



**Town Council  
Regular Meeting  
Minutes – February 25, 2020**

The Regular Meeting of the Town Council was held on **February 25, 2020** 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 MEETING OF THE TOWN COUNCIL TO ORDER**

Mayor Moser called the Regular Meeting to order at 6:02 p.m.

Attendee Name	Title	Status	Arrived
Donald Moser	Mayor	Present	
Cynthia Hermann	Mayor Pro Tem, Place 4	Present	
Bryan Livingston	Council Member, Place 1	Present	
Ronald Schmidt	Council Member, Place 2	Present	
Sherri Myers	Council Member, Place 3	Present	
Marla Hawkesworth	Council Member, Place 5	Present	

Andy Messer	Town Attorney
Jeff Howell	Interim Town Manager

**B. INVOCATION**

**C. PLEDGE OF ALLEGIANCE**

American Flag

Texas Flag:       ***"Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible"***

**D. PUBLIC COMMENT**

This is an opportunity for the public to address the Town Council on any matter, except public hearings that are included on the agenda. Comments related to public hearings will be heard when the specific hearing begins. Each speaker is limited to five (5) minutes, unless the speaker requires the assistance of a translator, in which case the speaker is limited to ten (10) minutes, in accordance with applicable law. Each speaker shall approach the podium and state his/her name and address before speaking. Speakers shall address the governing body with civility that is conducive to appropriate public discussion. Speakers can address only the governing body and not individual city officials or employees. The public cannot speak from the gallery but only from the podium. Per the Texas Open Meetings Act, the Town Council is prohibited from deliberating or taking action on any matter not listed on the agenda. The Council may only (1) make a

statement of fact regarding the item; (2) make a recitation of existing policy regarding the item; or (3) propose the item be placed on a future agenda, in accordance with Council adopted procedures.

No speakers

**E. ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS**

1. Town Council and Staff Presentations / Reports
  - a. Fiscal Year 2019 Audit, presented by Vail and Park, PC
  - b. CoServ Grant – David Hawkins, Community Development Director
  - c. Facility Purpose Study – Councilmember Myers
  - d. Strategic Planning Committee – Mayor Pro Tem Hermann

**F. CONSENT AGENDA:**

**Any Council Member may request an item on the Consent Agenda to be taken up for individual consideration.**

1. Consider approval of the December 10, 2019 Joint Town Council meeting minutes as recorded.
2. Consider approval of the January 28, 2020 Regular Town Council meeting minutes as recorded.
3. Consider approval of the February 11, 2020 Town Council Work Session minutes as recorded.
4. Consider approval of a resolution approving a revised Interlocal Cooperation Contract with Texas Department of Public Safety for the purpose of participating in the Failure to Appear Program.
5. Consider approval of a License and Service Agreement with Tyler Technologies for the purpose of purchasing Executime Time and Attendance Software.
6. Consider approval of the 2019 Argyle Police Department annual analysis of racial profiling statistics for police personnel.
7. Consider approval and acceptance of the Annual Financial Report for Fiscal Year 2019.

Councilmember Hawkesworth asked that item F.5. be removed from consent and considered separately. Town Secretary Erika McComis asked for items F 4 and F.7 to be removed.

**ACTION: Item F.1. to F.3. and F.6.**

**APPROVED**

Mayor Pro Tem Hermann moved to approve consent agenda items F1, F2, F3, and F6 as presented. Councilmember Schmidt seconded the motion. The motion passed 5-0.

Item F.5. – Ms. McComis informed Council this item is being brought forth at the request of Councilmember Livingston and Councilmember Schmidt as they conducted an overview of the audit process and staff processes for payroll. Ms. McComis gave Council a brief overview of the Executime Software and the benefits of implementing the timekeeping software.

**ACTION: Item F.5.**

**APPROVED**

Councilmember Livingston moved to authorize the expenditure and to approve a License and Service Agreement with Tyler Technologies for the purpose of purchasing Executime Time and Attendance Software. Councilmember Schmidt seconded the motion. The motion passed 5-0.

Items F 4 and F.7 were removed from the agenda and not discussed for consideration.

**G. PUBLIC HEARING ITEMS:**

1. Consider an ordinance approving a Specific Use Permit (SUP-20-001) for Paws & Play to operate a Kennel (Outdoor pens), a proposed dog boarding venue at a single-family residence, to be located at 432 Taylor Road, being legally described as 2.62 acres in the Patrick Rock Survey, Abstract No. 1063A, Town of Argyle, Denton County, Texas.

Mayor Moser informed Council a letter was sent to the Town from the applicant requesting to withdraw the request for a Specific Use Permit.

Councilmember Myers asked to recuse herself due to a conflict with the item.

Mayor Moser opened and closed the public hearing with no speakers.

