



## Town Council Work Session & Regular Meeting Minutes – November 27, 2018

The Work Session and Regular Meeting of the Town Council was held on **November 27, 2018** 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 Pro Tem Marla Hawkesworth called the meeting to order at 5:04 p.m.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Donald Moser	Mayor	Present	5:12
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	
Todd Mankin	Council Member, Place 4	Present	

### B. 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. Discuss all matters incident and related to the issuance and sale of the "Town of Argyle, Texas, General Obligation Refunding Bonds, Series 2019", and, the "Town of Argyle, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2019."

Nick Bulaich from Hilltop Securities addressed Council in regards to the issuance and sale of bonds to discuss the bids received and the process moving forward. Mr. Bulaich stated that the Town's bond rating had recently been updated from AA to AA+ which improved the bids the town received. The winning bid for the General Obligation Refunding Bonds, Series 2019 will be Bernardi Securities, Inc. The winning bid for the Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2019 will be Raymond James & Associates, Inc.

2. Discussion on amendments to Town of Argyle's Code of Ordinance pertaining to management of Small Cell Network Nodes in Town Rights-of-Way.

Alexis Allen, Assistant Town Attorney, presented the item to Council explaining the changes that will be made to the current ordinance due to a recent FCC order. The

proposed ordinance will be brought back to Council for consideration at the December 11<sup>th</sup> meeting.

3. Receive a presentation from JD Gray, LLC regarding consultant services for a Current State Assessment, Economic Development Workshop and future Strategic Plan. Jason Gray with JD Gray, LLC, gave a brief overview of what information will be gathered and brought before Council when he completes the current state assessment and future strategic plan. As a part of the process a half-day workshop will be scheduled with Town Council and the Economic Development Corporation to better explain the roles of each entity and how they can work together for the future of the Town.
4. Discussion on traffic related concerns in the Oaks Subdivision. Ms. Gilbert informed Council this item is a result of a community meeting held with the residents of The Oaks subdivision in regards to student parking in the area, speeding and cut through driving. Staff will bring back a few of the suggestions to Council during the December 11<sup>th</sup> council meeting in regards to possible ways to mitigate their concerns.
5. Discussion regarding any regular session items. Ms. Gilbert let Council know the proposed times in Item H.3. will be amended from 6:45 a.m. start time to 7:00 a.m. start time in regards to the right turn only for Old Justin Road.

**REGULAR SESSION AGENDA – 6:00 PM**  
**(or immediately following the 5:00 pm Work Session)**

**C. CALL REGULAR SESSION TO ORDER**

Mayor Moser called the Regular Session to order at 6:20 p.m.

**D. INVOCATION**

**E. PLEDGE OF ALLEGIANCE**

American Flag

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

**F. ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS**

1. Council Recognition of Students and Citizens
  - a. Recognition of outgoing board and commission members. Mayor thanked the outgoing board members for their service to the Town and presented them with a street sign.

2. Town Council and Staff Presentations / Reports

1. FY 18 3<sup>rd</sup> Quarter Sales Tax Analysis and Report

Finance Director Kim Collins gave a brief report to Council on the third quarter status of Sales Tax received by the Town. Councilmember Donahue thanked Ms. Collins for her hard work to allow the Town to move towards AA+ bond rating.

**G. 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.

No speakers

**H. 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 October 23, 2018 Regular Meeting Minutes.
2. Consider approval of an ordinance amending Chapter 12, Traffic and Vehicles, Article 12.02.001 relative to Prima Facie Speed Limits to modify the active school zone hours on Harrison Lane to 6:45AM – 7:45AM and 2:30PM – 3:30PM on school days (amended to 7:00AM to 7:45AM). (*Ordinance Number 2018-20*)
3. Consider approval of an ordinance amending Chapter 12, Traffic and Vehicles, Article 12.05.001 relative to Traffic Control Devices to modify the right turn only on Old Justin Road and add a stop sign at the intersection of Winchester Pass and Pioneer Circle East. (*Ordinance Number 2018-21*)
4. Consideration of all matters incident and related to the issuance and sale of:
  - a. "Town of Argyle, Texas, General Obligation Refunding Bonds, Series 2019", including the adoption of an ordinance authorizing the issuance of such bonds and providing for the redemption of the obligations being refunded (*Ordinance Number 2018-22*); and,
  - b. "Town of Argyle, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2019", including the adoption of an ordinance authorizing the issuance of such certificates of obligation. (*Ordinance Number 2018-23*)
5. Consider authorizing the Town Manager to execute a proposal for consulting services for a Current State Assessment and Economic Development Workshop.

