



**Town Council  
Work Session & Regular Meeting  
Minutes – May 28, 2019**

The Work Session and Regular Meeting of the Town Council was held on **May 28, 2019** at 5:00 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 MEETING TO ORDER**

Mayor Donald Moser called the meeting to order at 5:01 p.m.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Donald Moser	Mayor	Present	
Marla Hawkesworth	Mayor Pro Tem, Place 5	Present	
Alex Vukasin	Council Member, Place 1	Present	
Ronald Schmidt	Council Member, Place 2	Present	
Jon Donahue	Council Member, Place 3	Present	
Cynthia Hermann	Council Member, Place 4	Present	

Kristi Gilbert	Town Manager
Robert Hager	Town Attorney

**B. EXECUTIVE SESSION**

At 5:02 p.m. the Town Council adjourned into executive session PURSUANT TO TEXAS GOVERNMENT CODE, ANNOTATED, CHAPTER 551, SUBCHAPTER D:

- a. Pending or contemplated litigation or to seek the advice of the Town Attorney pursuant to Section 551.071: Tree Mitigation Regulations, Article V of Town Development Standards.
  - b. Deliberate regarding the purchase, exchange, lease, or value of real property pursuant to Section 551.072: TxDOT acquisition of Property along Front Street.
2. Adjourn into Open Meeting at 5:35 p.m.
  3. Consider action on executive session items.

**ACTION: Item b.**

**DENIED**

Councilmember Schmidt moved to deny an offer from Texas Department of Transportation to acquire property along Front Street. Councilmember Hermann seconded the motion. For: Unanimous. The motion passed 5-0.

**C. CALL WORK SESSION TO ORDER**

Mayor Moser called the Work Session to order at 5:41 p.m.

**D. WORK SESSION**

The pre-meeting work session is designed as an opportunity for the Town Council to discuss pending items. No action will be taken during the work session portion of the meeting.

1. Discussion regarding a Back to School Bash or other similar summer event.

Town Manager, Kristi Gilbert, updated Council on the status of the proposed Back to School Bash that was first discussed with Council during the January meeting. Mayor Pro Tem Hawkesworth suggested moving the date of the event to September due to another event being planned the same weekend this event is proposed to be held. She further suggested changing the name as Argyle ISD already has a Back to School Bash event each year. The event will allow for students to participate in musical performances to be followed by a main stage concert by a band to be determined. Staff will continue working with the school to get an official date for the event.

2. Discussion regarding a request from the Economic Development Corporation to fund an additional employee for the remainder of FY 2019 and to include in the FY 2020 budget.

Ms. Gilbert along with EDC President, Pam Minick, addressed Council on a request to hire a full-time person to handle tasks outlined in the EDC Action Plan approved in 2018. The goal for the upcoming year is to work more aggressively on the action plan items and the time it will take to manage the tasks is outside the time frame that Staff has to devote to the project. The employee will also handle marketing and will build relationships with area business owners and prospective businesses. Ms. Minick advised a salary of approximately \$35,000 to \$45,000 would be sufficient for the proposed new hire. In order to hire the person for the remainder of this fiscal year Staff estimates a cost of approximately \$8,000. The personnel item will be funded through the EDC budget. The budget for the employee will be brought back to Council and EDC during the June meeting for approval.

3. Discussion regarding any regular session items.

No discussion was held on regular session items.

**REGULAR SESSION AGENDA – 6:00 PM**

**(or immediately following the 5:00 pm Work Session)**

**E. CALL REGULAR SESSION TO ORDER**

Mayor Moser called the Regular Session to order at 6:07 p.m.

**F. INVOCATION****G. PLEDGE OF ALLEGIANCE**

American Flag

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

**H. ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS**

1. Town Council and Staff Presentations / Reports
  - a. Development Project Updates  
Mr. Hawkins gave a brief overview of current development projects.
  - b. Northwest Metroport Chamber Presentation  
Metroport Chamber President, Sally Alldridge went over the mission and vision of the Chamber as well as the events they handled throughout the past year.

**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.

Peter Feldmann, 905 Skyline Drive, addressed Council regarding flooding in Skyline Subdivision.

Bridget Brandon, 1817 Knight Street, addressed Council regarding the election, social media and the position of the Mayor.

David Fuller, 973 FM 407, addressed Council regarding his opposition to the tree ordinance.

Erin Read, 915 Skyline Drive, addressed Council regarding the driveway and road in front of her residence.

