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**Town Council
Work Session & Regular Meeting
Minutes – January 22, 2019**

The Work Session and Regular Meeting of the Town Council was held on **January 22, 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 5:00 p.m.

Attendee Name	Title	Status	Arrived
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	
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. Discussion regarding Town Events for 2019.

Town Manager Kristi Gilbert informed Council the purpose of discussing this item is to line out the town events for the year so Staff can start working on a few events. Council agreed that April 13th would be the best day to have the Easter event. The Derby Day which was held for the first time last year in May will be replaced by another event possibly a music in the park type event.

2. Discussion regarding the Town's hotel occupancy tax.

Town Manager Kristi Gilbert informed Council the current Hotel Occupancy Ordinance does not include short-term rentals and after conducting research and meeting with the town attorney she felt it would be in the best interest of the Town to include them in an updated ordinance. The ordinance will be brought back to council at a later date.

3. Discussion regarding a request to expand the boundaries of the Belmont Fresh Water Supply District No. 2 (Harvest Development) and amend the Amended and Restated Development Agreement with Belmont 407, LLC and Realty Capital Argyle 114, LTD for an approximately 56.14 acre tract of land.

Hillwood Communities has approached the Town to add approximately 56.14 acres of land to their water district. This item is to update Council on the background of the agreement to prepare them for the consideration of the item on the next agenda. Kristi briefly went over the history of the agreements and the purpose of the agreements with Council.

4. Discussion regarding the Town of Argyle's Code of Ethics.

This discussion item was at the request of Councilmember Schmidt who would like to put together a committee to work on an updated ethics policy. Councilmember Schmidt and Kristi will work to put together committee members and start meeting in order to have the policy ready to present to council in April. He would like for there to be representatives from the Town, Planning and Zoning Commission, Council, and Economic Development Corporation as well as members of the citizenry of Argyle.

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 6:00 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. Town Council and Staff Presentations / Reports

a. Development Project Updates

David gave Council an update of the local veterinary clinic project as well as the status of the Town applying for Scenic City status.

b. FY 19 First Quarter Financial Report

Kim updated Council on the town's financial status for the first quarter which shows the revenue to be at 37.51% which is higher than the quarter mark due to the bulk of the property tax coming in for December. Both sales tax and franchise tax are at or above the budget target for this quarter along with permits and registrations. Construction permits is higher as a result of new home permit applications being received earlier than expected; at this point the Town has received 28 permit applications. Expenditures for this quarter are at 22.29% which is below the expected 25% mark.

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.

Glynis Norton, 1105 Thornridge Court, spoke to Council regarding her opposition for the proposed business and the look of the building that will be located on the Evans tract (Item J.3. on the agenda).

Joan Delashaw, 242 Herriott Lane, addressed the Mayor and thanked him for getting a light outside the door to Town Hall. She also stated she appreciated the positive comments on NextDoor regarding our police department. She commented about a sign on Highway 377 giving directions to the 407 Gun Club as a private business and wanted to know if it violated our sign ordinance and if so she would like something done about it. Kristi informed her she had already contacted Texas Department of Transportation (TxDOT) regarding this sign and was told it is permitted as a recreational and tourist sign through TxDOT. The sign is in the TxDOT right-of-way therefore the Town cannot remove it.

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 December 11, 2018 Regular Meeting Minutes.
2. Consider approval of an ordinance calling the General Municipal Election of Officers for May 4, 2019.
3. Consider approval of a Resolution amending the authorized representatives for TexPool.
4. Consider amendments to Argyle Economic Development Corporation Bylaws.
5. Consider approval of a resolution memorializing the annual review and adoption of the Town's Investment Policy and Strategy in compliance with the Public Funds Investment Act.
6. Consider acceptance of the Semiannual Impact Fee Report as submitted by the Capital Improvements Advisory Committee (CIAC).

ACTION: Item H.1. to H.6.

APPROVED

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

I. OLD BUSINESS: This item moved to the end of the agenda and discussed after reconvening from executive session.

1. PUBLIC HEARING: Consider approving an ordinance amendment (ORD-18-002) regarding amendments to Section 14.1.5, Definitions; Article III, Part 3, Zoning Districts, and Article III, Part 4, Use Regulations, Section 14.3.97, Use Charts, of the Town of Argyle Town Development Standards, adopting various amendments to use charts and zoning districts in the Town Development Standards.

Mayor Moser advised the public hearing is being continued from the prior Town Council Meeting held on December 17, 2018.