**ACTION: Item H.1. to H.5.**

**APPROVED**

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

**I. OLD BUSINESS:**

1. Consider an ordinance approving a Specific Use Permit (SUP-18-003) to allow for an alternative street section in lieu of the required fifty-foot (50') right-of-way consisting of concrete curb and gutter street thirty-feet (30') in width for a portion of Charyl Lynn Drive, located on the north side of the Joyce Drive and Charyl Lynn Drive intersection, Town of Argyle, Denton County Texas.

Community Development Director, David Hawkins, informed Council the item is a continuation from a public hearing held during the September 25 and October 23 council meetings. The item was tabled at the October 23 meeting in order to address a few concerns by Council and Staff. Since that time the applicant has not conducted a site survey to determine the location and centerline for the proposed pavement of the alley. Councilmember Donahue expressed his concern regarding fire apparatus not being able to access the property through the alleyway should there be a considerable amount of rain. The property owner addressed Council in regards to a turnaround for emergency services apparatus. The applicant stated at this point it may be prohibitive to move forward and do anything with the alleyway due to the size of the lot. Town Attorney Bob Hager advised that the homeowner should withdraw the application and assess what he would like to do then reapply. The applicant requested for the application to be withdrawn at this time.

**ITEM WITHDRAWN; NO ACTION TAKEN**

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

1. PUBLIC HEARING: Consider an ordinance approving a zoning change (MDP-18-002) from MH (Manufactured Home) to VC-MU and VC-T Districts (Village Center Mixed Use and Transition Districts) for Evans Tract, being approximately 3.966 acres of land, legally described as Lots 1-10, Evans Trailer Park, a portion of Stephen A. Chambers Survey, Abstract No. 309, and being located on the north side of FM 407, approximately 300 feet east of U.S. Hwy. 377, located in the Town of Argyle, Denton County, Texas.

Community Development Director, David Hawkins, informed Council the original property was platted and developed as a mobile home park. Since that time the homes have been moved from the property and the Town is looking at the future use of the property. By approving the zoning change any future development will need to conform to the future land use plan as this property is part of the Village Center Mixed Use and Transition District. The applicant is proposing a T4 type use which conforms with the future land use plan. The proposed development is divided into

two sections with the back of the property being used for VC-T and the front of the property use being VC-MU.

The back portion of the property is proposed to be a facility that will house a research laboratory along with their corporate headquarters. The front portion will be for retail sales or restaurant use. The updated plan will preserve 80 trees which was an increase over the original plan that preserved 5 trees. The open space area changed from 1.29 acres to 1.70 acres. The Planning and Zoning Commission considered this item on November 13<sup>th</sup> and recommended denying the zoning change. The developer updated the concept plan since the November 13<sup>th</sup> meeting which led to the increase in preservation of trees and open space. Due to the denial a super majority of Council is required to pass the request.

Aaron Duncan, the landscape architect, addressed Council to give an initial summary of the project and to discuss comments made during the Planning and Zoning meeting. Councilmember Schmidt asked about the difference in the caliper inches of trees that were suggested in the original proposal as compared to the current proposal. The architect advised the difference is due to the amount of unhealthy trees in the area per the arborist that conducted the survey of the property.

Brett Pedigo from Terra Manna addressed Council as well as Bravis Brown from BPS, the owner of the company seeking to relocate to the larger portion of the tract. Mr. Pedigo stated that he is unsure of what businesses will utilize the front portion of the property as that is decided once the use is approved by Council. They will market to an approved restaurant or sales tax base business upon approval of the zoning change. He further stated as far as the back section of the property BPS is the intended user and will relocate once the construction is complete.

Councilmember Donahue asked Mr. Brown to provide a background of his company to Council. He informed Council they are currently working out of Southlake and have been there since 2009. The Southlake office houses their corporate team for the business with the outside businesses in other areas of Texas being their executive team. The intent of the lab processes is to verify and validate the products for a manufacturing facility located in Midland, Texas. The lab component is 6,000 to 7,000 square feet which is a quarter of the size of the total business. All samples contain non-hazardous material and employs three workers for that component. The total estimated number of employees at this time is 30-35 with future projections of upwards of 80 employees.

Mayor Moser opened the public hearing.

Paul Walker, 609 Valley View Court, advised he is neither for nor against the proposal however he addressed the form-based code.

Ritchie Deffenbaugh, 200 Shadow Wood Drive, spoke for the approval of the item.

