the respective utility companies. The utilities will be tied to the PROJECT control points and depths determined in sufficient detail to identify potential conflicts with proposed construction. The excavation and other costs required to expose or probe the underground utilities will be the responsibility of others.

6. Right-of-Way

Right-of-Way lines along the PROJECT will be located. This information will be included on the PROJECT's plan sheets.

7. Existing Storm Sewers and Culverts

The size of existing culverts will be measured and tied along with existing headwalls, channels and aprons. The size, length, and flowline elevation of existing storm sewers will be surveyed. Drainage areas contributing to the PROJECT or conveying water from the PROJECT will be determined through field investigations and available topographic mapping.

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8. Temporary Signs, Traffic Control, Flags, Safety Equipment, Etc.

The Surveyor will exercise care in completing this surveying assignment by using traffic control devices, flags and safety equipment when necessary.

I. Easement Preparation (If Required)

If additional rights-of-way and/or easements are needed for the Project, the Engineer will perform the necessary surveying services to prepare drawings and descriptions to be used by the TOWN in acquisition. The Engineer shall determine the apparent ownership of the land where rights-of-way and/or easements are needed from tax records. The Engineer shall acquire copies of plats and/or deeds needed to determine the property location from the TOWN of county records. The Engineer shall locate available property corners in the field. The Engineer shall prepare a property map to be used as part of the Engineer's design drawings. The Engineer shall furnish the TOWN with the necessary drawings and descriptions for acquiring the rights-of-way and/or easements acquisition for the construction of this Project. Drawings and descriptions are to be presented in form suitable for direct use by the TOWN in obtaining right-of-way and/or easements. The Engineer will furnish four (4) copies of each document prepared.

Services not included in this contract:

- *Continuous/On-site Construction inspection services Inspector will swing by twice a month*
- *As-built surveys of constructed improvements*
- *Subsurface Utility Engineering*
- *Geotechnical Investigation*
- *Public hearings or TOWN Council/Commission meetings*
- *Utility coordination meeting(s) to start relocation process with affected franchise utilities.*
- *Reset property corner monumentation disturbed or removed during or after construction*
- *Phase II Environmental Site Assessments*
- *Storm Water Pollution Prevention Plans (SWPPP)*

END OF EXHIBIT 'A'

EXHIBIT B to Agreement between the Town of Bartonville, (TOWN) and Westwood Professional Services, Inc., (CONSULTANT) for Consulting Services

EXHIBIT 'B' – COMPENSATION AND METHOD OF PAYMENT

TOWN OF BARTONVILLE – E. JETER ROAD & STONEWOOD BOULEVARD RECONSTRUCTION

COMPENSATION:

For all professional services included in EXHIBIT 'A', Scope of Services, the CONSULTANT shall be compensated a lump sum fee of \$ 78,000.00 as summarized below. The total lump sum fee shall be considered full compensation for the services described in EXHIBIT A, including all labor materials, supplies, and equipment necessary to deliver the services.

Basic & Special Services

A.	Project Management, Coordination & Permitting	\$ 1,500
B.	Preliminary Design (60% Submittal)	25,000
C.	Final Design (90% & 100% Submittals)	20,000
D.	Bid Phase Services	3,000
E.	Construction Phase Services	5,500
F.	Direct Expense (Not to Exceed)	1,000
G.	Field Survey	22,000
H.	Easement Preparation as Needed (\$2,500/each)	<u>0</u>

TOTAL **\$ 78,000.00**

METHOD OF PAYMENT:

