

Five years laterDenton s epic battle - Denton Record-Chronicle (TX) - November 8, 2019 - page 1

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By Peggy Heinkel-Wolfe

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T heron Palmer still has a bumper sticker on his car that says fracking is not welcome here.

While it's impossible to imagine Texas imposing a statewide ban on fracking the way New York did, when such sentiments are widely held, they tend to express themselves politically.

After the **Denton** City Council buckled under House Bill 40 and voted 6-1 to repeal the ban, activists circulated recall petitions against two council members. Joey Hawkins survived a recall election but did not run again. The petition against Kevin Roden was disqualified, but he left public service after terming out. Council member Dalton Gregory didn't seek another term, and Sara Bagheri ousted Greg Johnson.

"The complexion of the City Council changed," Palmer said, noting a broad range of liberal and conservative views on both the council and its many boards and commissions today.

"We've got a better city as a result of that battle at that time," he added.

Mayor Chris Watts was first elected mayor as the referendum was coming forward in 2014. He was already on the record as saying he regretted his vote that allowed Range Resources to drill where they did by McKenna Park back in 2009.

He was a new council member at the time and felt unsure about whether the city could be accused of inverse condemnation - taking the mineral owner's rights - since the city was never involved in selecting the location in the first place.

"It was a private negotiation," Watts said. "Next time I won't worry about lawsuits, especially something that limits use, or what we can do as a city, because you [a property owner] did it privately."

As a new mayor, he'd had enough political experience to know that the referendum vote would speak louder in Austin than anything the City Council could ever do.

"We'd already been threatened," Watts said. "If the council had done the vote, it would have been

just seven people, and it could've been written off at the Capitol.

"It was an important decision for the people, probably the most important decision in a long time," he added.

Watts often says that he "trusts the process," but he knows many people in the community don't think the process worked this time.

"If you judge a process by its outcome, I can understand feelings by some that the process didn't work," Watts said.

But he didn't see it as a zero-sum game, either, he said.

"The residents had voted to ban **hydraulic fracturing**, and the mandate was from the people of my community - a vote that's clearly overwhelming in the face of a 10-to-1 spend on the campaign by industry," he said.

That meant it was up to the state Legislature to undo the vote, which triggered anger in Austin.

"There were a lot of people working to mitigate the ire it brought," he said, suggesting that local government champions were able to get compromises in HB 40 that might not have been there but for **Denton's** vote.

Council member Keely Briggs was the sole opponent to repealing the ban - among her earliest votes as a new council member. She, too, understands why people are still hurting. HB 40 was just the beginning of state officials clawing back local control, she said.

"The state doesn't want us to work together within our own local community to face challenges and issues," she said. "It doesn't want people to have a hands-on approach to setting the standards of quality of life and quality of community. There is and has been a deep-rooted resentment from our state Legislature toward local control.

"It does hurt," she said. "That has to change."

Local decisions must change, too, she said. Too many decisions in the past didn't take the long view - otherwise, city officials might have foreseen the nightmare of drilling in the middle of a neighborhood or next to a hospital and a park, she said.

"We have to have the best buffers we can have between us and these uses," she said. "We are going to be wrestling with this for a long time."

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Editor's Note

This week marks five years since **Denton** voters banned **hydraulic fracturing** in the city limits. The ban lasted 196 days, but the battle left its scars.

Our weeklong series on the anniversary of the vote began Sunday. See the interactive timeline and other installments in the series at DentonRC.com.

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