

**MINUTES OF TOWN COUNCIL MEETING
FOR THE TOWN OF ARGYLE
FEBRUARY 10, 2009**

STATE OF TEXAS §

COUNTY OF DENTON §

TOWN OF ARGYLE §

The special meeting of the Argyle Town Council was held on February 10, 2009 at 3:30 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 January 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

TOWN COUNCIL MEMBERS ABSENT:

STAFF PRESENT:

Lyle Dresher	Town Administrator
Kim Collins	Town Accountant
Chief Tackett	Police Chief
Troy Norton	Director of Public Works
David Mayes	Engineer Project Manager

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

CALL TO ORDER AND ANNOUNCE A QUORUM:

Mayor Landrum called the meeting to order at 6:05 p.m., noting a quorum was present.

WORK SESSION:

- a. Review and discuss Roadway Damage Remediation Fees – Town Engineer**

Town Administrator Lyle Dresher and Engineer Project Manager David Mayes reviewed the Roadway Damage Remediation Fees. No action was taken.

- b. Review and discuss Original Town Street Improvement Cost.**

Town Administrator Lyle Dresher and Engineer Project Manager David Mayes reviewed Original Town Street Improvement Cost. No action was taken.

- c. Review and discuss proposed amendments to the Tree Preservation and Protection Ordinance.**

Town Administrator Lyle Dresher proposed amendments to the Tree Preservation and Protection Ordinance. No action was taken.

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 Pledges of Allegiance to the American and Texas Flags, respectively.

REPORTS

1. Work Session on February 10, 2009 at 3:00 p.m. with Randy Pennington to review Core Values.

No action was taken.

CONSENT AGENDA:

1. **Approval of the minutes of regular meetings of the Town Council for December 9, 2008.**
2. **Approval a resolution suspending the effective date of CoServ Gas Ltd.’s requested rate changes to permit the Town time to study the request and establish reasonable rates, approving the cooperation with other cities within the CoServ system to hire legal and consulting services and to negotiate with the company and direct any necessary litigation, requiring**

reimbursement of cities' rate case expenses, authorizing intervention in the proceeding at the Railroad Commission, and requiring notice of resolution to the company.

3. Receive the annual Argyle Police Department Contact Report in compliance with the Texas Racial Profiling Law (SB 1074.)
4. Approval of an ordinance amending the Code of Ordinances by amending Chapter 1, General Provisions, Division 2, Article 1.03, by deleting section 1.03.040, Selection of Council Officers, Liaisons and Representatives, in its entirety and adding a new section 1.03.040 and amending section 1.04.002, Town Administrator, paragraph 1.04.002 (D) by deleting sub-paragraph (D) (10) and adding a new sub-paragraph (D) (10) and (D) (11); providing a severability clause; authorizing publication; and establishing an effective date.
5. Authorizing the Town Administrator to execute a Lease with LPS Partners, Ltd. for the temporary use of the Argyle United Methodist Church's facility after closing.

(Mayor Landrum recused himself from any discussion and left the council chamber due to a conflict of interest.)

Dona Schroetke made a motion to removed Item 5 from the consent agenda. Jay Pellicone seconded the motion. For Unanimous. Carried 5-0.

Bonny Haynes made a motion to approve the consent agenda as presented with Item 5 being removed. Joey Hasty seconded the motion. For Unanimous. Carried 5-0.

Dona Schroetke requested that Item 5 be discussed in Executive Session.

(Mayor Landrum returned to the meeting.)

PRESENTATIONS: NONE

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.

John Hellner of 525 Skyline Road stated that he wanted to comment the Council on the proposed Roadway Remediation Plan.

Traca Maestes of 515 Collins Street stated that she was concerned about the condition of Collins Street. She stated that traffic has increased over the years due to the number of rental homes.

OLD BUSINESS: NONE

NEW BUSINESS:

- 1. Consider an ordinance amending Chapter 3, Article 3.15, Tree Preservation and Protection; providing a severability clause, authorizing publication; and establishing an effective date.**

Joe Phelps made a motion to continue any action on an ordinance amending Chapter 3, Article 3.15, Tree Preservation and Protection. Joey Hasty 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.

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.*
- (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.*

(Mayor Landrum recused himself from any discussion and left the council chamber due to a conflict of interest.)

Council convened into Executive Session at 6:35 p.m.

2. Adjourn into Open Meeting

Council reconvened into Open Session at 7:16 p.m.

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

Bonny Haynes made a motion to Authorizing the Town Administrator to execute a Lease with LPS Partners, Ltd. for the temporary use of the Argyle United Methodist Church's facility after closing and escrowing the lease payments for the full term of the lease at the time of closing. Joe Phelps seconded the motion. For Phelps, Pellicone, Schroetke, Haynes. Against Hasty. Carried 4-1.

ADJOURNMENT:

There being no further consideration to come before the body, the meeting was adjourned at 7:18 p.m.

APPROVED this the 27th day of January 2009.

APPROVED:

Greg Landrum, Mayor

(SEAL)

ATTEST:

Codi Delcambre, Town Secretary TRMC, CMC

A. CALL TO ORDER – Mayor Landrum

B. WORK SESSION:

- a. **Review and discuss Town of Argyle Core Values – Randy Pennington, Pennington Consulting Group**
- b. **Review and discuss Roadway Damage Remediation Fees – Town Engineer and Town Attorney**
- c. **Review and discuss a draft Request for Proposals for the future Town Hall and Police Department improvements**

C. PLEDGE OF ALLEGIANCE – American Flag

D. PLEDGE OF ALLEGIANCE – Texas Flag “Honor the Texas Flag; I pledge allegiance to thee Texas, one state under God, one and indivisible”.

E. STAFF REPORTS:

1. Update and report on the upcoming Household Hazardous Waste and Argyle Cleanup Day – May 9, 2009 – Council Member Haynes and Public Works Director, Troy Norton

F. CONSENT AGENDA:

6. Approval of the minutes of regular meetings of the Town Council for January 13, 2009.
7. Approval of a Resolution approving a Final Plat of Egbert Estates, being 18.84 acres in the T&P Railroad Company Survey, Abstract No. 1293 in the Town of Argyle, Denton County, Texas.
8. Approval of a Resolution approving a Amended Final Plat of Lot 11 and 12, Block A, Woods of Argyle, Town of Argyle, Denton County, Texas.
9. Approval of a Resolution approving the Town of Argyle Employee Manual.
10. Approval of a Resolution approving an Interlocal Cooperation Agreement with Denton County Election Administrator for rental of election machines and equipment and authorizing the Town Administrator to execute said agreement on behalf of the Town of Argyle.
11. Approval of a Resolution approving an Interlocal Cooperation Agreement between the Town of Argyle and the Argyle Volunteer Fire District relating to gas well inspection services and authorizing the Town Administrator to execute said agreement on behalf of the Town of Argyle.
12. Approval of a Resolution approving an Interlocal Cooperation Agreement with the Town of Argyle and Argyle ISD conducting a Joint Election on May 9, 2009 and authorizing the Town Administrator to execute said agreement on behalf of the Town of Argyle.
13. Approval of an Ordinance Calling the May 9, 2009 General Election.
14. Approval of a Resolution approving a contract with McCreary, Veselka, Bragg & Allen P.C. for collection of delinquent municipal court fines and fees.