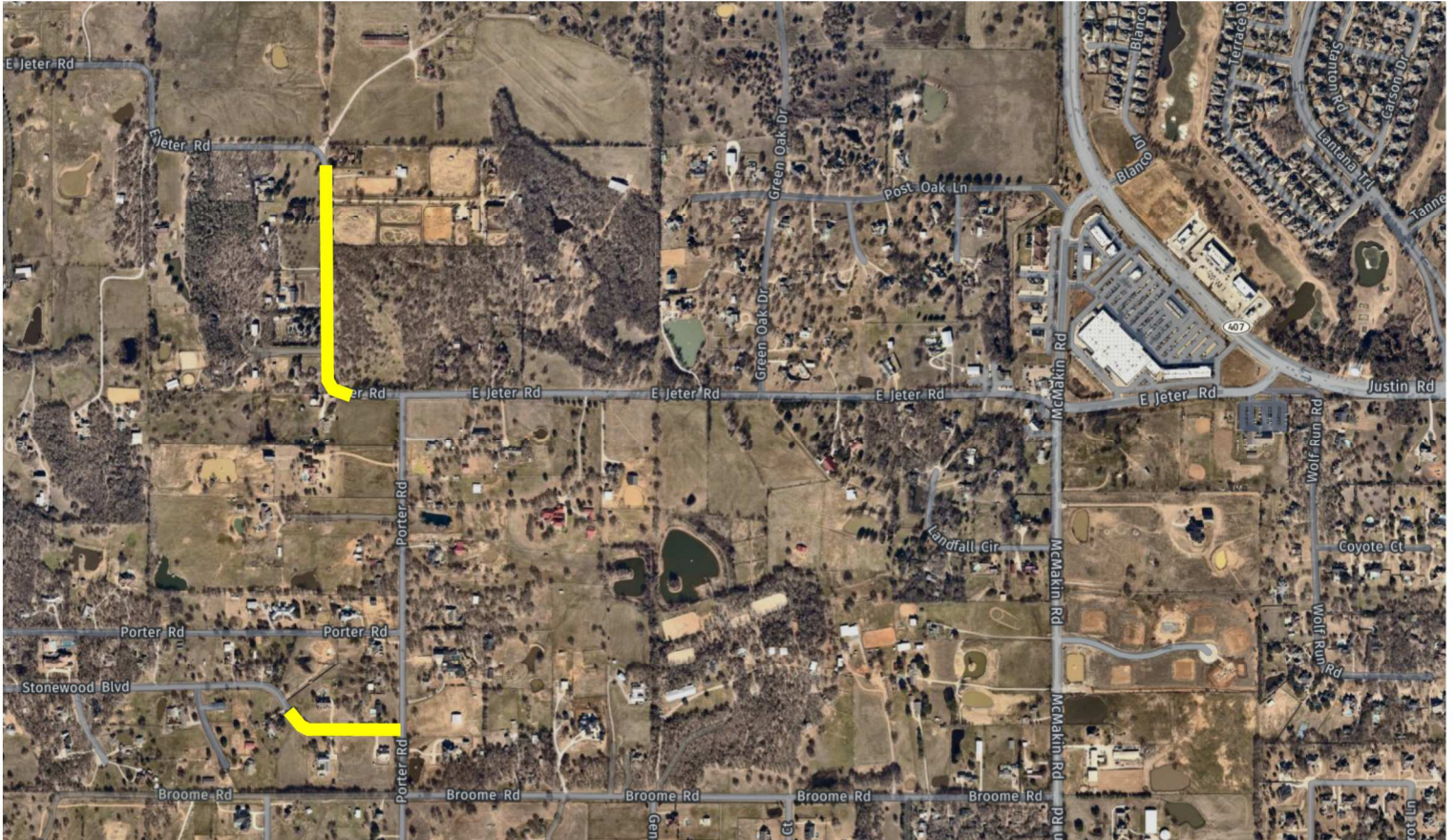
The CONSULTANT shall be paid monthly payments as described in Article 3 of the AGREEMENT. The cumulative sum of such monthly partial fee payments shall not exceed the total current project budget including all approved Amendments. Each invoice shall be verified as to its accuracy and compliance with the terms of this Agreement by an officer of the CONSULTANT.

Monthly statements for reimbursable services performed by sub consultants will be based upon the actual cost to the CONSULTANT plus ten percent (10%). Direct expenses for services such as printing, express mail, fees, mileage and other direct expenses that are incurred during the progress of the project will be billed at 1.1 times the CONSULTANT'S cost.

END OF EXHIBIT 'B'

ATTACHMENT 'C' PROJECT LIMITS

STONEWOOD BLVD AND JETER RD STREET IMPROVEMENTS LIMITS





TOWN COUNCIL COMMUNICATION

DATE April 18, 2023

FROM: Tammy Dixon, Town Secretary

AGENDA ITEM: Discussion on nomination to slate of nominees to Denco 9-1-1 District Board of Managers.

SUMMARY:

Denco Area 9-1-1 District serves as the coordinating agency for 9-1-1 emergency service throughout Denton County and the entire City of Carrollton. The district was created by special election in 1987 and is overseen by a locally elected or appointed Board of Managers.

Chapter 772, Texas Health and Safety Code provides for the Denco Area 9-1-1 District Board of Managers to have "two members appointed jointly" by all the participating municipalities located in whole or part of the district. The District's board of managers has adopted an appointment process for the municipal representatives.

Each year on September 30th, the term of one of the two members appointed by participating municipalities expires. This year it is the term of Sue Tejml. Members are eligible for consecutive terms and Sue Tejml has expressed her desire to serve another term.

On June 1, 2023, the Denco staff will send the slate of nominees to each city/town for consideration. That item will be placed on the July agenda for consideration.

FISCAL INFORMATION: N/A

RECOMMENDED MOTION OR ACTION:

If the Town Council desires to nominate Ms. Tejml or a different candidate, a resolution will be placed on the May agenda for consideration. Nominations must be submitted to the District by May 31, 2023.

ATTACHMENTS:

- Denco 9-1-1 Letter



Denco Area 9-1-1 District

1075 Princeton Street ▪ Lewisville, TX 75067

Phone: 972-221-0911 ▪ Fax: 972-420-0709 ▪ Denco.ORG

TO: Denco Area 9-1-1 District Participating Municipal Jurisdictions

FROM: Gregory S. Ballentine, Executive Director

DATE: March 31, 2023

RE: Nomination for the Denco Area 9-1-1 District Board of Managers

Chapter 772, Texas Health and Safety Code, provides for the Denco Area 9-1-1 District Board of Managers to have “two members appointed jointly by all the participating municipalities located in whole or part of the district.” The enclosed resolution describes the appointment process of a municipal representative.

