

**MINUTES OF TOWN COUNCIL MEETING
FOR THE TOWN OF ARGYLE
APRIL 14, 2009**

STATE OF TEXAS §

COUNTY OF DENTON §

TOWN OF ARGYLE §

The regular meeting of the Argyle Town Council was held on April 14, 2009 at 6:00 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 April 9, 2009, at Argyle Town Hall, giving notice of time, date, place, and agenda thereof.

TOWN COUNCIL MEMBERS PRESENT:

Greg Landrum	Mayor
Joe Phelps	Mayor Pro-Tem
Dona Schroetke	Councilmember
Joey Hasty	Councilmember
Bonny Haynes	Councilmember
Jay Pellicone	Councilmember (Arrived at 6:27)

TOWN COUNCIL MEMBERS ABSENT:

None

STAFF PRESENT:

Lyle Dresher	Town Administrator
Kim Collins	Town Accountant
Chief Tackett	Police Chief
Troy Norton	Director of Public Works
Matthew Boyle	Town Attorney
Richard Luedke	Development Services Coordinator

TOWN COUNCIL AGENDA (6:00 p.m.)

CALL TO ORDER AND ANNOUNCE A QUORUM:

Mayor Landrum called the meeting to order at 6:01 p.m., noting a quorum was present.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG.

PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG.

“Honor the Texas Flag; I pledge Allegiance to thee, Texas, one state under God, one and indivisible.”

Mayor Landrum led the recitation of the Pledge of Allegiance to the American Flag and to the Texas Flag.

REPORTS:

- 1. Receive update on FY 2009 Budget – Kim Collins, Town Accountant/Budget Analyst.**
- 2. Receive update on the Town Hall Request for Proposal (RFP) for Town Hall and Police Department Renovations – Lyle Drescher, Town Administrator.**

No action was taken.

CONSENT AGENDA:

- 1. Consider approval of the minutes of the regular meeting of the Town Council for March 24, 2009.**

No action was taken.

PRESENTATIONS: No presentations scheduled.

OPEN FORUM:

The opportunity for citizens to address the Town Council on any subject (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) hours notice. Issues raised may be referred to Town Staff for research and possible future action.

OLD BUSINESS: NONE

NEW BUSINESS:

- 1. Hold a public hearing and consider an Ordinance approving a Specific Use Permit to allow an increased accessory building height on a 2.5-acre tract of land known as Lot 12, Block A, Hickory Hill Estates, generally located on the east side of West Hickory Ridge Circle south of Hickory Hill Road, at 502 West Hickory Ridge Circle, in the Town of Argyle,**

Denton County, Texas. Steve Watson Custom Homes, Inc. is the applicant; Bruce and Kathleen Monroe are the property owners.

Richard Luedke presented facts related to the special use permit. All area resident responses received were in favor of the request. P & Z recommended language be drafted to allow this situation in the future.

Mayor Landrum opened the public hearing. There were no comments.

Mayor Landrum closed the public hearing.

Dona Schroetke made a motion to approve an Ordinance approving a Specific Use Permit to allow an increased accessory building height on a 2.5-acre tract of land known as Lot 12, Block A, Hickory Hill Estates, generally located on the east side of West Hickory Ridge Circle south of Hickory Hill Road, at 502 West Hickory Ridge Circle, in the Town of Argyle, Denton County, Texas. Joey Hasty seconded the motion. For: unanimous. Carried: 4-0.

- 2. Hold a public hearing and consider an Ordinance approving a Specific Use Permit to allow an increased accessory building height on a 2.5-acre tract of land known as Lot 29, Block 2, Estates of Pilot Knob, Phase 2, generally located on the south side of Johns Well Court east of C. Taylor Road, at 677 Johns Well Court, in the Town of Argyle, Denton County, Texas. Key Custom Homes, Inc. is the applicant; Ricky and Jennifer Harris are the property owners.**

Richard Luedke presented facts related to the special use permit.

Mayor Landrum opened the public hearing. There were no comments.

