

TOWN COUNCIL TOWN COUNCIL REGULAR MEETING

March 21, 2022 at 6:00 PM

Argyle Town Hall, 308 Denton Street, Argyle, Texas

MINUTES

CALL TO ORDER

Mayor Livingston Called the regular meeting to order at 6:00 p.m.

COUNCIL PRESENT

MAYOR

MAYOR PRO TEM, PLACE 2

COUNCIL MEMBER PLACE 1

COUNCIL MEMBER PLACE 3

COUNCIL MEMBER PLACE 4

COUNCIL MEMBER PLACE 5

BRYAN LIVINGSTON

RONALD SCHMIDT

JOAN DELASHAW

SHERRI MYERS

CYNTHIA HERMANN

RICK BRADFORD

STAFF PRESENT

TOWN ADMINISTRATOR

TOWN ATTORNEY

TOWN SECRETARY/TOWN TREASURER

POLICE CHIEF

COMMUNITY DEVELOPMENT DIRECTOR

PLANNER II

RICHARD OLSON

BRENDA MCDONALD

DIANNA BUCHANAN

EMMITT JACKSON

NABILA NUR

HARRISON WICKS

INVOCATION

Mayor Livingston provided the invocation.

PLEDGE OF ALLEGIANCE

Mayor Livingston led the pledges to the American Flag and Texas Flag.

OPEN FORUM

There was no one to speak at this time.

ITEMS OF COMMUNITY INTEREST

Mayor Livingston announced the following Items of Community Interest:

Town Council Regular Meeting, Monday, April 4th, 6 pm, Town Hall

Argyle Business Association Meeting, Thursday, March 24th, 8 am, hosted by Magnolia Realty, 415
US Hwy 377 South, Argyle

Annual Clean Up Day, Saturday, April 2nd, 8 am to 11 am, behind Town Hall

Mornings with the Mayor, Saturday, April 2nd, 9-10 am

Planning and Zoning, Wednesday, April 6th, 6 pm, Town Hall
Annual Easter Egg Hunt, Saturday, April 9th, 11 am -1 pm, Unity Park

At this time Mayor Livingston directed the meeting to Executive Session Item 12.

EXECUTIVE SESSION

At 6:04 p.m., the Town Council adjourned into Executive Session pursuant to the Texas Government Code, Annotated, Chapter 551, Subchapter D, Texas Open Meetings Act (the "Act") to discuss the following:

Security Devices or Security Audits

§551.089: Deliberation regarding security devices or security audits

12. Cyber security

RECONVENE INTO OPEN SESSION AND TAKE ANY ACTION RESULTING FROM EXECUTIVE SESSION

At 7:07 p.m., the Town Council reconvened into open session.

EXECUTIVE SESSION ITEM 12

APPROVED

MOTION BY COUNCIL MEMBER BRADFORD WITH SECOND BY MAYOR PRO TEM SCHMIDT THAT THE TOWN COUNCIL WAIVE ANY DISCRETIONARY EXCEPTIONS UNDER THE PUBLIC INFORMATION ACT PERTAINING TO THE RELEASE OF THE MEMO FROM RICH OLSON TO THE TOWN COUNCIL SENT ON MARCH 17, 2022 ENTITLED "LETTER ON MAYOR'S EMAIL" AND DIRECT THE STAFF TO RELEASE THAT MEMO ON REQUEST. MOTION APPROVED 4 AYES AND 1 NAY BY COUNCIL MEMBER MYERS.

Mayor Livingston directed the meeting to Staff Reports at this time.

STAFF REPORTS

1. Active Development Review Committee Project List Report received.
2. List of Council Requests for Agenda Items and Status Report received.

CONSENT AGENDA

Any Council member may request an item on the Consent Agenda to be taken up for individual consideration.

3. Approve the March 7, 2022 Regular Town Council Meeting Minutes

CONSENT ACTION ITEM 3

APPROVED

MOTION BY COUNCIL MEMBER HERMANN AND MOTION SECONDED BY COUNCIL MEMBER MYERS TO APPROVE THE CONSENT AGENDA. MOTION APPROVED 5-0.

PUBLIC HEARING, ORDINANCES, RESOLUTIONS AND ACTION ITEMS

4. Hold public hearing, consider and act regarding Ordinance 2022-04 an ordinance amendment (TDS-21-004) to Article V, Tree Preservation, of the Town of Argyle Town Development Standards regarding various amendments to the tree preservation requirements and other related tree ordinance provisions in the Town Development Standards.

Planner II Harrison Wicks summarized the item. Mayor Livingston opened the public hearing at 7:41 p.m. and asked if there was anyone to speak for or against the item. There was no one to speak. Mayor Livingston closed the public hearing at 7:41:30 p.m. Discussion was held.

