

**MARCH 24, 2020**

**REGULAR TOWN COUNCIL MEETING OF THE TOWN OF ARGYLE, TEXAS, HELD ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:**

MAYOR	DONALD MOSER
MAYOR PRO TEM, PLACE 4	CYNTHIA HERMANN
COUNCIL MEMBER PLACE 1	BRYAN LIVINGSTON
COUNCIL MEMBER PLACE 2	RONALD SCHMIDT
COUNCIL MEMBER PLACE 3	SHERRI MYERS
COUNCIL MEMBER PLACE 5	MARLA HAWKESWORTH
INTERIM TOWN ADMINISTRATOR	JEFFREY HOWELL
TOWN SECRETARY	ERIKA MCCOMIS
TOWN ATTORNEY	ANDY MESSER PATRICIA ADAMS
COMMUNITY DEVELOPMENT DIRECTOR	DAVID HAWKINS
DIRECTOR OF PUBLIC WORKS	TROY NORTON
DIRECTOR OF FINANCE	KIM COLLINS
CHIEF OF POLICE	EMMITT JACKSON
DEVELOPMENT COORDINATOR	ANGIE MANGLARIS

*Councilmember Hawkesworth participated in this meeting remotely in compliance with the Texas Open Meetings Act or under the provisions provided by the Governor of Texas in conjunction with the Declaration of Disaster enacted March 13, 2020.*

**A. CALL MEETING TO ORDER**

Mayor Moser called the regular meeting to order at 5:48 p.m.

**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.

Richard Spies, 116 Shadow Wood

**E. ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS**

1. Town Council and Staff Presentations / Reports
  - a. Crawford Road Project Sidewalks – Interim Town Manager Jeff Howell
  - b. Town Facility Renovations Update – Interim Town Manager Jeff Howell
  - c. Annual Financial Report (Audit) – Vail and Park, P.C.

**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 February 25, 2020 Regular Town Council meeting minutes as recorded.
2. Consider approval and acceptance of the Annual Financial Report for Fiscal Year 2019.
3. Discuss and consider appropriate action to amend the Professional Services Agreement with Teague Nall and Perkins for Crawford Road engineering with Amendment No. 1.
4. Consider approval of Ordinance 2020-05 amending Article 1.03 Town Council, Division 2, Rules of Procedure of the Town of Argyle Code of Ordinances, Town Council Rules of Procedure.
5. Consider approval of Ordinance 2020-06 amending Article 1.04 Town Officers of the Town of Argyle Code of Ordinances.

6. Consider approval of Resolution 2020-03 establishing the regular council meetings for the remainder of the 2020 calendar year.
7. Discuss and consider approval of Resolution 2020-06 of the Town Council ratifying the Mayor's declaration of local disaster regarding the COVID-19 virus beyond seven days pursuant to Section 418.108(b) of the Texas Government Code; limiting the number of people at gatherings to prevent or limit the spread of COVID-19; and other related matters addressing the public health emergency caused by COVID-19.

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

**APPROVED**

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

Item F.4. – Councilmember Schmidt requested 1.03.034(a) to be amended to state “designated Mondays” and 1.03.034(c) be amended to state a “meeting shall be called by the mayor or two members of the town council...” He further requested section 1.03.037(d) title be changed to Voting and 1.03.037(e) be amended to state “the next succeeding official regular meeting...” Councilmembers present agreed the amendments should be made.

**ACTION: Item F.4.**

**APPROVED**

Councilmember Schmidt moved to approve the amendments as stated to Article 1.03 Town council, Division 2, Rules of Procedure of the Town of Argyle Code of Ordinances. Councilmember Livingston seconded the motion. The motion passed 5-0.

Item F.6. – Due to the amendment in Article 1.03, Rules of Procedure item F.6. was not discussed as a separate resolution is not needed.

Item F.6. – Mayor Moser requested this item be discussed in executive session to seek legal guidance from the town attorney.

Item F.7. – Mayor Moser requested this item be discussed after executive session.

**G. PUBLIC HEARING ITEMS:**

1. Consider Ordinance 2020-10 approving the 2020 Wastewater and Roadway Impact Fee Study, Land Use Assumptions, Wastewater and Roadway Capital Improvements Plans, and the Wastewater and Roadway Impact Fee Rates.

