

# City of Pilot Point, Texas

Minutes of the January 27, 2020

## City Council Meeting

The City Council of the City of Pilot Point, Texas met on this date at 6:30 p.m. for a regular City Council meeting. City Council members present were Mayor Shea Dane-Patterson, Andy Singleton, Whitney Delcourt, Jim Porter, Pearlie Simpson, Dean Cordell and Matt McIlravy. City Staff members present were Interim City Manager Terry Roberts, Police Chief Tim Conner, Financial Manager Lana Ensminger, Finance Consultant Cheryl Davenport, Development Services Director John Taylor, EDC Executive Director Denise Morris, Public Works Director Trent Vandagriff Capital Projects Manager Matt Kaminski, Librarian Wendy Turner and Acting City Secretary JoAnn Wright.

### AGENDA

#### **A. ROLL CALL/CALL TO ORDER**

Mayor Dane-Patterson announced a quorum at 6:30 p.m. and called the meeting to order.

#### **B. PLEDGE TO FLAGS**

1. United States of America
2. Texas Flag

*Honor the Texas Flag, I pledge allegiance to thee,  
Texas, one state under God, one and indivisible*

Mayor Dane-Patterson led the Pledge to Flags.

#### **C. INVOCATION**

Invocation given by Midway Baptist Community Care Pastor George Quin.

#### **D. ITEMS OF COMMUNITY INTEREST**

Interim City Manager Terry Roberts announced a 9:30 am City Council Executive Meeting to be held on January 31, 2020.

#### **E. PUBLIC FORUM, PRESENTATIONS AND RECOGNITION:**

**Public Forum:***(Citizens are allowed 3 minutes to speak. If the issue is on the agenda, the City Council may choose to discuss and consider the item. If the issue is not on the agenda, the Council is not permitted by state law to respond to or discuss the item other than to make statements of specific factual information in response to a citizen's inquiry or to recite existing policy in response to the inquiry. The Council may request the issue to be placed on a future agenda for action in accordance with state law. This forum is not the appropriate place to address complaints against Public Officials and/or Staff. Complaints of this nature should be made in writing and filed with the City Manager.)*

#### **F. CONSENT AGENDA**

1. Discuss, Consider and Possible Action on a contract for the Municipal Court Judge Contract.
2. Discuss, Consider and Possible Action on Approving City Council Minutes on the Meetings from December 9, 2019, January 8, 2020, January 13, 2020, January 21, 2020 and January 22, 2020.

Councilmember Porter moved to Motion. Councilmember Delcourt seconded the motion. The motion passed unanimously.

#### **G. REGULAR AGENDA**

1. **Presentation by Lana Ensminger, Cheryl Davenport and Terry Roberts on the First Quarter FY20 Finance Report.**

Interim City Manager Terry Roberts stated the purpose of this item. Mr. Roberts went over some of the highlights of the financial report.

Financial Manager Lana Ensminger covered the following items in a little more detail:

1. Revenue for General Fund Major Budget Variances
  - a. Tax Collections
  - b. Franchise Fees
  - c. Permits and Fees
  - d. Fines and Fees
  - e. Services
  - f. Grant Revenue
  - g. Transfers for the first Quarter of the fiscal year have not been done
2. Expenditures for General Fund - Major Budget Variances
  - a. Administration - 67% of budget
  - b. Police - 28% of budget
  - c. Main Street - 46% of budget
  - d. Non-Departmental - 45% of Budget
  - e. Community Center - 33% of Budget
  - f. Animal Control - 32% of budget
3. Revenue for Utility Fund - Major Budget Variances
4. Expenditures for Utility Fund - Major Budget Variances

CPA Consultant Cheryl Davenport stated that staff looked at 3 years and 5 years and current numbers.

Financial Manager Ensminger stated that the department heads are going to be presented with this report so they know where their departments stand.

Ms. Davenport presented the numbers in the accounts. The reserves are down below what they need to be.

**2. Discuss, consider and possible action to approve the purchase of fertilizer for Old City Park and Allen Groff ball fields.**

Public Works director Vandagriff stated that he measured the parks and came up with an area of 1,013,000 square feet to be fertilized. This method would bring in a \$4000. savings to the city. Mayor Dane-Patterson moved to buy the preemergence and get volunteers to put it down. Councilmember McClravy seconded the motion. The motion passed unanimously.

