

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

STATE OF TEXAS §

COUNTY OF DENTON §

TOWN OF ARGYLE §

The regular meeting of the Argyle Town Council was held on July 28, 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 July 24, 2009, at Argyle Town Hall, giving notice of time, date, place, and agenda thereof.

TOWN COUNCIL MEMBERS PRESENT:

Greg Landrum	Mayor
Bonny Haynes	Mayor Pro-Tem
Jackie Thomas	Councilmember
Dona Schroetke	Councilmember

TOWN COUNCIL MEMBERS ABSENT:

Joey Hasty	Councilmember
Wayne Holt	Councilmember

STAFF PRESENT:

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

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

CALL TO ORDER AND ANNOUNCE A QUORUM:

Mayor Landrum called the meeting to order at 6:02 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.”

Chief Hohenberger and Yvonne Jenkins led the recitation of the Pledge of Allegiance to the American Flag and to the Texas Flag.

REPORTS: NONE

CONSENT AGENDA:

- 1. Consider approval of the minutes of Town Council for June 23, 2009 Regular Council meeting and July 14, 2009 Regular Council meeting.**
- 2. Consider approval of a Resolution declaring certain property as surplus and authorizing its sale or destruction.**

Jackie Thomas made a motion to approve the consent agenda. Dona Schroetke seconded the motion. For Unanimous. Carried 3-0.

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.

Yvonne Jenkins of 500 Kay Street stated that she was concerned about New Business Item 3. She asked if all of the property owners along U.S. Hwy 377 were contacted about the proposed Ordinance. She stated that she was concerned that contact was made to certain group of business owner and not all business owners.

OLD BUSINESS: NONE

NEW BUSINESS:

(Mayor Landrum and Bonny Haynes recused themselves from the meeting due to

a conflict with Items 1 and Items 2. Mayor Landrum turned the meeting over to Dona Schroetke.)

- 1. Hold a public hearing and consider an ordinance approving a Specific Use Permit (SUP) to allow gas well drilling and production on a 17.53-acre lot legally described as Lot 4, Block 1, Lively Estates, 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.**

Development Services Coordinator, Richard Luedke presents the background information on the proposed case.

Bobby Dollak, with G & A was present on behalf of the applicant Williams Production. Mr. Dollak presented the Council with a PowerPoint presentation detailing the request for the SUP.

Dona Schroetke opened the public hearing.

The following spoke in favor of the request.
James Parkey 300 N Gibbons Road, Argyle
John Michaels 9998 Hilltop Road, Argyle
Brad Finley 212 N Gibbons Road, Argyle
Raymond Finley 212 N Gibbons Road, Argyle
Mitch Bolivar 202 N Gibbons Road, Argyle
Lemoine Wright 209 N Gibbons Road, Argyle
John Gorham 134 N Gibbons Road, Argyle

No one spoke against the request.

Dona Schroetke closed the public hearing.

Jackie Thomas made a motion to approve an ordinance approving a Specific Use Permit (SUP) to allow gas well drilling and production on a 17.53-acre lot legally described as Lot 4, Block 1, Lively Estates, 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 Specific Use Permit is subject to all conditions and specifications as outlined in the attached proposal.*

2. *The request for a gas well head setback of 210 feet in lieu of the required 300 feet shall be allowed provided that the sound requirements specified in Section 4.08.019 of the Argyle Code of Ordinances for 300 feet can be met at 210 feet.*
3. *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 cedar fencing with masonry columns for the production phase of the process shall be allowed.*
4. *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.*
5. *The pad site, access road and all surrounding areas shall be maintained in an orderly fashion and kept free of trash, litter and debris.*
6. *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 2-0.

2. **Hold a public hearing and consider an ordinance approving a Specific Use Permit (SUP) to allow gas well drilling and production on a 20-acre lot legally described as Lot 4, Fuller Estates, located on the south side of FM 407 approximately 3,600 feet west of South Gibbons Road, at 806 East FM 407, and zoned SF-2.5 (Single Family Residential Estate, 2.5-acre Estate), in the Town of Argyle, Denton County, Texas. Williams Production Gulf Coast L.P. is the applicant; Wayne Holt is the property owner.**

Development Services Coordinator, Richard Luedke presents the background information on the proposed case.

Bobby Dollak, with G & A was present on behalf of the applicant Williams Production. Mr. Dollak presented the Council with a PowerPoint presentation detailing the request for the SUP.

Dona Schroetke opened the public hearing.

The following spoke in favor of the request.

John Michaels 9998 Hilltop Road, Argyle

Meg Bolivar 202 N Gibbons Road, Argyle
Richard Spies 116 Shadow Wood Drive, Argyle
Marla Griggs 1 Baines Court, Argyle
John Baen spoke on behalf of Wayne Holt

The following spoke against the request.
Dennis Clark 906 FM 407 E, Argyle

Dona Schroetke closed the public hearing.

Jackie Thomas made a motion to approve an ordinance approving a Specific Use Permit (SUP) to allow gas well drilling and production on a 20-acre lot legally described as Lot 4, Fuller Estates, located on the south side of FM 407 approximately 3,600 feet west of South Gibbons Road, at 806 East FM 407, and zoned SF-2.5 (Single Family Residential Estate, 2.5-acre Estate), in the Town of Argyle, Denton County, Texas with the following conditions:

- 1. The Specific Use Permit is subject to all conditions and specifications as outlined in the attached original proposal.*
- 2. 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.*
- 3. The pad site, access road and all surrounding areas shall be maintained in an orderly fashion and kept free of trash, litter and debris.*
- 4. 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.*
- 5. Pad site fencing shall meet the Texas Railroad Commission standards during the drilling phase.*
- 6. The eastern side of the pad site shall be landscaped in accordance with the Alternate Landscape Plan (sheet C4) or as otherwise mutually agreed in writing by the applicant and the property owner to the east.*

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

(Mayor Landrum and Bonny Haynes returned to the meeting.)

3. Consider an Ordinance amending the Code of Ordinances of the Town of Argyle, Texas, Chapter 12, Traffic and Vehicles, Article 12.03, Parking,

Stopping or Standing, by adding a new Section 12.03.006, Parking of Vehicles on Certain Streets Prohibited.

Bonny Haynes made a motion a to approve an Ordinance amending the Code of Ordinances of Town of Argyle, Texas, Chapter 12, Traffic and Vehicles, Article 12.03, Parking, Stopping or Standing, by adding a new Section 12.03.006, Parking of Vehicles on Certain Streets Prohibited. Dona Schroetke seconded the motion. For Unanimous. Carried 3-0.

4. Discuss progress of Town Hall renovation projects.

Mayor Landrum updated the Council on the Town Hall renovation projects. 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 Town facilities and/or utilities
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 9:00 p.m.

APPROVED this the 8th day of December 2009.

APPROVED:

Greg Landrum, Mayor

(SEAL)

ATTEST:

Codi Delcambre, Town Secretary TRMC, CMC