Gary Vickery gave an overview presentation to Council on the amendments proposed to the 2020 Wastewater and Roadway Impact Fee Study, Land Use Assumptions, Wastewater and Roadway Capital Improvements Plans, and the Wastewater and Roadway Impact Fee Rates.

Mayor Moser opened the public hearing at 7:48 p.m. Mayor asked that Council consider tabling the item until a future meeting.

**ACTION: Item G.1.**

**TABLED**

Mayor Pro Tem Hermann moved to table the item until the next regularly scheduled meeting. Councilmember Myers seconded the motion. The motion passed 5-0.

2. Consider and take appropriate action on an ordinance for a Specific Use Permit (SUP-20-002) for Honey's Farm, a proposed wedding and event venue to be located at 1802 Knight Street, being legally described as Lots 1-2, Block A, Myles Addition, Town of Argyle, Denton County, Texas.

Mr. Howell informed Council the applicant withdrew their request for a specific use permit.

**ACTION: Item G.2.**

**NO ACTION TAKEN**

**H. ACTION ITEMS:**

1. Discuss and consider appropriate action to engage Vail & Park, P.C. to perform limited scope audits for the Lakes of Argyle Public Improvements District No. 1 and Waterbrook of Argyle Public Improvements District No. 2 for the years ended September 30, 2018 and 2019 and for the six months ended March 31, 2020.

This item was discussed in executive session for the purpose of seeking advice from the town attorney.

2. Consider and take appropriate action on a Site Plan (SP-20-001) for Rapid Med, a proposed 5,825 square-foot medical office, located on approximately 1.03 acres of land, legally described as Tracts 16-18, a portion of Stephan A. Chambers Survey, Abstract No. 308, located in the Town of Argyle, Denton County, Texas.

Applicant, Steven Shannon, addressed council and their concerns pertaining to the proposed site plan. David Hawkins, informed council the Planning and Zoning Commission met and approved the Site Plan with three recommendations for Council. 1) The variance request to allow for a reduction of building setback along Cook Street from 5 feet to 0.2 feet shall be allowed. 2) The variance request to allow for five wall signs shall be allowed. 3) The request to waive the street tree requirements along US 377 shall be granted and the applicant shall place the three required street trees in the open space area along the eastern portion of the site.

**ACTION: Item H.2.****NOT APPROVED**

Councilmember Hawkesworth moved to accept Site Plan (SP-20-001) for Rapid Med, a proposed 5,825 square-foot medical office, located on approximately 1.03 acres of land, legally described as Tracts 16-18, a portion of Stephan A. Chambers Survey, Abstract No. 308, located in the Town of Argyle, Denton County, Texas with the approved amendments from Planning and Zoning as stated above. Mayor Pro Tem Hermann seconded the motion. For: Councilmember Hawkesworth, Mayor Pro Tem Hermann. Against: Councilmember Livingston, Councilmember Schmidt and Councilmember Myers. The motion failed 2-3.

3. Consider approval of Ordinance 2020-07 amending Ordinance 2019-24, thereby amending the Town of Argyle Fiscal Year 2019–2020 Annual Budget to reflect increased costs in the amount of \$318,890 to be paid from General Fund Balance.

Kim Collins, Finance Director, presented Council with the budget amendment request to increase budget authority in the amount of \$318,890 for the General Fund. The request consists of increases to line items to cover an increase in costs for legal services, interim police chief and town manager services, severance and leave payout for former employees, Executime software, additional cost of live-streaming council meetings, and allowing for a records consultant for town documents.

**ACTION: Item H.3.****APPROVED**

Mayor Pro Tem Hermann moved to approve Ordinance 2020-07 amending Ordinance 2019-24, thereby amending the Town of Argyle Fiscal Year 2019–2020 Annual Budget to reflect increased costs in the amount of \$318,890 to be paid from General Fund Balance. Councilmember Livingston seconded the motion. For: Unanimous. The motion passed 5-0.

4. Consider approval of Ordinance 2020-08 amending Ordinance 2020-07, thereby amending the Town of Argyle Fiscal Year 2019-2020 Annual Budget to reflect the addition of two police officer positions in the amount of \$102,000 to be paid from the General Fund balance.

Chief Jackson reviewed the budget amendment request which included the hiring of two police officers mid-year to allow for better coverage throughout all shifts for police services. Councilmember Myers stated she agreed the request is needed however due to the events going on (COVID-19) and the possible financial impact she would like to see the request brought back before council during the June meeting.

