

**MINUTES OF TOWN COUNCIL MEETING
FOR THE TOWN OF ARGYLE
MARCH 9, 2010**

STATE OF TEXAS §

COUNTY OF DENTON §

TOWN OF ARGYLE §

The regular meeting of the Argyle Town Council was held on March 9, 2010 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 March 5, 2010, at Argyle Town Hall, giving notice of time, date, place, and agenda thereof.

TOWN COUNCIL MEMBERS PRESENT:

Bonny Haynes	Mayor Pro-Tem
Jackie Thomas	Councilmember
Dona Schroetke	Councilmember
Wayne Holt	Councilmember

TOWN COUNCIL MEMBERS ABSENT:

Greg Landrum	Mayor
Joey Hasty	Councilmember

STAFF PRESENT:

Lyle Dresher	Town Administrator
Codi Delcambre	Town Secretary
Kim Collins	Town Accountant
Cathy Cunningham	Town Attorney
William Tackett	Chief of Police
Richard Luedke	Development Services Coordinator

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

CALL TO ORDER AND ANNOUNCE A QUORUM:

Mayor Pro-Tem Haynes called the meeting to order at 6:05 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 Pro-Tem Haynes led the recitation of the Pledge of Allegiance to the American Flag and to the Texas Flag, respectively.

REPORTS: None

CONSENT AGENDA:

- 1. Consider approval of minutes of the Town Council meetings of February 23, 2010.**
- 2. Consider approval of an Ordinance, amending the Code of Ordinances Chapter 12, Traffic & Vehicles, Article 12.300 Relative to Prima Facie Speed Limits.**
- 3. Consider approval of a Resolution endorsing Regional “Best Practices” Standards fostering improved intrastate Gas Utility-Municipal relations regarding the acquisition and routing of pipeline rights-of-way through incorporated areas.**

Wayne Holt made a motion to approve the consent agenda. Dona Schroetke seconded the motion. For: Unanimous. Carried: 4-0.

PRESENTATIONS:

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 Micheal of 9988 Hilltop Road stated that he was requesting the Council to place an discuss item on a future meeting to consider reimbursement of drainage improvements that he did at his rental property on FM 407 and Ben Boyd Road.

Fritz Range of 2088 Jeter Road asked the Council to consider the location of the pipeline collection station and the negative impact that it was going to have on the surrounding residents.

Wright Brewer of 1675 W Jeter Road stated that he was concerned about the location of the pipeline collection station. He stated that he would like the location moved due to the increase in truck traffic and noise.

Robert Parker of 1387 Harpole stated that he would like the Council to consider paving the portion of Harpole that is still gravel.

OLD BUSINESS: None

NEW BUSINESS:

- 1. Receive presentation by Vail, Warren & Knarth and consider acceptance of the Financial Statements for Fiscal Year 2009.**

Jackie Thomas made a motion to accept the Financial Statement for Fiscal Year 2009. Dona Schroetke seconded the motion. For: Unanimous. Carried: 4-0.

- 2. Consider approval of a Resolution opposing the location of a Union Pacific Railroad siding located between Frenchtown and Stonecrest Road.**

Jackie Thomas made a motion to approve a Resolution opposing the location of a Union Pacific Railroad siding located between Frenchtown and Stonecrest Road as amended. Dona Schroetke seconded the motion. For: Unanimous. Carried: 4-0.

- 3. Consider a resolution approving a Site Plan for the Mockingbird Pipeline, L.P., Blessing Unit and Wright Unit Gathering Pipelines, a proposed natural gas lateral pipeline and production pipelines to be constructed within public rights-of-way and within nine properties legally described as Lots 1R, 3R and 4, Block 1, Lively Estates; a 56.859-acre tract of land out of the William Gassaway Survey, Abstract Number 491; Lot 18, Block 1, Six Oaks Addition; Lots 1, 3 and 4, Fuller Estates; and Lot 1, Deacon Addition, generally located along portions of N. Gibbons Road and FM 407 and through Fuller Estates and Deacon Addition to Frenchtown Road at Jeter Road in the Town of Argyle, Denton County, Texas. Mockingbird Pipeline, L.P. is the applicant; Joe L. and Judy D. Wright, James and Karen Hollingshead, Lewelling Partners, Ltd., Oliver Newton Newman, The Henry M. and Ruby L. Fuller Revocable Living Trust, Chung-Cheng & Anna L. Hong, Wayne Holt, and Kevin S. & Angela J. Ferren are the property owners; Link Field Services, Inc. is the surveyor. Project # SP-10-001.**

(Mayor Pro-Tem Bonny Haynes and Wayne Holt recused themselves from any discussion and left the room due to a conflict of interest.)