**3. Discuss, consider and possible action on the Unsafe Building/Substandard Structure Order on 522 Burks Street adopted by Council on October 28, 2019.**

Development Services Director Taylor gave an update of the property.

Public Works Director Vandagriff addressed the drainage issues. Mr. Vandagriff stated that Carol Street and the Intermediate School property floods the back of the properties on Burks Street. The plan is to re-channel the storm water, create a holding pond, and open some ditches.

Chris Aguinaldo stated that he visited with the family. The structure is in good condition. The foundation is not. There are three layers of shingles on the roof that create a lot of weight.

Beth Leggieri started reading a letter from Chelsie Stallings, which stated that she had researched the Pilot Point City Council agendas that were available online and this is what she found: Ms. Leggieri read portions of the agenda of September 2015 requesting a rezoning of 105.2 acres of property on Burks Street and November 2015 concerning drainage on Burks Street. Ms. Leggieri stated that 2016 sees the beginning of Yarbrough Farms. Ms. Leggieri reads from the July 2016 agenda where the City wants to see standard requirements for the entire city.

Queen Janata Montgomery reads from the same letter of Chelsie Stallings, which includes a portion of the May 2017 agenda which authorized the first amendment of the participation agreement for Yarbrough Farms and the June 2018 agenda which called for action on an order to declare the structure at 522 E. Burks St. to be substandard. Ms. Montgomery read that the intent of the family was not to have the home demolished, nor donated to a historic preservation institution like a museum. The family understands that

there are steps to improve the structure. The Coalition is asking for time to arrange a date in February for the City to set down with the family and determine what repairs are needed and give an update on their timeline.

Alicia Stafford stated she has been going through the building inspector's reports. Ms. Stafford thanked Chris Aguinaldo for visiting the house and going through it. Ms. Stafford stated that the inside of the house is in good condition. The roof is not leaking and the main structure is good. The foundation is in bad shape and someone needs to come in to address it.

Mayor Dane-Patterson read a letter written by resident Tori Wells asking for more time.

Pam Hancock stated that she lives in a 150-year old farm house that she is very proud of. Ms. Hancock is asking the council to give the family more time to address the issues with the house to preserve it for future generations.

Carol Olson read more of Chelsie Stallings letter. Ms. Olson thanked the council for the time that council would be giving the family to correct the house.

Cecelia Harris stated that the family needs more time to do the work on the property. Ms. Harris also pointed out that there is still a bad drainage problem not only on this property but in much of the area.

Jessica Luther Rummel stated that only after years of builders trying to buy the property did the City started pressure the family to do something about the condition of the property. Ms. Rummel accused the City of allowing poor development to cause the drainage issues on the property. She accused the city of trying to force the family to donate the building for its historical value.

Mayor Dane-Patterson stated the only reason for the City referring to this property as historical is that the family referred to it as historical to save it. Mr. Aguinaldo volunteered his time to look into the property. We now can see that the building has some good bones. There have been numerous complaints that it was a nuisance and an eye sore. The City is looking at all structures in town to make sure that they are kept up. The City is looking into historic buildings and have made great progress in the last four months. The question is where does the City go next. The City can see that the family is trying to clean up and fix the house. Mayor Dane-Patterson asked if sixty days would give enough time to access the foundation.

Councilmember Porter moved to give the family another 60 days to address the foundation and report back to the city in 30 days. Councilmember Delcourt seconded the motion. The motion passed unanimously.

**4. Discuss, consider, and possible action on the appeal of Historic Review Board denial of a Certificate of Appropriateness on alterations made to 108 N. Washington.**

Planning Development Director Taylor stated that the Historic Review Board (HRB) heard information about this item for the purpose of issuing a certificate of appropriateness. The HRB turned it down and the property owner Mr. Halsey brought it to City Council to appeal the decision. The City Council in remanded it back to the HRB without a decision. Owner then began having discussions with some members of the HRB and at some point, before the HRB Meeting the owner had the item pulled from the agenda. The owner is returning to City Council with a presentation. Some representatives of the HRB are also present at this meeting.