Paul Kula, 603 Old Justin Road, spoke against approval of the item.  
Joan Delashaw, 242 Herriott Lane, spoke against approval of the item.  
Wayne Holt, 804 Harpole Road East, spoke for approval of the item.  
Sparky Pearson, 309 Mosswood Dr, spoke for approval of the item.  
Ms. Gilbert advised she received emails this afternoon from Eric Fields (1001 Cochran Road), Julie Farris (No address provided), Trevalyn Pitner (112 Timber Creek) and Kurt Kelton (730 Valleyview) who all expressed their approval for the proposed zoning change.  
Mayor Moser closed the public hearing and asked the Town Attorney to adjourn into executive session to seek legal advice on the application.

**At 8:00 p.m. the Town Council adjourned into executive session PURSUANT TO TEXAS GOVERNMENT CODE, ANNOTATED, CHAPTER 551, SUBCHAPTER D, Section 551.071, consultation with the Town Attorney, as is notated at the bottom of every Town Council Agenda.**

**The Town Council reconvened into regular session at 9:06 p.m. with no action being taken during executive session.**

Town Attorney Bob Hager, addressed the developer Brett Pedigo in regards to him being acceptable to moving the parking area to the rear of the property in order to save more of the majestic trees. Mr. Pedigo advised this request was acceptable. Mr. Hager further asked that the front portion of the property contain no more than 8,000 square feet of family-oriented type restaurants and noted the developer would be required to bring back the site or development plan with more detail and final plans to Council for comment, review, and approval.

**ACTION: Item J.1.**

**APPROVED**

Councilmember Hawkesworth moved to approve an ordinance approving a zoning change (MDP-18-002) from MH (Manufactured Home) to VC-MU and VC-T Districts (Village Center Mixed Use and Transition Districts) with the changes agreed upon by Mr. Pedigo which includes moving the South parking lot to the North of the VC-T lot, no change in the tree mitigation plan, and on the VC-MU lot he will phase in the restaurant capped at 8,000 square feet with the restaurant being family oriented, and final detailed site plan for approval by Council, for Evans Tract, being approximately 3.966 acres of land, legally described as Lots 1-10, Evans Trailer Park, a portion of Stephen A. Chambers Survey, Abstract No. 309, and being located on the north side of FM 407, approximately 300 feet east of U.S. Hwy. 377, located in the Town of Argyle, Denton County, Texas. Councilmember Donahue seconded the motion. Opposed: Councilmember Schmidt. The motion passed 4-1. (*Ordinance Number 2018-24*)

2. Discuss and consider approval of a resolution Appointing Members to the Argyle Economic Development Corporation.

**At 9:18 p.m. the Town Council adjourned into executive session PURSUANT TO TEXAS GOVERNMENT CODE, ANNOTATED, CHAPTER 551, SUBCHAPTER D:**

Personnel matters pursuant to Section 551.074 (to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee)

- a. Economic Development Corporation Board Member

The Council reconvened into the open meeting at 9:30 pm. No action was taken during executive session.

**ACTION: Item J.2.**

**APPROVED**

Councilmember Schmidt moved to approve a resolution appointing Shelton Dunn, for an unexpired one-year term to the Economic Development Corporation. Councilmember Mankin seconded the motion. For: Unanimous. The motion passed 5-0. (*Resolution Number 2018-34*)

**K. EXECUTIVE SESSION – SEE ABOVE**

The Town Council convened into executive session under Items J.1. for consultation with city attorney and J.2. as posted below, during the course of the meeting.

**PURSUANT TO TEXAS GOVERNMENT CODE, ANNOTATED, CHAPTER 551, SUBCHAPTER D:**

1. Personnel matters pursuant to Section 551.074 (to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee)
  - a. Economic Development Corporation Board Member

2. Consider action on executive session items.

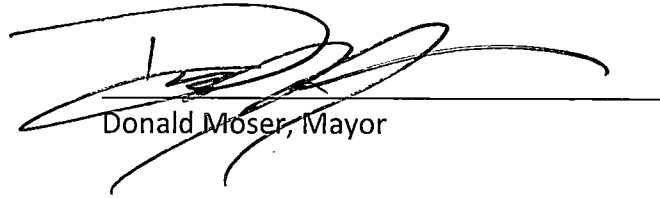
Action for executive session items was taken and recorded in agenda item J.1. and item J.2.

**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*)

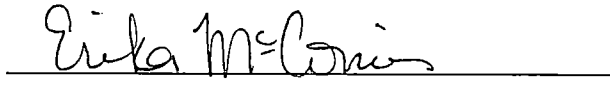
Councilmember Schmidt requested a work session to discuss the Form-Based Code. Councilmember Hawkesworth requested a discussion regarding a hotel occupancy tax ordinance.

**M. ADJOURN**

There being no further business, Mayor Moser adjourned the regular session at 9:33 p.m.



Donald Moser, Mayor



Erika McComis, Town Secretary