The Planning and Zoning Commission considered and approved the updates presented to Council at their January 8th meeting. David Hawkins addressed council informing them this item has been an ongoing Planning and Zoning Commission project since this past summer. Council was taken through a slide presentation that went over the areas of the standards that were updated or amended. Mayor Pro Tem Hawkesworth advised she would like the small park definition to be updated to contain a minimum area as it currently states a maximum area in the update. Councilmember Vukasin and Councilmember Schmidt agreed and suggested the minimum to be set at 5,000 square feet. Mayor Pro Tem Hawkesworth went over other areas of the proposed changes that she felt should be addressed as she feels the changes will be burdensome on agriculture properties. A member of the Planning and Zoning Commission addressed Council to inform them the intent of the proposed changes was not to limit the agriculture use in town but would like to address commercial agriculture properties that may be in the residential area. Mayor Pro Tem Hawkesworth stated she would like to see Council and Planning and Zoning go through the changes thoroughly prior to making substantial changes that would affect the residents. Kristi suggested the possibility of having the consultant that drafted the form-based code to provide training over the purpose of the code and what each section addresses. Councilmember Schmidt suggested a joint half-day meeting with Planning and Zoning to discuss the code to be held some time in February. Councilmember Schmidt thanked Staff for working on the update to the standards.

Mayor Moser stated the public hearing item will be continued to the February 26, 2019 meeting.

J. NEW BUSINESS & PUBLIC HEARINGS:

1. Consider and take appropriate action on a Site Plan (SP-18-002) for Gnome Cones Snow Cone Stand; being an approximately 96 square-foot snow cone stand, located at 425 US HWY 377, and being legally described as Backdraft Addition, Lot 1, Block A, Town of Argyle, Denton County, Texas.

David addressed Council advising the Gnome Cones property is located off of Highway 377 and the purpose of the site plan is to allow the business to remain on the property

permanently. The business currently has a seasonal permit at this time that runs from April through September. The parking requirements are met for the entire property through a shared parking agreement amongst all the businesses on the property. The current standard on the property requires hundred percent masonry on the exterior of the building which Gnome Cones currently does not have therefore they are asking for an exception to this design criteria. Planning and Zoning (P&Z) met on January 8th and recommended approval with two conditions; 1) The parking spot perpendicular to Gnome Cones on the West side of the stand shall be restricted from use of parking. 2) Fencing shall be added around the perimeter of the site's seating area. The property owner did agree to allow the business to make the changes recommended by P&Z. The applicant, Alex Sparks, addressed Council per their request, regarding their water and sewer which he advised they are currently plumbed in to Bumbershoots line. Mayor Moser brought up a concern regarding this location and Bumbershoots that there is not handicap parking and fire lanes need to be repainted at the location.

ACTION: Item J.1.

APPROVED

Mayor Pro Tem Hawkesworth moved to approve a Site Plan (SP-18-002) for Gnome Cones Snow Cone Stand with the conditions that the parking spot perpendicular to Gnome Cones on the West side of the stand shall be restricted from use of parking and fencing shall be added around the perimeter of the site's seating area; being an approximately 96 square-foot snow cone stand, located at 425 US HWY 377, and being legally described as Backdraft Addition, Lot 1, Block A, Town of Argyle, Denton County, Texas. Councilmember Vukasin seconded the motion. For: Unanimous. The motion passed 5-0.

2. Consider and take appropriate action for a Site Plan Amendment (SP-18-003) for Liberty Christian School, regarding a special exception to the Town Development Standards, Section 14.4.14 - Wall Signs, located at 1301 US HWY 377, Town of Argyle, Denton County, Texas.

David informed Council the Site Plan Amendment is for consideration of a sign exception due to the premise is allowed to have one attached sign with a maximum height of 60 inches and 100 square feet. The applicant is requesting an exception for a sign that is 52 inches in height and is 202.5 square feet. The application meets the height requirement but is larger than the allowed total square footage. Planning and Zoning did consider the request and recommended approval for the special exception as presented. Mr. Daniels representing Liberty Christian addressed Council to advise it has an LED Halo backlighting and the size is due to the location of the building off the roadway.

ACTION: Item J.2.

APPROVED

Mayor Pro Tem Hawkesworth moved to approve a Site Plan Amendment (SP-18-003) for Liberty Christian School, regarding a special exception to the Town Development Standards, Section 14.4.14 - Wall Signs, located at 1301 US HWY 377, Town of Argyle,

Denton County, Texas. Councilmember Mankin seconded the motion. For: Unanimous. The motion passed 5-0.

3. Consider and take appropriate action for a Site Plan (SP-18-004) for TM Evans Tract, Phase I, a proposed 23,580 square-foot corporate office and laboratory facility, 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.

