

**Town Council Joint Work Session
with Planning and Zoning
and Regular Meeting Minutes
October 22, 2019**

The Joint Work Session with Planning and Zoning and Regular Meeting of the Town Council was held on **October 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 5:02 p.m.

Attendee Name	Title	Status	Arrived
Donald Moser	Mayor	Present	
Cynthia Hermann	Mayor Pro Tem, Place 4	Present	
Alex Vukasin	Council Member, Place 1	Present	5:27 p.m.
Ronald Schmidt	Council Member, Place 2	Present	
Jon Donahue	Council Member, Place 3	Present	
Marla Hawkesworth	Council Member, Place 5	Present	
Bryan Livingston	Council Member, Place 1	*	
Kristi Gilbert	Town Manager		
Andy Messer	Town Attorney		

*Bryan Livingston was appointed during the meeting, however, he did not take his Oath of Office until the meeting adjourned. Council Member Vukasin participated for the entire meeting.

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 items related to a zoning change request (MDP-19-002) from A (Agricultural) and CR (Community Retail) to RCS-T (Regional Center South - Transition) for Project Alpha, being an approximately 30.048-acre tract of land located in the Patrick Rock Survey, Abstract No. 1063, being a portion of Lot, Block A, James P. Heath Addition, and being located on the north side of FM 407 approximately 1,900 feet east of the I-35W and FM 407 intersection, located in the Town of Argyle, Denton County, Texas.

Community Development Director David Hawkins informed Council this item was previously considered by Planning and Zoning Commission on September 3, 2019 where the zoning change request was denied. The request was then presented to Council on September 24, 2019 and Council determined, due to additional information being presented by the applicant that was not made available to the Planning and Zoning Commission, a joint workshop to further discuss the item was necessary. Mr. Hawkins introduced the developer Brett Pedigo and John Sullivan with Texas Health Resource who gave an overview of the project to Council and the Planning and Zoning Commission.

2. Discussion and action regarding any work session items.

Planning and Zoning Commissioner Jeff Castellanos made a motion to not reconsider the zoning change request at the next Planning and Zoning Commission meeting. Commissioner Stewart seconded the motion. The motion passed 4-1 with Commissioner Spies in opposition.

3. Recess joint work session at 6:45 p.m.

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

C. CALL REGULAR MEETING OF THE TOWN COUNCIL TO ORDER

Mayor Moser called the Regular Meeting to order at 7:05 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. MADD Award Presentation

Officer Jared Barnett was presented an Enforcement Hero Award from Emma Dugas with Mothers Against Drunk Driving in Denton County.

b. Scenic City Certification Award Presentation

Town Manager Kristi Gilbert informed Council the Town was recently awarded the Scenic City Certification Award during the recent TML Conference. David Hawkins and Angie Manglaris were thanked by the Mayor for their commitment to achieve the award.

c. Development Project Updates

Mr. Hawkins informed Council they were given an outline of current development projects status at the dais.

d. Presentation of 4th Quarter Financials

Kim Collins, Finance Director, gave Council an overview of the 2018-2019 fourth quarter financials for the Town.

G. OPEN FORUM:

The opportunity for citizens to address the Town Council concerning any matter, except public hearings that are included on the agenda (limit 5 minutes per person); however, the Texas Open Meetings Act prohibits the Town Council from deliberating or taking action on any matter not listed on the agenda.

Joey Ketchersid, 401 Whispering Trail, addressed Council regarding item B.1.

Casey Stewart, 421 Stonecrest, addressed Council regarding item I.1.

Jeannie Young, 935 Harpole, requested to pray for Council.

Clifton Holland, 920 Skyline Drive, addressed Council regarding item K.1.h.

Paul Walker, 609 Valley View Court, addressed Council regarding the paint color on the Meadows Building.

Peter Feldman, 905 Skyline Drive, addressed Council regarding item K.1.h., item B.1. and I.1.

Bridget Brandon, 1817 Knight Street, addressed Council regarding item B.1.