**ACTION: Item G.1.**

**WITHDRAWAL ACCEPTED**

Mayor Pro Tem Hermann moved to accept the applicant's request to withdraw the application for a Specific Use Permit. Councilmember Schmidt seconded the motion. For: Unanimous. The motion passed 4-0.

**H. ACTION ITEMS:**

1. Discuss and seek guidance from Council regarding a bond refunding opportunity

Kim Collins, Finance Director, informed Council the Town's Bond Advisor, Hilltop Securities, sent notice that our Series 2010 Certificate of Obligation initially issued in the amount of \$3,650,000, is eligible for refunding. The refunding has a potential

savings of \$235,600, and the approval of the refunding will be presented to Council at the March 24<sup>th</sup> meeting.

**ACTION: Item H.1.**

**APPROVED**

Councilmember Livingston moved to authorize Staff to move forward with the refunding process. Councilmember Myers seconded the motion. For: Unanimous. The motion passed 5-0.

2. Consider possible change orders for South Gibbons Road and Harpole Road and to provide staff with direction regarding completion of the project associated with the 2019 Capital Improvements Plan for road improvements.

Troy Norton, Public Works Director and Gary Vickery, Town Engineer updated Council as to the progress of the 2019 Road Improvement Project. Mr. Vickery brought two options to Council for change orders on how to move forward with the level-up course on S. Gibbons Road and Harpole Road. The options presented to Council were to reconstruct an additional four inches of asphalt or an additional two inches of asphalt to allow for ride quality improvement. The change order for the four-inch reconstruction is above the 25% allowed and would need to be rebid before the Town could move forward with the process. Councilmember Livingston asked if the contract could be terminated before any other road work is started. Town Attorney Andy Messer advised he would review the contract and get back to Staff.

**ACTION: Item H.2.**

**TABLED**

Councilmember Livingston moved to table this item until the March 24, 2020 meeting. Mayor Pro Tem Hermann seconded the motion. For: Unanimous. The motion passed 5-0.

3. Consider approval of an ordinance providing for a reasonable limit on the amount of time to be spent without charge for repeat public information requestors and requiring payment for time and expenditures incurred beyond this limit.

Ms. McComis asked that the proposed ordinance not be considered by Council.

**ACTION: Item H.3.**

**NO ACTION TAKEN**

4. Consider approval of an ordinance amending Chapter 1, Division 2 of the Town of Argyle Code of Ordinances, Town Council Rules of Procedure.

Mr. Messer informed Council this ordinance was reviewed during the ongoing overall review of Town Ordinances. Council went over the proposed ordinance with the Town Attorney providing suggested changes to make before final approval of the ordinance. Mr. Howell stated he had received feedback from Council for the need to move to two meetings per month for regular council meetings. He further advised

moving the meeting date from Tuesday to Monday would be beneficial to allow Staff and Council to attend school functions, which are typically held on Tuesday, Thursday, or Friday.

**ACTION: Item H.4.**

**TABLED**

Mayor Pro Tem Hermann moved to table this item until the March 24, 2020 meeting. Councilmember Livingston seconded the motion. For: Unanimous. The motion passed 5-0.

**I. EXECUTIVE SESSION**

At 8:04 p.m. the Town Council adjourned into executive session pursuant to Texas Government Code, Annotated, Chapter 551, Subchapter D to discuss the following:

1. 551.071. Consultation with town attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter:
  - a. Duties and Responsibilities of Town Officers
  - b. Waterbrook Drainage Issues
  - c. Form Based Code Compliance

**J. RECONVENE INTO OPEN SESSION: In accordance with Texas Government Code, Section 551, the Town Council will reconvene into Regular Session and consider action, if any, on matters discussed in Executive Session.**

The Town Council reconvened in to Regular Session at 10:11 p.m. with no action taken from Executive Session discussion.

**K. RECEIVE REQUESTS FROM COUNCIL MEMBERS/STAFF FOR ITEMS TO BE PLACED ON NEXT MEETING AGENDA** (*discussion under this item must be limited to whether or not the Council wishes to include a potential agenda item on a future agenda*)

Councilmember Schmidt would like Council to receive a report of necessary repairs for Town Hall.


Councilmember Schmidt would like an agenda item to discuss adding sidewalks to the Crawford Road Project.

Councilmember Schmidt would like to begin the budget process and have a workshop with Staff to go over the budget and suggested starting with Public Works.

Mayor Moser would like to discuss the possibility of hiring part-time staff to assist the Town Secretary/HR Director with assigned duties.

**L. ADJOURN**

There being no further business, Mayor Moser adjourned the regular session at 10:15 p.m.

  
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Donald Moser, Mayor  
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Erika McComis, Town Secretary