Each year on September 30th, the term of one of the two members appointed by participating municipalities expires. This year it is the term of Sue Tejml. Members are eligible for consecutive terms and Ms. Tejml has expressed her desire to serve another term.

Denco requests the following actions by the governing bodies of each of the 32 municipalities in the district:

1. **Immediate Action (Nominate):** If your city/town would like to nominate a candidate to represent the municipalities on the Denco Board of Managers, please send a letter of nomination, by way of council action, and résumé of the candidate to the Denco Area 9-1-1 District office. Nominees are historically current or former elected officials in the district; however, there are no official prerequisites. **For a nomination to be considered, written notification of council action must reach the Denco Area 9-1-1 District by 5:00 p.m. May 31, 2023.** No nominations shall be considered after that time.
2. **Future Action (Vote):** On June 1, 2023, Denco staff will send the slate of nominees to each city/town for consideration, requesting the city/town council vote by resolution for one of the nominees. **Written notice of the council’s selection must reach the Denco Area 9-1-1 District by 5:00 p.m. on July 31, 2023.** No votes will be accepted after that time. However, if a nominating municipality does not thereafter formally vote, its nomination will automatically count as a vote for its nominee.
3. **Process Closure (Results):** The candidate with the most votes will be the municipalities’ representative to the Denco Area 9-1-1 District Board of Managers for the two-year term beginning October 1, 2023.

Please send a copy of your council’s official action and candidate résumé to the Denco Area 9-1-1 District, **1075 Princeton Street, Lewisville, TX 75067** or to Melinda Camp at melinda.camp@denco.org. Denco staff will acknowledge receipt and sufficiency of the submitted documents. **If that acknowledgement is not received within one (1) business day, or you have any other questions, please contact Ms. Camp at 972-221-0911.** As a courtesy, Denco will provide notification of your council’s action to the nominee.

Thank you for your support of the Denco Area 9-1-1 District.

Enclosure

DENCO AREA 9-1-1 DISTRICT

RESOLUTION

**DEFINING PROCEDURE FOR APPOINTMENT OF PARTICIPATING
MUNICIPALITIES' REPRESENTATIVE TO THE DISTRICT BOARD OF MANAGERS**

WHEREAS, this resolution shall take the place of Resolution 1999.02.04.R01 by the same title; and

WHEREAS, Chapter 772, Texas Health and Safety Code provides for the Denco Area 9-1-1 District Board of Managers to have "two members appointed jointly by all the participating municipalities located in whole or part of the district."; and

WHEREAS, each member serves a term of two years beginning on October 1st of the year member is appointed; and

WHEREAS, one member representing participating municipalities is appointed each year.

NOW, THEREFORE BE IT RESOLVED BY THE DENCO AREA 9-1-1 DISTRICT BOARD OF MANAGERS:

The procedure for participating municipalities to appoint a representative to the Denco Area 9-1-1 District Board of Managers shall be the following:

1. **Nominate Candidate:** Prior to April 1st of each year, the executive director shall send a written notice to the mayor of each participating municipality advising that nominations are being accepted until May 31st of that same year, for one of the municipal representatives to the Denco Area 9-1-1 District Board of Managers. The notice shall advise the mayors that for a nomination to be considered, written notification of council action must be received at the Denco office prior to 5:00 p.m. on May 31st of that year. No nominations shall be considered after that time.
2. **Vote for Candidate:** On June 1st of each year, the executive director shall send written notice to the mayor of each participating municipality, providing the slate of nominees to be considered for appointment to the Denco Area 9-1-1 District Board of Managers for the term beginning October 1st. The notice shall advise the mayor that the city/town council shall vote, by resolution from such city/town, for one of the nominees. Written notice of the council's selection must be received at the district office by 5:00 p.m. on July 31st. No votes will be accepted after that time. However, if a nominating municipality does not thereafter formally vote, its nomination will automatically count as a vote for its nominee.
3. **Tally Votes:** The one nominee with the most votes received by the deadline will be the municipal representative appointed for the two-year term beginning October 1st.
4. **Tie Breaker:** If there is a tie between two candidates with the most votes, a runoff election will be held immediately with the candidate receiving the most votes serving the remainder of the term. The incumbent representative shall serve in that position until replaced.

APPROVED and ADOPTED on this 30th day of January 2020.



Chairman of the Board



Secretary of the Board



TOWN COUNCIL COMMUNICATION

DATE April 18, 2023

FROM: Thad Chambers, Town Administrator

AGENDA ITEM: Discussion on placement times of waste and recycling receptacles.

SUMMARY:

This item was added at the request of Mayor Carrington.

RECOMMENDED MOTION OR ACTION:

Discussion on placement times of waste and recycling receptacles and possible direction to staff to create an ordinance regarding the same.