

**MINUTES OF TOWN COUNCIL MEETING
FOR THE TOWN OF ARGYLE
APRIL 28, 2009**

STATE OF TEXAS §

COUNTY OF DENTON §

TOWN OF ARGYLE §

The regular meeting of the Argyle Town Council was held on April 28, 2009 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 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

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
Cathy Cunningham	Town Attorney

TOWN COUNCIL AGENDA (5:00 p.m.)

CALL TO ORDER AND ANNOUNCE A QUORUM:

Mayor Landrum called the meeting to order at 5:37 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. Report on North Central Texas Council of Governments’ Annual Population and Housing Estimates for January 1, 2009.

- **Housing Units 1/1/09**
 - **Single Family** **1,104**
 - **Multi-Family** **0**
 - **Other** **51**
- **Estimated Population 1/1/09**
 - **Single Family** **3,210**
 - **Other** **152**
 - Total** **3,362** (2009 NCTCOG published estimate – 3,350)

2. Update on Argyle Pride Day.

No action was taken.

CONSENT AGENDA:

- 1. Consider approval of the minutes of the regular meeting of the Town Council for March 24, 2009 and April 14, 2009.**
- 2. Approval of an Ordinance canceling the May 9, 2009 General Election.**
- 3. Approval of a Resolution appointing members to the Keep Argyle Beautiful Committee.**

Joey Hasty made a motion to approve the consent agenda. Dona Schroetke seconded the motion. For Unanimous. Carried 5-0.

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 zoning change on a portion of a 3.751-acre tract of land known as Lot 2R-1, Block A, Beaver Creek Estates, situated in the J. Davis Survey, Abstract Number 325, in the Town of Argyle. The zoning change request is as follows: being a 1.150-acre parcel of land out of the total 3.751-acre tract of land (Lot 2R-1) from Single Family 2.5 Residential Estate (SF-2.5) to Single Family 1 Residential Estate (SF-1); and the residual 2.601 acres to remain the Single Family 2.5 Residential Estate (SF-2.5) zoning. The property is generally located north of Hickory Hill road and east of Dallas Street in the Town of Argyle, Denton County, Texas. Jason and Kate Rose are the applicants; Richard and Valerie Tucker are the property owners.**

(Jay Pellicone recused himself from the meeting and left the council chambers)

Mayor Landrum opened the public hearing.

Town Administrator Lyle Drescher presented the case background.

Jason Rose stated that he was requesting the zoning change. He stated that he would like to replat the property into two lots. Mr. Rose stated that he would like to build his home on the smaller lot.

Spoke in favor:

Chris Jefferson, 5852 Eldorado Parkway, Plano

Spoke against:

Charles Gromatzky, 525 E. Hickory Hill

Jim Kuykendall, 422 Collins Street

Marsha Pellicone, 530 Hickory Hill

Jeff Cantrell, 520 Hickory Hill

Mayor Landrum closed the public hearing.

Bonny Haynes made a motion to deny the approving a zoning change on a portion of a 3.751-acre tract of land known as Lot 2R-1, Block A, Beaver Creek Estates, situated in the J. Davis Survey, Abstract Number 325, in the Town of Argyle. The zoning change request is as follows: being a 1.150-acre parcel of land out of the total 3.751-acre tract of land (Lot 2R-1) from Single Family 2.5 Residential Estate (SF-2.5) to Single Family 1 Residential Estate (SF-1); and the residual 2.601 acres to remain the Single Family 2.5 Residential Estate (SF-2.5) zoning. Joey Hasty seconded the motion. For Hasty, Schroetke, Haynes, Phelps. Against None. Not voting Pellicone. Carried 4-0-1.

(Jay Pellicone returned to the meeting.)

- 2. Consider a resolution appointing the Town of Argyle Planning and Zoning Commission to serve as the Town's Capital Improvements Advisory Committee (CIAC) replacing in its entirety the current CIAC members.**

Bonny Haynes made a motion to approve a resolution appointing the Town of Argyle Planning and Zoning Commission to serve as the Town's Capital Improvements Advisory Committee (CIAC) replacing in its entirety the current CIAC members. Jay Pellicone seconded the motion. For Unanimous. Carried 5-0.

- 3. Consider approval of an ordinance amending Ordinance 2009-07 by amending and replacing Appendix "A", Article A 12.000, Exhibit "E" of the Code of Ordinances, Roadway Remediation Fee; providing a severability clause; providing a penalty; providing a publication clause; and providing an effective date.**

Bonny Haynes made a motion to approve an ordinance amending Ordinance 2009-07 by amending and replacing Appendix "A", Article A 12.000, Exhibit "E" of the Code of Ordinances, Roadway Remediation Fee. Joe Phelps seconded the motion. For Unanimous. Carried 5-0.

- 4. Consider approval of a resolution approving a professional services agreement with Beck Architecture relating to architectural and design services for the renovation of the Town Hall for police operations and the Denton Street Argyle United Methodist Church for Town Hall and authorize the Town Administrator to executed documents related thereto on behalf of the Town of Argyle and consider setting date for design charette (visioning session) with Architect.**

Bonny Haynes made a motion to approve a resolution approving a professional services agreement with Beck Architecture relating to architectural and design services for the renovation of the Town Hall for police operations and the Denton

Street Argyle United Methodist Church for Town Hall and authorize the Town Administrator to executed documents related thereto on behalf of the Town of Argyle. Joe Phelps 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. 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.*

2. Adjourn into Open Meeting

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

Council did not convene into Executive Session.

ADJOURNMENT:

There being no further consideration to come before the body, the meeting was adjourned at 7:19 p.m.

APPROVED this the 12th day of May 2009.

APPROVED:

Greg Landrum, Mayor

(SEAL)

ATTEST:

Codi Delcambre, Town Secretary TRMC, CMC