Mayor Dane-Patterson stated that at the last meeting Mr. Halsey attended he had used terms like contributing and noncontributing historic buildings. He stated that he had talked to different government officials in different levels of state and federal government about historic values and he talked to someone in main street about some of the different definitions. The City of Pilot Point (City) has, through its historic boards, developed historic design guidelines which excludes corrugated metal. The City many years ago adopted the 377 designs standards. The City also adopted a design standards ordinance that restricts buildings and structures from being built out of sheet

metal or corrugated metal. Recently the state of Texas passed a law that states cities cannot regulate what materials are used on structures. But it did not change any historic guidelines that had already been set before the states new law. Historic guideline will be upheld based on how they were written. These guidelines apply to all structures not just contributing structures.

Steven Halsey stated that this is not a short presentation. Mayor Dane-Patterson stated she would defer to Council to get their opinion. Council agreed to let Mr. Halsey make his presentation. Mr. Halsey gave examples from many cities that show the use of metal in their buildings and structures. Mr. Halsey showed pictures of several buildings in the Pilot Point Historic District that had metal on the buildings.

HRB Member Debbie McEwen stated that she had sat on other boards that reviewed buildings like this and was very aware of the ordinances and guidelines that the City has in place. The City has the right to set their own regulations. Ms. McEwen stated she hoped that the Council upheld the guidelines.

HRB Member Aquinaldo stated the main thing is that the City needs to set a presence. Right now, what Mr. Halsey is showing is how to circumvent the system. Mr. Aquinaldo stated he and Mr. Halsey sat down to come up with ways to incorporate the boat into the business, but none of those were followed and Mr. Halsey came back with a presentation but no real plan or timeline of how he was going to get there. The HRB did not deny it, the board gave Mr. Halsey 60 days to come back with a plan, put it on paper and come back to the board with it. The day before the 60 days Mr. Halsey had it pulled and brought it back to Council.

Councilmember Singleton stated that the City says we want more businesses and then we turn it down. The city needs revenue. It seems like there are a lot of obstacles.

Councilmember Cordell asked if Mr. Halsey had followed the procedures to get this approved.

Mayor Dane-Patterson stated that he had not.

Councilmember Delcourt stated that it is hard to sell a building on the square because of the restrictions.

Councilmember Porter stated that he appreciates boards with members that volunteer their time to make decisions. Mr. Porter also stated that he appreciates the business owner like, Mr. Halsey, that has a thriving business and takes it very seriously. Mr. Porter stated that he was not especially pleased with the metal on the building or the boat, but it is there and people have been seen eating on it. Mr. Porter stated that he would be in line to make some changes to our ordinance and make an exception only this once for the boat.

Mayor Dane-Patterson stated that we had a Regional and Urban Design Assistance Team (RUDAT) that came in. They first and foremost came in and toured the city and looked at the buildings and did a very expensive, detailed, comprehensive plan. In that plan it pointed out some areas that needed improvement. The plan was to say we have a vision of where we want to go. We designated a downtown historic district. We came up with property maintenance guidelines to protect the buildings. Then we developed 377 guidelines. We then got the Historic Review Board on board and they came up with guidelines. We are trying to preserve the history of our downtown area. We now have come up with a vacant building ordinance to try to preserve the historic buildings. And now we have a Special Use Permit limiting businesses with alcohol. It's very complicated with all the rules in place. We have subdivision ordinance with residential building standards. After not having a subdivision for twenty years, a builder brings a new subdivision in town and we believed that that ordinance would be followed step by step. But now we have a subdivision in town that has houses built and the infrastructure has not been approved. There are houses that cannot be sold and cannot get insurance on them. We need to follow the rules that have been set in place.

Councilmember Simpson asked Mr. Halsey why he did not go back to the board.

Mr. Halsey stated there was a lot of condescension among the board and he would not

be talked down to. There is not guideline addressing the boat and should not have to go before the Historic Review Board. The building in question is not a historic building. Councilmember Simpson stated that she just wanted to know why it did not go back before the board.

Councilmember Delcourt stated she was in attendance at the previous meeting and it was awful. On the meeting if June 25th my client asked me to attend. Ms. Delcourt's client was asked if she had read the ordinance. What staff should have done is to have a pre-design meeting to inform the property owner so they know what to expect. When you have somebody that want to invest in our town and they have to go through that, you are not going to get anyone that wants to come to Pilot Point. Ms. McEwen and Mr. Aquinaldo both stated that the board has changed since that meeting in June and they think that the board as a whole is better to work with. Ms. McEwen stated that the board gave Mr. Halsey several options of what could be done with his building.

