



**Town Council
Work Session & Regular Meeting
Minutes –May 24, 2016**

The Regular Meeting of the Town Council was held on **May 24, 2016** at 6:00 p.m. at the Argyle Town Hall. This was an OPEN MEETING, open to the public, subject to the open meeting laws of the State of Texas and, as required by law, was duly posted, at Argyle Town Hall, giving notice of time, date, place, and agenda thereof.

A. CALL REGULAR SESSION TO ORDER

Mayor Krueger called the work session to order at 6:12 p.m.

Attendee Name	Title	Status	Arrived
Peggy Krueger	Mayor	Present	
Joey Hasty	Mayor Pro Tem	Present	
Kay Teer	Council Member, Place 2	Present	
Eric Lamon	Council Member, Place 3	Present	
Jay Haynes	Council Member, Place 4	Present	
Marla Hawkesworth	Council Member, Place 5	Present	

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. OATH OF OFFICE

1. Issuance of Certificate of Election and Administration of Oath of Office to candidates declared elected.
Oaths of Office were administered to Joey Hasty, Eric Lamon and Marla Hawkesworth.
2. Discuss and consider the appointment of a Mayor Pro Tem.

ACTION: Item D.1.

APPOINTED

Councilmember Hawkesworth moved to appoint Joey Hasty as Mayor Pro Tem. Councilmember Teer seconded the motion. For: Unanimous. The motion passed 5 to 0. (*Resolution No. 2016-08*)

E. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

1. Council Recognition of Students and Citizens
The Argyle ISD State Champion Boy's Golf team was recognized by the Council.
2. Town Council and Staff Presentations / Reports
 - a. Development Project Updates
 - b. STARS Report

F. CONSENT AGENDA

1. Consider approval of the April 26, 2016 Town Council minutes.
2. Consider approval of an ordinance establishing the Argyle Municipal Court of Record No. 1 effective July 1, 2016. (*Ordinance No. 2016-10*)
3. Consider approval of a professional contract with Bureau Veritas North America, INC. for Health Services for Town of Argyle plan review and health related inspections. (*CLA No. 20160501*)
4. Consider approval of an ordinance amending Ordinance No. 2015-19, thereby amending the FY15-16 Annual Budget for the following Special Revenue Funds: Argyle Economic Development Corp., Argyle Crime Control Prevention Fund, and Building Maintenance Fund. (*Ordinance 2016-11*)
5. Consider approval of authorizing the execution of a Financial Advisory Agreement by and between the Town of Argyle, Texas and Hilltop Securities (formerly First Southwest) for financial advisory services for the Town of Argyle. (*CLA 20160502*)
6. Consider approval of authorizing the execution of a Bond Counsel Services Agreement by and between the Town of Argyle, Texas and Norton Rose Fulbright US LLP for bond counsel services for the Town of Argyle. (*CLA20160503*)
7. Consider approval of a resolution initiating a rate case against Atmos Energy Corp. as part of the Steering Committee of Cities Served by Atmos Energy Corp. (*Ordinance 2016-12*)
8. Consider entering into an Interlocal Agreement for Shared Governance Communications and Dispatch Services (renewal of existing contract). (*CLA 20160504*)
9. Consider approval of a resolution joining Texas Coalition for Affordable Power (TCAP) and appointing Town Manager Paul Frederiksen as the Town's representative. (*Resolution 2016-09*)

ACTION: Item F.1 through F.9.

APPROVED

Mayor Pro Tem Hasty moved to approve the consent agenda as presented. Councilmember Hawkesworth seconded the motion. For: Unanimous. The motion passed 5 to 0.

G. NEW BUSINESS

1. Public Hearing: Conduct a public hearing and consider action regarding a zoning change request (Z-16-003) from OR (Office Retail) to VC-MU (Village Center-Mixed Use) for CVS Pharmacy, being approximately 2.22 acres; being described as Schroetke Addition, Block A, Lot 1, Town of Argyle, Denton County, Texas; and being located at 111 FM 407.

Community Development Director Matt Jones stated the applicant was seeking approval of a zoning change, a specific use permit for alcohol sales and a site plan. Mr. Jones stated that staff would provide a review of all three items upfront. Mr. Jones reviewed the uses permitted by right with the current zoning designation of OR (Office Retail). Mr. Jones stated the property was currently designated as T4-Village Center according to the land use plan and the requested zoning was compatible with the zoning framework of the Form Based Code. Mr. Jones stated the proposed project included 90' setbacks, 67 parking spaces, as well as, landscape and open space buffers. Mr. Jones stated the proposed building materials included Oklahoma stone, cement panels designed to look like cedar and cedar accents. Mr. Jones reviewed the tree survey and stated the applicant was proposing to preserve eight trees and planned to remove 25 protected trees totaling 319 caliper inches. Mr. Jones stated this could be accomplished by planting trees on site, off site or paying \$52,650 into the tree mitigation fund.

Mr. Jones stated that, at the time of site plan approval, the property to the north committed to providing access to commercial properties to the south and east at the time of development. However, the site plan did not dictate the exact location. Mr. Jones stated the applicant and the property owner to the north have not yet come to an agreement on the location of the access. As a result, the applicant was seeking a driveway permit from TxDOT for access to Highway 377 through the TxDOT property at the northeast corner of FM 407 and Highway 377.