ACTION ITEM 4

APPROVED

MOTION BY COUNCIL MEMBER BRADFORD AND MOTION SECONDED BY MAYOR PRO TEM SCHMIDT TO APPROVE ORDINANCE 2022-04 (TDS-21-004) AMENDING TOWN OF ARGYLE TOWN DEVELOPMENT STANDARDS ARTICLE V, TREE PRESERVATION REGARDING VARIOUS AMENDMENTS TO THE TREE PRESERVATION REQUIREMENTS AND OTHER RELATED TREE ORDINANCE PROVISIONS. MOTION APPROVED 5-0.

At 7:43 p.m., Mayor Livingston announced a break. The meeting reconvened at 7:56 p.m.

5. Consider and take action regarding Ordinance 2022-05 regarding an application for Right-of-Way (ROW) Abandonment (ROW-21-001) for Highland Circle, being 0.385 acres situated in the T. Gazaway Survey, Abstract No. 479, Denton County, Texas; being located in the Argyle Town Square development; located in the Town of Argyle east of US 377, south of the Settler's Point addition and north of Harpole Road.

Planner II Harrison Wicks summarized the item. The applicant's representative was present and answered questions regarding the request.

ACTION ITEM 5

APPROVED

MOTION BY MAYOR PRO TEM SCHMIDT AND MOTION SECONDED BY COUNCIL MEMBER MYERS TO APPROVE ORDINANCE 2022-05 AN APPLICATION FOR RIGHT-OF-WAY (ROW) ABANDONMENT (ROW-21-001) FOR HIGHLAND CIRCLE, BEING 0.385 ACRES SITUATED IN THE T. GAZAWAY SURVEY, ABSTRACT NO. 479, DENTON COUNTY, TEXAS; BEING LOCATED IN THE ARGYLE TOWN SQUARE DEVELOPMENT; LOCATED IN THE TOWN OF ARGYLE EAST OF US 377, SOUTH OF THE SETTLER'S POINT ADDITION AND NORTH OF HARPOLE ROAD. MOTION APPROVED 4 AYES AND 1 NAY BY COUNCIL MEMBER DELASHAW.

6. Consider and act regarding Resolution 2022-06 approving an Amended Interlocal Cooperation Agreement with Denton County for the Stonecrest Road Reconstruction Project.
Item summarized by Town Administrator Rich Olson.

ACTION ITEM 6

APPROVED

MOTION BY COUNCIL MEMBER HERMANN AND MOTION SECONDED BY COUNCIL MEMBER BRADFORD TO APPROVE RESOLUTION 2022-06 APPROVING AN AMENDED INTERLOCAL COOPERATION AGREEMENT WITH DENTON COUNTY FOR THE STONECREST ROAD RECONSTRUCTION PROJECT. MOTION APPROVED 5-0.

7. Consider and act to approve Resolution 2022-07 amending Freese and Nichols Professional Services Agreement for Task Order Number One--Stonecrest Road Rehabilitation Project. Item summarized by Town Administrator Rich Olson.

ACTION ITEM 7

APPROVED

MOTION BY COUNCIL MEMBER BRADFORD AND MOTION SECONDED BY MAYOR PRO TEM SCHMIDT TO APPROVE RESOLUTION 2022-07 AMENDING FREESE AND NICHOLS PROFESSIONAL SERVICES AGREEMENT FOR TASK ORDER NUMBER ONE--STONECREST ROAD REHABILITATION PROJECT. MOTION APPROVED 5-0.

8. Consider and act regarding Resolution 2022-08 to appoint Assistant Town Secretary Bailey Love as Acting Town Secretary effective April 1, 2022. Item summarized by Town Administrator Rich Olson.

ACTION ITEM 8

APPROVED

MOTION BY COUNCIL MEMBER MYERS AND MOTION SECONDED BY COUNCIL MEMBER HERMANN TO APPROVE RESOLUTION 2022-08 TO APPOINT ASSISTANT TOWN SECRETARY BAILEY LOVE AS ACTING TOWN SECRETARY EFFECTIVE APRIL 1, 2022 AS STATED. MOTION APPROVED 5-0.

9. Consider and act regarding Resolution 2022-09 adopting a Zero-Based Budgeting Philosophy as the Town Council's preferred budgeting method. Town Administrator Rich Olson summarized the item.

ACTION ITEM 9

APPROVED

MOTION BY COUNCIL MEMBER RICK BRADFORD AND MOTION SECONDED BY COUNCIL MEMBER HERMANN TO APPROVE RESOLUTION 2022-09 ADOPTING A ZERO-BASED BUDGETING PHILOSOPHY AS THE TOWN COUNCIL'S PREFERRED BUDGETING METHOD. MOTION APPROVED 5-0.

10. Consider and act regarding Resolution 2022-10 to approve an agreement for master planning services for future facility needs. Item summarized by Town Administrator Rich Olson.