H. CONSENT AGENDA:

1. Consider approval of the Town Council Meeting Minutes as recorded:

- a. September 24, 2019 Regular Council Meeting
- b. September 30, 2019 Special Council Meeting
- c. October 7, 2019 Special Council Meeting
- d. October 14, 2019 Special Council Meeting

2. Consider approval of Resolution 2019-21 designating the official newspaper of the Town of Argyle.

3. Consider approval of Resolution 2019-22 establishing the regular council meetings for the 2020 calendar year.

4. Consider approval of Resolution 2019-23 adopting the FY20 Pay Plan Schedule.

5. Consider approval of a resolution authorizing the Town Manager to enter into a reimbursement agreement for Quiet Zone Services with Union Pacific Railroad Company.

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

APPROVED

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

I. OLD BUSINESS:

1. Consider and take action on a Site Plan Amendment (SP-19-008) for the 407 Gun Club and 407 BBQ, regarding special exceptions to the Town Development Standards, Section 14.4.11 – Ground and Monument Signs; being located at 831 FM 407 W, Town of Argyle Extra Territorial Jurisdiction, Denton County, Texas.

Ms. Manglaris informed Council this item is continued from the September 24, 2019 Council meeting. The item was tabled at that time in order to allow the applicant time to temporarily install the sign for staff to evaluate and monitor the usage at night. Ms. Manglaris presented Council with photographs taken from the site and went over the brightness and image schedule with Council.

ACTION: Item I.1.**APPROVED**

Councilmember Donahue moved to approve a Site Plan Amendment (SP-19-008) for the 407 Gun Club and 407 BBQ, regarding special exceptions to the Town Development Standards, Section 14.4.11 – Ground and Monument Signs; being located at 831 FM 407 W, Town of Argyle Extra Territorial Jurisdiction, Denton County, Texas. Councilmember Vukasin seconded the motion. For: Unanimous. The motion passed 5-0.

J. NEW BUSINESS & PUBLIC HEARINGS:

Mayor Moser moved items J.1. and J.2. to the end of the agenda to be discussed following the Executive Session.

Item J.3.

1. Consider and take appropriate action on a Site Plan (SP-19-007) for Castle Development Argyle, a proposed 7,500 sq. ft. medical office building, being located on the southeast corner of FM 407 and Blue Horizon way, Town of Argyle, Denton County, Texas.

Mr. Hawkins informed Council the Planning and Zoning Commission met on October 16th to consider this item. The Commission approved the site plan with the following conditions: 1) The variance to allow reduced building articulation shall be allowed. 2) The variance request to allow a reduced number of trees within the FM 407 landscape buffer shall be allowed. 3) The variance request to allow a reduction in the interior landscaping requirement of 10% of gross parking area shall be allowed. 4) The proposed aluminum paneling on the building shall be an approved material in accordance with the 2012 International Building Code. The applicant, Clay Cristy with Clay Moore Engineering, addressed Council and answered questions pertaining to the variance request.

ACTION: Item J.3.**APPROVED**

Councilmember Hawkesworth moved to approve a Site Plan (SP-19-007) for Castle Development Argyle, a proposed 7,500 sq. ft. medical office building, being located on the southeast corner of FM 407 and Blue Horizon way, Town of Argyle, Denton County, Texas with the recommended conditions from the Planning and Zoning Commission [1) *The variance to allow reduced building articulation shall be allowed.* 2) *The variance request to allow a reduced number of trees within the FM 407 landscape buffer shall be allowed.* 3) *The variance request to allow a reduction in the interior landscaping requirement of 10% of gross parking area shall be allowed.* 4) *The proposed aluminum paneling on the building shall be an approved material in accordance with the 2012 International Building Code.*]. Mayor Pro Tem Hermann seconded the motion. For: Unanimous. The motion passed 5-0.

2. Consider and take appropriate action on a Site Plan Amendment (SP-19-010) for Chris Robinson Real Estate and Lone Star Chemical, regarding a special exception to the Town Development Standards, Section 14.4.11 - Ground and Monument Signs, located at 130 Old Town Blvd., and being located in the Town of Argyle, Denton County, Texas.

Mr. Hawkins informed Council the Planning and Zoning Commission met on October 16th to consider this item. The Commission approved the site plan with the following conditions: 1) The post and bracket style sign shall be allowed. 2) The landscaping requirement for monument signs shall be waived. 3) The sign may be located within five feet of the property line.

ACTION: Item J.4.