**ACTION: Item H.4.****TABLED UNTIL JUNE**

Councilmember Hawkesworth moved to approve Ordinance 2020-08 amending Ordinance 2020-07, thereby amending the Town of Argyle Fiscal Year 2019-2020 Annual Budget to reflect the addition of two police officer positions in the amount of \$102,000 to be paid from the General Fund balance. The motion died for a lack of a

second. Councilmember Myers moved to table the Ordinance and review the request during the June 2020 Council Meeting. Councilmember Schmidt seconded the motion. Against: Councilmember Hawkesworth. The motion passed 4-1.

5. Discuss and consider approval of Ordinance 2020-09 authorizing the issuance of the Town of Argyle, Texas General Obligation Refunding Bonds, Series 2020, levying a tax for the payment of said bonds and resolving other matters incident and related thereto, including the approval of a paying agent/registrar agreement and a purchase letter.

The Town's representative from Hilltop Securites presented Council with the refunding timeline and savings projected in the amount of \$235,000 if Council approved the refunding.

**ACTION: Item H.5.**

**APPROVED**

Councilmember Schmidt moved to approve Ordinance 2020-09 authorizing the issuance of the Town of Argyle, Texas General Obligation Refunding Bonds, Series 2020, levying a tax for the payment of said bonds and resolving other matters incident and related thereto, including the approval of a paying agent/registrar agreement and a purchase letter. Councilmember Myers seconded the motion. For: Unanimous. The motion passed 5-0.

6. Discuss and consider appropriate action authorizing the Interim Town Manager to accept a Records Retention Processing Proposal from Records Consultant, Inc. (RCI).

Mr. Howell informed Council upon inspection of the facility next to Town Hall he determined there was a need to hire an outside consultant to review, organize and conduct a destruction of Town documents. Documents outside of their retention period will be destroyed while all other pertinent documents will be cataloged and stored in an organized fashion.

**ACTION: Item H.6.**

**APPROVED**

Councilmember Schmidt moved to authorize the Interim Town Manager to accept a Records Retention Processing Proposal from Records Consultant, Inc. (RCI). Councilmember Livingston seconded the motion. Against: Mayor Pro Tem Hermann and Councilmember Myers. The motion passed 3-2.

7. Discuss and consider approval of Resolution 2020-04 revising the Town of Argyles Purchasing and Procedures Policy.

Mr. Howell informed Council the proposed policy contains amendments as suggested by Council during previous meeting discussions. The budget authority of the Town Administrator is limited \$5,000 for unbudgeted items for all amounts over \$5,000 the purchase authority would be brought before Council. The policy includes the title change from Town Manager to Town Administrator.

**ACTION: Item H.7.****APPROVED**

Councilmember Schmidt moved to approve Resolution 2020-04 revising the Town of Argyle's Purchasing and Procedures Policy. Councilmember Myers seconded the motion. For: Unanimous. The motion passed 5-0.

8. Discuss and consider approval of Resolution 2020-05 amending the 2016 Employee Handbook.

Erika McComis, Town Secretary and HR Director informed Council she had worked with Mayor Moser over the past few months to update policies pertaining to employee leave and injured employee guidelines for reporting and modified duty assignments.

**ACTION: Item H.8.****APPROVED**

Councilmember Schmidt moved to approve Resolution 2020-05 amending the 2016 Employee Handbook. Councilmember Myers seconded the motion. For: Unanimous. The motion passed 5-0.

9. Discuss and consider approval of ordinances of the Town of Argyle to postpone the General Election and Special Election to be held on May 2, 2020, to the November 3, 2020, Uniform Election Day.

**ACTION: Item H.9.****APPROVED**

Councilmember Livingston moved to approve ordinances of the Town of Argyle to postpone the General Election and Special Election to be held on May 2, 2020, to the November 3, 2020, Uniform Election Day. Councilmember Myers seconded the motion. For: Unanimous. The motion passed 5-0.

10. *Tabled from previous meeting* - 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.

**ACTION: Item H.10.****DENIED**

Councilmember Livingston moved to deny the change orders for South Gibbons Road and Harpole Road. Councilmember Schmidt seconded the motion. For: Unanimous. The motion passed 5-0.