Savannah King, 704 Valley View Court, addressed Council regarding flooding in her neighborhood.

**J. 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 March 26, 2019 Joint Work Session Meeting Minutes as recorded.

2. Consider approval of the April 23, 2019 Regular Town Council Meeting Minutes as recorded.
3. Consider approval of the May 14, 2019 Regular Town Council Meeting Minutes as recorded.
4. Consider Approval of a Resolution Appointing Judith Jacinto as the Town of Argyle Municipal Court Clerk.
5. Consider authorizing the Town Manager to negotiate a contract for professional engineering services with Teague, Nall and Perkins, Inc.
6. Consider authorizing the Town Manager to execute a contract with Teague, Nall and Perkins, Inc for the 2020 Wastewater and Roadway Impact Fee Update.
7. Consider awarding the bid and authorizing expenditures for the finish out of the Public Works Facility located at 4150 Trey Lane and authorize the Town Manager to execute the necessary documents.

**ACTION: Item J.1. to J.7.**

**APPROVED**

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

**K. NEW BUSINESS & PUBLIC HEARINGS:**

1. Discuss and consider a resolution appointing the Mayor Pro Tem.

**ACTION: Item J.1.**

**APPROVED**

Councilmember Hermann moved to approve a resolution appointing Councilmember Ronald Schmidt as the Mayor Pro Tem. Councilmember Vukasin seconded the motion. For: Vukasin, Schmidt and Hermann. Opposed: Donahue and Hawkesworth. The motion carried 3-2.

2. PUBLIC HEARING: Consider and take appropriate action on a Specific Use Permit (SUP-19-004) for Briarpatch Weddings, a proposed wedding and event venue to be located at 429 Stonecrest Road, being legally described as Lot 10, Stone Meadow Estates, Town of Argyle, Denton County, Texas.

Angie Manglaris, Development Coordinator, informed Council the Specific Use Permit is for a barn structure for the purpose of holding wedding events that would hold approximately 120 attendees. The applicant is requesting a variance for the building height to be 35' as the current zoning area only allows for a 20' max height. Ms. Manglaris informed Council the Town has received multiple responses regarding the use of the property with 32% of those responses being in opposition. The Planning

and Zoning Commission discussed this item during their meeting on May 7<sup>th</sup> and recommended denying the specific use permit.

Councilmember Hawkesworth requested to adjourn into executive session to seek legal advice regarding this item pursuant to 551.071. Council adjourned executive session at 6:51 p.m. and reconvened into regular session at 7:09 p.m.

The applicant, Angela Moulton, gave a brief presentation to Council addressing the concerns brought up during the Planning and Zoning meeting. Councilmember Vukasin thanked the applicant for her presentation which he felt addressed many of the concerns brought forward by residents.

The public hearing was opened at 7:12 p.m.

Mayor Pro Tem Schmidt stated at 7:22 p.m. that he would like to recuse himself and left the chambers for the remainder of the discussion on this item.

Mayor Moser asked Casey Stewart to withdraw his request to speak on the item due to a conflict with the Town's Code of Ethics.

Debbie Burchett, 218 Timberview Court, addressed Council in opposition of the Specific Use Permit.

Vickie Magnett, 131 Joyce Drive, addressed Council in opposition of the Specific Use Permit.

Bridget Brandon addressed Council in opposition of the Specific Use Permit.

Mayor Moser closed the public hearing at 7:32 p.m.

**ACTION: Item J.2.**

**DENIED**

Councilmember Vukasin moved to deny a Specific Use Permit (SUP-19-004) for Briarpatch Weddings, a proposed wedding and event venue to be located at 429 Stonecrest Road, being legally described as Lot 10, Stone Meadow Estates, Town of Argyle, Denton County, Texas. Councilmember Hawkesworth seconded the motion. For: Vukasin, Donahue, Hermann and Hawkesworth. Opposed: None. Abstained: Schmidt. The motion passed 4-0-1.

3. PUBLIC HEARING: Consider a recommendation of a Planned Development Amendment (Z-19-001) for the Lakes of Argyle, zoned as PD-SF-12 (Planned Development-Single Family Residential Minimum 12,000 Square-Foot Lots), being a 111.40-acre tract of land, legally described as Lots 1-41, Block A; Lot 1, Block B; Lots 1-2, Block C; Lots 1-14, Block D; Lot 1, Block E; Lots 1-24, Block F; Lot 1, Block G; Lot 1, Block H; Lots 1-14, Block J; Lots 1-12, Block K; Lot 1, Block L; Lot 1, Block M; Lots 1-17, Block N; Lot 1, Block P; Lots 1-21, Block Q; Lot 1, Block R; and Lot 1, Block S, Lakes of Argyle Addition; and being located on the west side of US Highway 377 and the Union

Pacific Railroad, south of Old Justin Road and north of Harpole Road West, located in the Town of Argyle, Denton County, Texas. The purpose of this Town staff-initiated PD Amendment is to clarify the use of Hardi-plank concrete siding within the Lakes of Argyle development standards under Ordinance No. 2015-21.