APPROVED

Councilmember Vukasin moved to approve a Site Plan Amendment (SP-19-010) for Chris Robinson Real Estate and Lone Star Chemical, regarding a special exception to the Town Development Standards, Section 14.4.11 - Ground and Monument Signs, located at 130 Old Town Blvd., and being located in the Town of Argyle, Denton County, Texas with the recommended conditions from the Planning and Zoning Commission [1) *The post and bracket style sign shall be allowed.* 2) *The landscaping requirement for monument signs shall be waived.* 3) *The sign may be located within five feet of the property line.*]. Councilmember Schmidt seconded the motion. For: Unanimous. The motion passed 5-0.

3. Consider and take appropriate action on a Site Plan (SP-19-009) for Pilot Knob Estates, regarding a residential subdivision entryway sign, located at the southeast corner of C. Taylor Road and Crawford Road, and being in the Town of Argyle, Denton County, Texas.

Ms. Manglaris gave a brief overview of the original site plan to Council further advising the applicant has since submitted a revision to the site plan. The revision was not available at the time of the Planning and Zoning Commission meeting to consider the

site plan therefore their recommendation for approval is on the original submission only.

ACTION: Item J.5.

REFERRED BACK TO P&Z

Councilmember Donahue moved to refer the item back to the Planning and Zoning Commission due to changes in the site plan received from the applicant. Councilmember Schmidt seconded the motion. For: Unanimous. The motion passed 5-0.

4. Consider and take appropriate action on an Interlocal Cooperation Agreement between Denton County, Texas and the Town of Argyle for provision of all necessary engineering, right-of-way acquisition, utility relocation, and construction of Crawford Road.

Ms. Gilbert informed Council Denton County has agreed to contribute up to \$2,263,600 and allow the Town of Argyle to manage the Crawford Road Improvement Project. The funds needed to move forward with this project were approved in the FY 20 budget. The City of Denton is considering the possibility of funding a proposed roundabout at the intersection of John Paine and Crawford Road in lieu of a traffic signal at the intersection. Ms. Gilbert further advised the Town will be handling the right-of-way acquisition for the project to move forward.

ACTION: Item J.6.

APPROVED

Mayor Pro Tem Hermann moved to approve an Interlocal Cooperation Agreement between Denton County, Texas and the Town of Argyle for provision of all necessary engineering, right-of-way acquisition, utility relocation, and construction of Crawford Road. Councilmember Schmidt seconded the motion. For: Unanimous. The motion passed 5-0.

5. Consider and take appropriate action on a resolution awarding a contract for professional engineering and surveying services related to the design of improvements to Crawford Road from US 377 to IH-35W to Teague Nall and Perkins, Inc.

ACTION: Item J.7.

APPROVED

Councilmember Schmidt moved to approve a resolution awarding a contract for professional engineering and surveying services related to the design of improvements to Crawford Road from US 377 to IH-35W to Teague Nall and Perkins, Inc. Councilmember Donahue seconded the motion. For: Unanimous. The motion passed 5-0. (*Resolution Number 2019-27*)

6. Consider and take appropriate action on vacancy of Town Council seat, Place 1.

Councilmember Vukasin stated it has been an honor to be a part of Council and he has learned a lot and thanked everyone.

ACTION: Item J.8.

ACCEPT RESIGNATION

Councilmember Schmidt moved to accept the resignation of Alex Vukasin Councilmember Place 1 seat for the remainder of the term expiring May 2020. Mayor Pro Tem Hermann seconded the motion. For: Unanimous. The motion passed 5-0.

Mayor Moser informed Council he received correspondence from Bryan Livingston informing him he would be interested in filling the vacant position.

Mayor Pro Tem Hermann moved to appoint Bryan Livingston for Councilmember Place 1 seat for the remainder of the term expiring May 2020. Councilmember Schmidt seconded the motion.

Councilmember Hawkesworth stated she would like further discussion on the item prior to voting.

Mayor Moser recessed the meeting at 8:34.
Council reconvened into open session at 8:47 p.m.

Prior to adjourning into executive session Mayor Moser and Councilmember Hawkesworth stated they would like the executive session items pertaining to them be discussed during open session.

EXECUTIVE SESSION: Item K.1.i.

At 8:54 p.m. the Town Council adjourned into executive session PURSUANT TO TEXAS GOVERNMENT CODE, ANNOTATED, CHAPTER 551, SUBCHAPTER D:

1. Consultation with attorney regarding pending or anticipated litigation, or a settlement offer; or 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 pursuant to Section 551.071(1), (2):
 - i. Process to fill vacant Town Council seat.