ACTION ITEM 10

APPROVED

MOTION BY COUNCIL MEMBER MYERS AND MOTION SECONDED BY COUNCIL MEMBER BRADFORD TO APPROVE RESOLUTION 2022-10 APPROVING AN AGREEMENT FOR MASTER PLANNING SERVICES WITH HDR TO PREPARE A MASTER PLAN FOR THE POLICE AND TOWN HALL COMPLEX LOCATED AT 308 DENTON ST. E. IN THE AMOUNT OF \$22,440. MOTION APPROVED 5-0.

11. Consider and act regarding Resolution 2022-11 to accept the bid and award the project for improvements to the exterior of Town Hall.
Item summarized by Town Administrator Rich Olson.

ACTION ITEM 11

APPROVED

MOTION BY COUNCIL MEMBER HERMANN AND MOTION SECONDED BY MAYOR PRO TEM SCHMIDT TO APPROVE RESOLUTION 2022-11 ACCEPTING THE BID AND AWARDING THE PROJECT FOR IMPROVEMENTS TO THE EXTERIOR OF TOWN HALL TO R. TAYLOR TEXAS IMPROVEMENTS, LLC IN THE AMOUNT OF \$52,840 AND ANY NECESSARY BUDGET AMENDMENT FOR THE PROJECT WILL BE PRESENTED TO COUNCIL AT THE CONCLUSION OF THE PROJECT. MOTION APPROVED 5-0.

At this time Mayor Livingston directed the meeting to Executive Session Item 13 as Item 12 was considered earlier in the meeting.

EXECUTIVE SESSION

As authorized by Section 551.071 of the Texas Government Code (Consultation with Town Attorney), this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the Town Attorney on any agenda item herein.

Additionally, pursuant to the Texas Government Code, Annotated, Chapter 551, Subchapter D, Texas Open Meetings Act (the "Act"), Town Council will recess into Executive Session (closed meeting) to discuss the following:

Security Devices or Security Audits

§551.089: Deliberation regarding security devices or security audits

12. Cyber security

Personnel Matters

§551.074: Personnel matters (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):

12. Town Administrator Performance

Prior to recessing to Executive Session for Item 13, Council Member Myers expressed her concerns regarding this item as the Town Administrator had his annual performance review several months ago and she believes individual council member concerns with the Town Administrator's performance should be addressed one on one not as a group.

EXECUTIVE SESSION ITEM 12

MOTION FAILED

MOTION BY COUNCIL MEMBER MYERS TO REMOVE ITEM 12. TOWN ADMINISTRATOR PERFORMANCE FROM THE AGENDA. MOTION SECONDED BY COUNCIL MEMBER HERMANN. MOTION FAILED 3-2 WITH NAYS BY MAYOR PRO TEM SCHMIDT AND COUNCIL MEMBERS DELASHAW AND BRADFORD.

Council Member Bradford recommends adopting a policy for quarterly review/assessment/check-in for employee performance so there are no surprises when the employee receives the annual review. Mayor Pro Tem Schmidt agrees with this policy recommendation and he also pointed out that 1) the Town Administrator's contract outlines that if there is an issue with performance that it be brought in a timely manner and 2) that the contract is for one year with two one-year renewable contracts in which cause we would have to give him notice at least 90 days prior if the contract is not to be renewed.

Town Administrator Olson requested the item be held in Open Session. He stated that the review process is not only for Council to assess his performance but also for him to provide feedback regarding how the Town Council is functioning. Mr. Olson read a prepared statement. Discussion held.

RECONVENE INTO OPEN SESSION AND TAKE ANY ACTION RESULTING FROM EXECUTIVE SESSION

There was no action resulting from Executive Session as it was not held for item 12.

RECEIVE REQUESTS FROM COUNCIL MEMBERS/STAFF FOR ITEMS TO BE PLACED ON FUTURE MEETING AGENDA

Mayor Pro Tem Schmidt requested that a Code of Conduct for council be considered for voluntarily adoption by members and that Council adopt background checks for Council Members as all other volunteer committee members are required to undergo the same. Council Member Bradford would like to review the Town's committees and commissions (excluding Town Council and the Planning and Zoning Commission, review their charters, number of members and look at how much it would cost to livestream all committee meetings--not just Town Council meetings and Planning and Zoning Commission meetings for more transparency. Council Member Bradford would like to revisit the possible uses for the Coronavirus Local Fiscal Recovery Funds (CLFRF) received by the Town and do a presentation on the TEX-21 coalition at the next Council meeting. Lastly Council Member Bradford suggested that a tree located near the Post Office be considered for a heritage tree designation as provided for in the Tree Preservation ordinance and wants to explore the process.

ADJOURN

Mayor Livingston adjourned the meeting at 10:21 p.m.

APPROVED:



Bryan Livingston, Mayor

ATTEST:



Richard Olson
Town Administrator