Ms. Gilbert informed Council the Planned Development was approved by Council on September 22, 2015. After approval of the Plat and Construction Plan, the subdivision began construction and was completed in July 2018. Building permits are being issued as several new homes are under construction. Staff is requesting an amendment to the Planned Development to clarify that cementitious siding (hardi-plank) is considered as approved exterior finish within the Lakes of Argyle. The Planned Developments for The Oaks and 5T Ranch include cementitious siding as an approved material for the purposes of meeting the masonry exterior finishes.

The public hearing was opened at 7:45 p.m.

Misty Ventura, attorney for the developer, addressed Council in support of the amendment.

The public hearing was closed at 7:46 p.m.

**ACTION: Item J.3.**

**APPROVED**

Councilmember Vukasin moved to approve a Planned Development Amendment (Z-19-001) for the Lakes of Argyle, zoned as PD-SF-12 (Planned Development-Single Family Residential Minimum 12,000 Square-Foot Lots), being a 111.40-acre tract of land, legally described as Lots 1-41, Block A; Lot 1, Block B; Lots 1-2, Block C; Lots 1-14, Block D; Lot 1, Block E; Lots 1-24, Block F; Lot 1, Block G; Lot 1, Block H; Lots 1-14, Block J; Lots 1-12, Block K; Lot 1, Block L; Lot 1, Block M; Lots 1-17, Block N; Lot 1, Block P; Lots 1-21, Block Q; Lot 1, Block R; and Lot 1, Block S, Lakes of Argyle Addition; and being located on the west side of US Highway 377 and the Union Pacific Railroad, south of Old Justin Road and north of Harpole Road West, located in the Town of Argyle, Denton County, Texas. Councilmember Donahue seconded the motion. For: Unanimous. The motion passed 5-0. (*Ordinance Number 2019-13*)

4. Consider and take appropriate action on a variance request to delay the tree survey requirements at time of Preliminary Plat application for Heath Tract, a proposed 8-lot preliminary plat (PP-19-001) on an approximately 96.68-acre tract of land in the Patrick Rock Survey, Abstract No. 1063, being located to the east of I-35W, south of Sam Davis Road and north of FM 407, Town of Argyle, Denton County, Texas.

Ms. Manglaris informed Council the applicant is requesting to delay the tree survey until the time of final plat. The Planning and Zoning Commission did approve the preliminary plat and the variance to delay the tree survey until the final plat is submitted for approval.

**ACTION: Item J.4.****APPROVED**

Mayor Pro Tem Schmidt moved to deny a variance request to delay the tree survey requirements at time of preliminary plat and to allow for the tree survey to be submitted at this time with the tree mitigation plan to be brought back at the time of final plat submission for Heath Tract, a proposed 8-lot preliminary plat (PP-19-001) on an approximately 96.68-acre tract of land in the Patrick Rock Survey, Abstract No. 1063, being located to the east of I-35W, south of Sam Davis Road and north of FM 407, Town of Argyle, Denton County, Texas. Councilmember Vukasin seconded the motion. For: Unanimous. The motion passed 5-0.

5. Consider and take appropriate action on a Preliminary Plat (PP-19-001) for Heath Tract, a proposed 8-lot plat on an approximately 96.68-acre tract of land in the Patrick Rock Survey, Abstract No. 1063, being located to the east of I-35W, south of Sam Davis Road and north of FM 407, Town of Argyle, Denton County, Texas.

**ACTION: Item J.5.****APPROVED**

Mayor Pro Tem Schmidt moved to approve a Preliminary Plat (PP-19-001) for Heath Tract, a proposed 8-lot plat on an approximately 96.68-acre tract of land in the Patrick Rock Survey, Abstract No. 1063, being located to the east of I-35W, south of Sam Davis Road and north of FM 407, Town of Argyle, Denton County, Texas. Councilmember Hawkesworth seconded the motion. For: Unanimous. The motion passed 5-0.