The Council asked questions with regard to access to the site.

David Barnett, engineer for the project, stated that the proposal shown to the Planning and Zoning Commission indicated access on the west side of the site to Earl's 377. Mr. Barnett stated that there would be problems moving access to the east of the site due to the location of the storm water detention area. Mr. Barnett stated that two driveway permits had been submitted to TxDOT, one for FM 407 and another for Highway 377.

The Mayor opened the public hearing for Items G.1. and G.2.

Nobody chose to speak in favor of, or in opposition to, the proposed project.

Councilmember Lamon moved to approve the zoning. The motion

Council discussed access to the property through Highway 377.

ACTION: Item G.1.

DENIED

Mayor Pro Tem Hasty moved to the zoning change application. Councilmember Hawkesworth seconded the motion. For: Unanimous. The motion passed 5 to 0.

2. Public Hearing: Conduct a public hearing and consider action regarding a Specific Use Permit (SUP-16-003) to allow for alcohol sales; being described as Schroetke Addition, Block A, Lot 1, Town of Argyle, Denton County, Texas; and being located at 111 FM 407.

ACTION: Item G.2.

DENIED

Mayor Pro Tem Hasty moved to deny the specific use permit for alcohol sales. Councilmember Lamon seconded the motion. For: Unanimous. The motion passed 5 to 0.

3. Consider and take action regarding a Site Plan (SP-16-001) for CVS Pharmacy; being an approximately 14,600 SQ FT Pharmacy/Retail Sales; being described as Schroetke Addition, Block A, Lot 1, Town of Argyle, Denton County, Texas; and being located at 111 FM 407.

ACTION: Item G.3.

NO ACTION

No action was taken on the site plan application.

4. Consider and take action of an ordinance amending the Rules of Procedure for all meetings of the Town Council.

Town Secretary Kristi Gilbert stated that the ordinance was brought forth at the request of Council to amend the regulations to remove the requirement that those speaking in favor of a request speak prior to those speaking in opposition of a request during a public hearing. Ms. Gilbert stated that staff made the recommendation to remove the requirement of a record vote for ordinances and resolutions and to reduce the speaking time from five minutes to three minutes to reflect current practice.

The Council held discussions related to the speaking time and the desire to maintain the five minute time limit. Discussions also included the desire to have citizens sign in to speak at public hearings and moving the open forum to the beginning of the agenda.

ACTION: Item G.4.

APPROVED

Councilmember Hawkesworth to amend the rules of procedure to strike the proposed decrease to three minutes and leave it at five minutes; allow people to speak at will, for or against, during the public hearing; require a sign in to speak and allow citizens to speak first. Mayor Pro Tem Hasty seconded the motion. For: Unanimous. The motion passed 5 to 0. (*Ordinance 2016-13*)

H. OLD BUSINESS

None.

I. OPEN FORUM

The opportunity for citizens to address the Town Council on any non-agenda item (limit 5 minutes per person); however, the Texas Open Meetings Act prohibits the Town Council

from discussing issues which the public has not been given seventy-two (72) hour notice. Issues raised may be referred to Town Staff for research and possible future action.

J. EXECUTIVE SESSION

The Council convened into executive session PURSUANT TO TEXAS GOVERNMENT CODE, ANNOTATED, CHAPTER 551SUBCHAPTER D at 7:27 p.m.:

1. Section 551.071- Consultation with the Town Attorney regarding contemplated or pending litigation, to wit:
 - a. Cause No. 15-10761-211: Texas Voices for Reason and Justice, Inc vs. the Town of Argyle, Texas; the Town of Hickory Creek, Texas; the City of Oak Point, Texas and the City of Ponder, Texas.
 - b. Outstanding Code Violations.
2. Section 551.087 – Deliberation regarding economic development negotiations; (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
3. Adjourn into Open Meeting at 7:51 p.m.
4. Take action on Executive Session item(s).
No action was taken.

K. RECEIVE REQUESTS FROM COUNCIL MEMBERS/STAFF for items to be placed on next meeting agenda

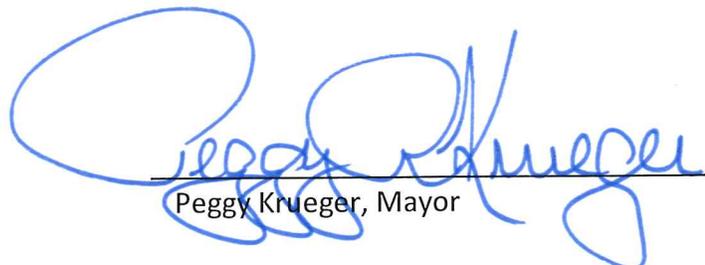
Councilmember Haynes requested that staff explore filing a complaint with the Public Utility Commission with regard to Frontier Communications.

Councilmember Hawkesworth requested Council discuss the results of the meeting with residents of The Oaks subdivision.

L. ADJOURN

The meeting was adjourned at 7:51 p.m.

Approved this 28th day of June, 2016.


Peggy Krueger, Mayor


Kristi Gilbert, Town Secretary