**I. EXECUTIVE SESSION**

At 10:45 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 pending or contemplated litigation and 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. 2019 Road Street Improvement Project Agreements
  - b. Attorney General letter ruling OR2020-05506
  - c. Attorney General letter ruling OR2020-05951
  - d. Waterbrook development PID and TIRZ issues.
  - e. Consent Agenda Item F.4., F.5., and F.7.
  - f. Action Item H.1.
  
2. § 551.074: Personnel matters (to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee.)
  - a. Town Attorney

**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.**

**ACTION: Item H.1.**

**APPROVED**

Councilmember Livingston moved to authorize the Town to engage Vail & Park, P.C. to perform limited scope audits for the Lakes of Argyle Public Improvements District No. 1 and Waterbrook of Argyle Public Improvements District No. 2 for the years ended September 30, 2018 and 2019 and for the six months ended March 31, 2020. Councilmember Schmidt seconded the motion. For: Unanimous. The motion passed 5-0.

**ACTION: Item F.4.**

**APPROVED**

Mayor Pro Tem Hermann moved to approve Ordinance 2020-05 amending Article 1.03 Town Council, Division 2, Rules of Procedure of the Town of Argyle Code of Ordinances, Town Council Rules of Procedure with the amendment to 1.03.034(a) to state "town council shall meet on the first and third Monday of each month". Councilmember Myers seconded the motion. The motion passed 5-0.

**ACTION: Item F.5.**

**APPROVED**

Councilmember Livingston moved to approve Ordinance 2020-06 amending Article 1.04 Town Officers of the Town of Argyle Code of Ordinances with the removal of 1.04.003 (12) and (21) as presented. Councilmember Myers seconded the motion. The motion passed 5-0.



**ACTION: Item I.1.b. and I.1.c****APPROVED**

Councilmember Schmidt moved to authorize the Town Attorney to file a suit against the Attorney General for AG Ruling OR2020-05506 and OR2020-05951. Councilmember Livingston seconded the motion. Against: Councilmember Hawkesworth. The motion passed 4-1.

**Consent Agenda Item**

7. Discuss and consider approval of Resolution 2020-06 of the Town Council ratifying the Mayor's declaration of local disaster regarding the COVID-19 virus beyond seven days pursuant to Section 418.108(b) of the Texas Government Code; limiting the number of people at gatherings to prevent or limit the spread of COVID-19; and other related matters addressing the public health emergency caused by COVID-19.

Mayor Moser briefed Council and Staff over the current declaration issued by Denton County and the proposed resolution to allow for the Town to fall under the Denton County declaration (AE-20-03-24) along with Executive Order GA 08 issued by Governor Abbott. Mayor Moser further expressed his concern for the necessity of the closure of playgrounds and non-essential businesses to include model homes and CBD shops.

**ACTION: Item F.7.****APPROVED**

Councilmember Myers moved to approve Resolution 2020-06 of the Town Council ratifying the Mayor's declaration of local disaster regarding the COVID-19 virus beyond seven days pursuant to Section 418.108(b) of the Texas Government Code; limiting the number of people at gatherings to prevent or limit the spread of COVID-19; and other related matters addressing the public health emergency caused by COVID-19 with the additional language to provide for closure of church, school and HOA playgrounds and the closure of non-essential businesses, including but not limited to Model Homes and CBD Shops. Mayor Pro Tem Hermann seconded the motion. The motion passed 5-0.

**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)*

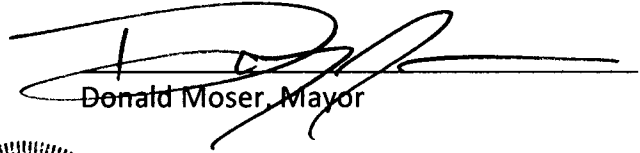
Councilmember Schmidt would like to begin the budget process and have a workshop with Staff to go over the budget and suggested starting with Public Works.

Councilmember Schmidt would like Council to be provided with an update on the Tree Ordinance Review Process.

Councilmember Livingston would like Council to be provided with a scope on the lifecycle costs of the Waterbrook subdivision to include itemized statement of funds the Town has spent.

**L. ADJOURN**

There being no further business, Mayor Moser adjourned the regular session at 1:05 a.m.



Donald Moser, Mayor



Erika McComis, Town Secretary