David informed Council the focus of the current site plan addresses the back of the property as Phase 1. The site plan does include an updated tree preservation plan. The property owner did bring back a tree mitigation plan that updated the size requirements however, they are asking for a size reduction for one tree due to the total caliper inches being at 800. For Phase 1, a total of 39 trees equaling 359 caliper inches is planned to be planted on the property. The applicant has provided a breakdown of the minimum caliper inches and tree sizes to be provided on the subject property. However, the applicant is requesting that not all replacement trees be the minimum caliper inches to allow for the total caliper inches to equal the required mitigation. To meet the exact requirement of the tree size requirement, the total tree plantings would exceed the required mitigation of 847 caliper inches by 67 inches. Prior to this amended tree mitigation plan being provided to Staff the Planning and Zoning Commission recommended denial of the site plan during their meeting due to the discrepancies in the tree mitigation plan. The plan presented to Planning and Zoning at their January 8th meeting proposed 41 trees equaling 164 caliper inches at a four inch minimum. The applicant has further agreed to provide \$170,725 in escrow for the trees that will need to be planted on phase 2. Another key point at the Planning and Zoning meeting related to the design of the building on Phase 1 property which did not meet all of the form based code architectural elements. All buildings are required to meet no less than five of the architectural elements and the proposed building met three of the requirements.

The architect for the property, David Keener, addressed Council and advised they submitted a new elevation that addressed the required architectural elements which shows them to meet seven of the 10 requirements. Brett Petigo asked Council to consider the changes and not require that they go back to Planning and Zoning for approval on the changes made. He further stated in order for them to get the tenant in the building on time it is imperative that the Council consider the items during this meeting. Mayor Moser advised Staff needs more time to go over the provided documents for approval prior to Council approving the Site Plan.

ACTION: Item J.3.

DENIED

Councilmember Mankin moved to deny a Site Plan (SP-18-004) for TM Evans Tract, Phase I, a proposed 23,580 square-foot corporate office and laboratory facility, 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 Vukasin seconded the motion. For: Unanimous. The motion passed 5-0.

Council convened in to executive session at 7:25 p.m. upon adjourning back to the open meeting Council handled item J.4.

4. Consider acceptance of a letter of resignation for Council Member, Place 4 Todd Mankin. *(This item moved to the end of the agenda after adjourning from Executive Session)*

Councilmember Mankin addressed Council advising it had been a pleasure to serve the Town and thanked them for their support.

ACTION: Item J.4.

APPROVED

Councilmember Schmidt moved to approve a letter of resignation for Council Member, Place 4 Todd Mankin. Councilmember Donahue seconded the motion. For: Unanimous. The motion passed 5-0.

K. EXECUTIVE SESSION

At 7:25 p.m. the Town Council adjourned into executive session PURSUANT TO TEXAS GOVERNMENT CODE, ANNOTATED, CHAPTER 551, SUBCHAPTER D:

1. Seek the advice of the Town Attorney pursuant to Section 551.071
 - a. Structures located at 303 FM 407 W
 - b. Town Council Succession and Appointment Process
2. Personnel matters pursuant to Section 551.074 (to deliberate the appointment of a public officer)
 - a. Town Council Member
3. Economic Development negotiations pursuant to Section 551.087 (to discuss or deliberate regarding commercial or financial information or to deliberate the offer of a financial or other incentive to a business prospect)
4. Adjourn into Open Meeting at 8:02 p.m.
5. Consider action on executive session items.

ACTION: Item K.1.a and K.1.b

No action taken.

ACTION: Item K.2.a

Mayor Moser opened the floor for nominations for Place 4 to serve the remainder of Todd Mankin's term through May 2019. Councilmember Schmidt made a nomination for Cynthia Hermann; Councilmember Donahue made a nomination for

Richard Spies; Mayor Pro Tem Hawkesworth made a nomination for Sherry Myers. Being no further nomination Mayor Moser performed a roll call vote:
 Councilmember Vukasin, Cynthia Hermann
 Councilmember Schmidt, Cynthia Hermann
 Councilmember Donahue, Richard Spies
 Mayor Pro Tem Hawkesworth, Sherry Myers

Cynthia Herman with a majority vote of two will serve as Councilmember Place 4 for the remainder of the current term to expire May 2019.

ACTION: Item K.3

No action taken.

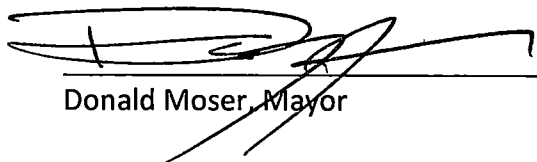
At 8:35 p.m. the Town Council adjourned into executive session PURSUANT TO TEXAS GOVERNMENT CODE, ANNOTATED, CHAPTER 551, SUBCHAPTER D to seek the advice of the Town Attorney pursuant to Section 551.071.

Council reconvened to open session at 8:55 p.m. with no action taken.

- 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*)

M. ADJOURN

There being no further business, Mayor Moser adjourned the regular session at 8:57 p.m.


 Donald Moser, Mayor



Erika McComis, Town Secretary