Mayor Landrum closed the public hearing.

Bonny Haynes made a motion to approve an Ordinance approving a Specific Use Permit to allow an increased accessory building height on a 2.5-acre tract of land known as Lot 29, Block 2, Estates of Pilot Knob, Phase 2, generally located on the south side of Johns Well Court east of C. Taylor Road, at 677 Johns Well Court, in the Town of Argyle, Denton County, Texas with the following conditions:

- 1. The request for a maximum height of seventeen feet (17') in lieu of the required twelve feet (12') for the proposed accessory building shall be allowed.*
- 2. The exterior building materials, roof materials and roof pitch shall match those of the primary structure.*

Joe Phelps seconded the motion. For: unanimous. Carried: 4-0.

3. Consider adoption of a resolution directing publication of notice of intention to issue certificates of obligation.

Joe Phelps made a motion to adopt a resolution directing publication of notice of intention to issue certificates of obligation. Bonny Haynes seconded the motion. For: unanimous. Carried: 4-0.

4. Consider an Ordinance amending Appendix “A” of the Town of Argyle Code of Ordinances Roadway Remediation Calculations; providing a severability clause; a penalty; providing a publication clause; and providing an effective date.

Bonny Haynes made a motion to approve an Ordinance amending Appendix “A” of the Town of Argyle Code of Ordinances Roadway Remediation Calculations. Joey Hasty seconded the motion. For: unanimous. Carried: 5-0. (Jay Pellicone arrived).

5. Consider an Ordinance amending Chapter 11, Article 11.05, Tax Abatement for Property in a Reinvestment Zone; providing a severability clause and providing an effective date.

Bonny Haynes made a motion to consider an ordinance amending Chapter 11, Article 11.05, Tax Abatement for Property in a Reinvestment Zone. Jay Pellicone seconded the motion. For: unanimous. Carried: 5-0.

OPEN FORUM:

The opportunity for citizens to address the Town Council on any subject (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) hours notice. Issues raised may be referred to Town Staff for research and possible future action.

Larry Myer of 501 Country Club Rd., wanted to thank the Council for the rough draft on the wind generator.

1. PURSUANT TO TEXAS GOVERNMENT CODE, ANNOTATED, CHAPTER 551, SUBCHAPTER D, SECTIONS §551.071(1) and (2), §551.072, §551.074(a) (1), and §551.087.

(A) Consultation with Town Attorney regarding pending or contemplated litigation: *David Pierce, an Individual, Clear Channel Outdoor, Inc., and Arnold Velez V. City of Argyle. Cause No. 2003-10339-16 and Don Molian V. City of Argyle. Cause No. 2008-30186-211. Mark L.*

Maestas and Traca L. Maestas V. John M. Michaels D/B/A JDR-Noble Partners, LLC and JDR-Noble Partners, LTD. V. Codi Delcambre, Secretary for the City of Argyle. Cause No. 2008-10016-16.

- (B) Deliberate the purchase, lease, or value of real property and infrastructure for Town facilities and/or utilities
- (C) Consultation with Town Attorney regarding pending or contemplated litigation: *XTO Energy Inc. v. Town of Argyle. Civil Action No. 4:08-CV-00372, U.S. District Court, Sherman Division.*

Council convened into closed session at 6:35 p.m.

2. Adjourn into Open Meeting

Council reconvened into open session at 7:12 p.m.

3. Take action on Executive Session item(s).

Bonny Haynes made a motion to authorize the settlement of XTO V. Argyle pursuant to the terms discussed in executive session and authorize the Town Administrator to execute any necessary documents. Dona Schroetke seconded the motion. For Unanimous. Carried 5-0.

ADJOURNMENT:

There being no further consideration to come before the body, the meeting was adjourned at 7:23 p.m.

APPROVED this the 28th day of April 2009.

APPROVED:

Greg Landrum, Mayor

(SEAL)

ATTEST:

Codi Delcambre, Town Secretary TRMC, CMC