Councilmember Cordell stated that he heard all around town that the people knew that he would turn down the bar on the square because he was Baptist. The reason he turned it down was because it was around a residential area. If they closed at 10:00 pm he would not have a problem with it. Another thing is, we need to study the hole situation. We have a subdivision going in that has caused the city to be in the hole, and it's because of us. And when we find out what the reason is, we pay the responsible person to leave this place which is another waste of money. If we have an appeal process that we need to enforce.

Councilmember McIlravy stated that this needs to go back to the Historic Review Board to follow the appeal process.

Mayor Dane-Patterson called a five minutes break at 10:22 pm

At 10:27 pm Mayor Dane-Patterson called the meeting back to order.

Mayor Dane-Patterson moved to send back to HRB to follow the appeal process with the information he presented to Council. Councilmember Cordell seconded the motion. The motion unanimously.

**5. Discuss, Consider and Possible Action on the New Police Station.**

Matt stated the contract that was signed has some gray areas in them. We have to have this in place to get started. There is some testing that needs to be done. Council member Singleton moved to approve the additional expense on the police station. Councilmember Porter seconded the motion. The motion passed unanimously. Ayes: Cordell, Dane-Patterson, Delcourt, McIlravy, Porter, Simpson, Singleton

**6. Discuss, consider and possible action on repairing the "drive-thru" roof portion of the Library.**

There are five bids in the packet for repairs to the library roof.

Public Works Director Vandagriff is willing to reallocate some of his funds so this can be done.

Councilmember Porter moved to approve the lowest bid in the packet. Councilmember McIlravy seconded the motion. The motion passed unanimously. Ayes: Cordell, Dane-Patterson, Delcourt, McIlravy, Porter, Simpson, Singleton

**7. Discuss, Consider and Approving and Ordinance accepting the Public Works Construction Standards.**

Mayor Dane-Patterson moved to table until the February 10th City Council meeting. Councilmember McIlravy seconded the motion. The motion tabled.

**8. Discuss, consider, and possible action on a license agreement with Randy Tudor for the location of a subdivision entrance sign on city owned property at Burks Street and Hwy 377.**

Mayor Dane-Patterson moved to table until the February 10th City Council meeting.

Councilmember McIlravy seconded the motion. The motion tabled.

Ayes: Cordell, Dane-Patterson, Delcourt, McIlravy, Porter, Simpson, Singleton

**9. Discuss, consider and possible action on providing staff direction on future ordinance amendments related to alcohol sales.**

Mayor Dane-Patterson moved to table until the February 10th City Council meeting.

Councilmember McIlravy seconded the motion. The motion tabled.

Ayes: Cordell, Dane-Patterson, Delcourt, McIlravy, Porter, Simpson, Singleton

**10. Discuss, consider and possible action on providing staff direction on the ordinance regulating commercial pool tables in the city.**

Mayor Dane-Patterson moved to table until the February 10th City Council meeting.

Councilmember McIlravy seconded the motion. The motion tabled.

**H. STAFF REPORT**

1. November Municipal Court Report
2. December Municipal Court Report
3. Municipal Court Year End Report 2019
4. 2019 Fire Department Report
5. November and December Library Reports
6. November and December 2019 Code Report

Mayor Dane-Patterson moved to table all staff reports until the February 10th City Council meeting. Councilmember McIlravy seconded the motion. The motion tabled.

**I. FUTURE AGENDA ITEMS/REQUESTS BY COUNCILMEMBERS TO BE ON NEXT AGENDA**

*Councilmembers shall not comment upon, deliberate, or discuss any item that is not on the agenda. Councilmembers shall not make routine inquiries about operations or project status on an item that is not posted. Any Councilmember may, however, state an issue and a request that this issue be placed on a future agenda.*

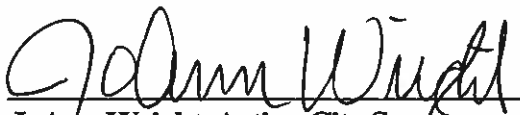
Add items 7 through 10 of this meeting onto the February 10, 2020 City Council Meeting.

**J. ADJOURN**

Mayor Dane-Patterson moved to adjourn. Councilmember Porter seconded the motion. The motion passed unanimously. The meeting adjourned at 10:31 p.m.

  
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Shea Dane-Patterson, Mayor

**ATTEST:**

  
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JoAnn Wright, Acting City Secretary