Council reconvened into open session at 9:07 p.m.

ACTION: Item K.1.i.

APPOINT LIVINGSTON

Mayor Moser called for a vote on the previous motion made by Mayor Pro Tem Hermann to appoint Bryan Livingston for Councilmember Place 1. Councilmember Schmidt seconded the motion during discussion prior to Executive Session. Councilmember Donahue abstained. The motion passed 4-0-1.

K. EXECUTIVE SESSION

At 9:12 p.m. the Town Council adjourned into executive session PURSUANT TO TEXAS GOVERNMENT CODE, ANNOTATED, CHAPTER 551, SUBCHAPTER D:

The following participated in the Executive Session:

Donald Moser	Mayor	All Items
Cynthia Hermann	Mayor Pro Tem, Place 4	All Items
Alex Vukasin	Council Member, Place 1	All Items
Ronald Schmidt	Council Member, Place 2	All Items except K.1.d.
Jon Donahue	Council Member, Place 3	All Items
Marla Hawkesworth	Council Member, Place 5	All Items

1. Consultation with attorney regarding pending or anticipated litigation, or a settlement offer; or 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 pursuant to Section 551.071(1), (2):
 - a. Roles and duties of Mayor and Town Council.
 - b. Rules for Town Council members seeking information in their official capacity.
 - c. Implementation of the attorney-client privilege and waiver of the privilege.
 - d. Ronald Schmidt v. Town of Argyle, et.al., case no. 4:19-cv-00-688.
 - e. Mayor Donald Moser's official complaint against Council Members Jon Donahue and Marla Hawkesworth.
 - f. Mayor Pro Tem Cynthia Hermann's official complaint against Council Members Jon Donahue and Marla Hawkesworth.
 - g. Council Member Marla Hawkesworth's official complaint against Mayor Donald Moser and Mayor Pro Tem Cynthia Hermann.
 - h. Skyline Addition Drainage.

2. 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. Town Manager Evaluation
 - b. Mayor Donald Moser's official complaint against Council Members Jon Donahue and Marla Hawkesworth.
 - c. Mayor Pro Tem Cynthia Hermann's official complaint against Council Members Jon Donahue and Marla Hawkesworth.
 - d. Council Member Marla Hawkesworth's official complaint against Mayor Donald Moser and Mayor Pro Tem Cynthia Hermann.
 - e. Planning and Zoning Commissioner Interviews and appointments
 - f. Economic Development Corporation Board Member Interviews and appointments

L. RECONVENE INTO OPEN SESSION AT 11:35 P.M.

ACTION: Item K.1.h.

Councilmember Vukasin moved to approve right-of-way correction at 915 Skyline to protect the city's public infrastructure and to take no further action that is based, in part, on the concern constitutionally of the use of public funds for private properties. Mayor Pro Tem Hermann seconded the motion. For: Unanimous. The motion passed 5-0.

ACTION: Item K.2.a.

APPROVE INCREASE

Councilmember Vukasin made a motion to accept the evaluation of Town Manager Kristi Gilbert and authorize a 2.5% salary increase retroactive to October 1, 2019. Councilmember Schmidt seconded the motion. The motion passed 5-0.

ACTION: Items J.1 and K.2.e.

APPOINTMENTS

Councilmember Schmidt moved to appoint Leona McDade, Rick Bradford, and Gordon Baethge to the Argyle Planning & Zoning Commission. Mayor Pro Tem Hermann seconded the motion. Councilmember Donahue abstained. The motion passed 4-0-1.

ACTION: Items J.2 and K.2.f.

APPOINTMENTS

Councilmember Schmidt moved to appoint Ritchie Deffenbaugh, Darrell Halk, Craig Ray, and Zach Scheer to the Argyle Economic Development Corporation Board of Directors and Robin Massey as an Advisory Director. Mayor Pro Tem Hermann seconded the motion. Councilmember Donahue abstained. The motion passed 4-0-1.


Mayor Moser stated Council did not discuss executive session items 1.d. through 1.g. and items 2.b. through 2.d.


M. 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 Staff provide an update on the Road Improvement Project and any excess funds, the strategic plan, and ongoing negotiations with Texas Department of Transportation.

N. ADJOURN

There being no further business, Mayor Moser adjourned the regular session at 11:43 p.m.


Donald Moser, Mayor


Erika McComis, Town Secretary