6. Consider and take appropriate action on a Site Plan (SP-19-005) for TM Evans Tract, Phases I & II, a proposed 23,580 square-foot corporate office and laboratory facility and 17,000 square-foot office, restaurant, and retail building, located on approximately 3.966 acres of land, legally described as Lots 1-10, Evans Trailer Park, a portion of Stephan A. Chambers Survey, Abstract No. 308, located in the Town of Argyle, Denton County, Texas.

Mr. Hawkins informed Council the location was approved for a zoning change in December of 2018 and subsequently brought forth a site plan in January 2019 which was denied by Council. The applicant has resubmitted a site plan for the entire property including Phase I and Phase II. The buildings do incorporate a variety of architectural design elements that meet or exceed our minimum requirements. The applicant has contested the validity of the 2017 Tree Preservation Ordinance and stipulates this property should be under the purview of the previous 2010 Tree Preservation Ordinance. The applicant provided a Tree Mitigation Plan and Landscape Plan that would comply with both the 2010 and the 2017 Tree Preservation Ordinances. During the Planning and Zoning Commission meeting the Commission considered and recommended approval of an alternate landscape plan that consisted of tree mitigation of twenty-five 6" caliper trees to be planted on-site. The other twenty trees are to be planted on-site to meet landscaping requirements with a payment to the Tree Restoration Fund in the amount of \$87,600.

The Planning and Zoning Commission considered this item during their May 7<sup>th</sup> meeting and recommended approval of the Site Plan request with the following conditions: 1) The variance request to allow the use of alternative stucco application in lieu of 3-step stucco shall be allowed. 2) The variance request to allow a reduced number of trees within the FM 407 landscape buffer shall be allowed. 3) Approve the Site Plan with an alternative Landscape Plan as agreed upon between Town Officials and the developer.

Misty Ventura, attorney for the Developer, addressed Council and asked that they support the Planning and Zoning Commission decision.

**ACTION: Item J.6.**

**APPROVED**

Councilmember Hawkesworth moved to approve a Site Plan (SP-19-005) with the requested variances and the alternative Landscape Plan as recommended by Planning and Zoning Commission during their May 7, 2019 meeting for TM Evans Tract, Phases I & II, a proposed 23,580 square-foot corporate office and laboratory facility and 17,000 square-foot office, restaurant, and retail building, located on approximately 3.966 acres of land, legally described as Lots 1-10, Evans Trailer Park, a portion of Stephan A. Chambers Survey, Abstract No. 308, located in the Town of Argyle, Denton County, Texas. Councilmember Donahue seconded the motion. For: Unanimous. The motion passed 5-0.

7. Consider authorizing the Town Engineer to evaluate drainage concerns in the Skyline Park subdivision.

Ms. Gilbert informed Council the previous town engineer evaluated the issues within the Skyline Park subdivision however, with the proposed change in town engineering services on Item J.5. of this agenda Staff is recommending the new engineer be allowed time to evaluate the issue further. Staff recommends Council approves funding in an amount up to \$10,000 for Gary Vickery to review previous engineer notes and evaluate the subdivision. Councilmember Donahue suggested holding a work session with the residents and the new engineer to discuss the issues with the subdivision.

**ACTION: Item J.7.**

**APPROVED**

Councilmember Donahue moved to authorize the Town Engineer to evaluate drainage concerns in the Skyline Park subdivision and provide funding for the evaluation not to exceed \$10,000. Councilmember Vukasin seconded the motion. For: Unanimous. The motion passed 5-0.

8. Consider designating a Road Committee to review the 2019 Road Improvement Project and authorize bid publication.

Ms. Gilbert stated the Town is in the process of moving forward with the 2019 Road Improvement Project with the construction plans almost completed. The project will



be ready to bid out in early June. In order to avoid delaying the bidding process Staff recommends the Council designate a Councilmember to assist Staff in the review of the final construction documents so they can be published for bid prior to the June 25<sup>th</sup> Council meeting.

**ACTION: Item J.8.**

**APPROVED**

Mayor Pro Tem Schmidt moved to designate Councilmember Donahue to serve on a Road Committee to review the construction plans and authorize the bid. Councilmember Hermann seconded the motion. For: Unanimous. The motion passed 5-0.

**L. 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 Vukasin request to discuss forming a Welcome Committee at a future meeting.**

**M. ADJOURN**

There being no further business, Mayor Moser adjourned the regular session at 8:28 p.m.



  
Donald Moser, Mayor

  
Erika McComis, Town Secretary