Jackie Thomas made a motion to approve a Resolution approving Site Plan for the Mockingbird Pipeline, L.P., Blessing Unit and Wright Unit Gathering Pipelines, a proposed natural gas lateral pipeline and production pipelines to be constructed within public rights-of-way and within nine properties legally described as Lots 1R, 3R and 4, Block 1, Lively Estates; a 56.859-acre tract of land out of the William Gassaway Survey, Abstract Number 491; Lot 18, Block 1, Six Oaks Addition; Lots 1, 3 and 4, Fuller Estates; and Lot 1, Deacon Addition, generally located along portions of N. Gibbons Road and FM 407 and through Fuller Estates and Deacon Addition to Frenchtown Road at Jeter Road in the Town of Argyle, Denton County, Texas with the following conditions:

1. The operator of the pipeline shall place an identifying sign at each point where the pipeline crosses a public street or road.
2. If the associated gas field is identified as an H2S gas field, the pipeline operator shall be required to cease operations.
3. The pipeline shall be limited to the maximum allowable operating pressure applicable to pipes installed and shall be installed with at least the minimum cover or backfill specified by the American National Safety Institute Code, as amended.
4. Structures shall not be built within 20 feet of the pipeline.
5. The location of the pipeline shall be marked with warning signs in accordance with federal and state law. In addition, during the backfill of pipeline excavations, "Buried Pipeline" warning tape shall be buried one foot (1') above the pipeline to warn future excavators of the presence of buried pipeline.
6. Pipeline as-built plans shall be provided to the Town once construction has been completed.
7. All easement documents shall be submitted to Town staff and made a part of this site plan once the easement documents are filed with Denton County.

Dona Schroetke seconded the motion. For: Unanimous. Carried 2-0.

(Mayor Pro-Tem Haynes and Wayne Holt returned to the meeting.)

- 4. Hold a public hearing and consider an ordinance approving a Specific Use Permit (SUP) amendment related to gas well drilling and production on a 17.53-acre lot legally described as Lot 4, Block 1, Lively Estates, which is located on the west side of North Gibbons Road approximately 1,500 feet north of Harpole Road, at 209 North Gibbons Road, and zoned A**

(Agricultural District), in the Town of Argyle, Denton County, Texas. Williams Production Gulf Coast L.P. is the applicant; Joe L. and Judy D. Wright are the property owners; G&A Consultants, Inc. is the engineer. Project # SUP-10-004.

Mayor Pro-Tem Haynes opened the public hearing.

Development Services Coordinator Richard Luedke presented the background information.

Von Boucher with G&A Consultants stated that he was present on behalf of the applicant to answer any questions.

Mayor Pro-Tem Haynes asked to hear from those in favor of the proposed amendment.

Lemoine Wright of 209 N Gibbons stated that he was in favor of the proposed amendment.

Mayor Pro-Tem Haynes asked to hear from those opposed to the proposed amendment. No one spoke against the proposed amendment.

Mayor Pro-Tem Haynes closed the public hearing.

Jackie Thomas made a motion to approve an ordinance approving a Specific Use Permit (SUP) amendment related to gas well drilling and production on a 17.53-acre lot legally described as Lot 4, Block 1, Lively Estates, which is located on the west side of North Gibbons Road approximately 1,500 feet north of Harpole Road, at 209 North Gibbons Road, and zoned A (Agricultural District), in the Town of Argyle, Denton County, Texas with the following conditions:

- 1. The applicant is subject to all requirements of Article VII. of the Argyle Town Development Standards, Oil and Gas Drilling and Production Regulations, unless specified within this Specific Use Permit.*
- 2. The Specific Use Permit is subject to all conditions and specifications as outlined in the attached proposal.*
- 3. The gas well head setback of 210 feet in lieu of the required 300 feet shall remain in effect.*
- 4. Alternative pad site fencing in the form of a pipe rail fence that matches the existing fencing on site in lieu of the required minimum 8-foot masonry fencing with masonry columns for the production phase of the process shall remain in effect.*

5. *Tank height shall be a maximum of eight feet (8') in height and shall be painted a natural earth tone color. The tanks and other appurtenances on site shall be painted periodically to maintain a clean and well kept appearance.*
6. *The pad site, access road and all surrounding areas shall be maintained in an orderly fashion and kept free of trash, litter and debris.*
7. *Landscaping as illustrated on the production site plan shall be installed within 60 days of the completion of initial drilling. All landscaping shall be maintained in a healthy and growing condition. Plant materials that die must be replaced within 60 days.*

Dona Schroetke seconded the motion. For: Unanimous. Carried: 4-0.

5. Consider approval of an Ordinance, amending the Code of Ordinances Chapter 8, Nuisances Article 8.02.003 Noise.

Jackie Thomas made a motion to adopt an Ordinance amending the Code of Ordinance Chapter 8, Nuisances Article 8.02.003 Noise as amended. Wayne Holt seconded the motion. For: Unanimous. Carried: 4-0

6. Consider and discuss progress of Town Hall and Police/Court Building renovation projects.

Council received an update from Town Administrator Lyle Dresher. No action was taken.

EXECUTIVE SESSION:

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: *Don Molian V. City of Argyle. Cause No. 2008-30186-211.*
- (B) Deliberate the purchase, lease or value of real property and infrastructure for parks/public open space purposes.

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 7:43 p.m.

APPROVED this the 9th day of March 2010.

APPROVED:

Greg Landrum, Mayor

(SEAL)

ATTEST:

Codi Delcambre, Town Secretary TRMC, CMC