

City of Pilot Point, Texas

Minutes of the July 13, 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 and Matt McIlravy. City Staff members present were City Manager Britt Lusk, Police Chief Tim Conner, Economic Development Corporation Director Denise Morris, Financial Manager Lana Ensminger, Public Works Director Trent Vandagriff, Development Services Director John Taylor, Fire Chief Heath Hudson and Acting City Secretary JoAnn Wright. Absent was Councilmember Dean Cordell.

A. ROLL CALL/CALL TO ORDER

Mayor announced a quorum and called the meeting at 6:30 pm.

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 pledges to the flags.

D. INVOCATION

Police Chief Conner led the invocation.

E. ITEMS OF COMMUNITY INTEREST

There will be a Farmers Market on the City Town Square Saturday July 25.

F. 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.)*

There were no public comments.

G. CONSENT AGENDA

1. Authorization for payment to Tim Beaty Builders for draw # 3 on the new Fire Station for \$86,584.19
2. Discuss, consider and possible action on approving the minutes of the June 8th, June 22nd and June 29th City Council Meetings.

Mayor stated on the June 22nd Council Minutes there was a listing on the board appointments twice that has been corrected. Councilmember Porter moved to approve with changes to the June 22nd minutes. Councilmember Simpson seconded the motion. The motion passed unanimously.

H. REGULAR AGENDA

1. **Discuss donation of the Central Christian Church to the Economic Development Corporation.**

Economic Development Corporation Director Morris stated the families that represent the Central Christian Church have chosen to donate the church building to the Economic Development Corporation in the hopes that the E.D.C. can find a use that will continue to contribute to the revitalization for the downtown area. The only stipulation is that if the E.D.C. does not use the building that they give the first right of refusal to the Pilot Point First United

Methodist Church., and if the Methodist Church does not want it that the building that the E.D.C. sales the property and donated the proceeds to the Bright School.

Councilmember Porter stated that he wanted to thank the congregation of the Central Christian Church for their donation. Mr. Porter called out Joyce Wood, Glen Ray Cynthia Ray, Lee Ann Ray, Ruby Ray, Patsy Brown and Jay Melugin.

Mayor made not that Councilmember Andy Singleton has joined the meeting at 6:38 pm.

2. **Consider possible action on a Resolution allowing the City of Pilot Point to open a depository account at PointBank for the receiving of funds from Denton County, named Corona Relief Fund.**

City Manager Lusk stated that this item has two purposes:

1. On the last council meeting we noticed that the on the paperwork for the bank that the only signatory was the Mayor. The City Manager's name and the City Secretary's name both need to be added.
2. To Discuss the budget and expenditures for this account. Denton County is sending funds to the City named Corona Relief Fund.
 - a. \$15,000 would go to public health expenses for P.P.E. for the Police and Fire Departments.
 - b. \$100,055 would go to expenses relating to facilitating compliance for tele-meetings, to update the equipment in the council chamber and supply laptops.
 - c. \$85,000 would be for expenses associated with providing economic support in connection with the COVID-19 public health emergency, out of which \$60,000 would go to E.D.C. for what they have put into the community.

This comes to a total of \$242,055 from Denton County Corona Relief Fund.

Mayor Dane-Patterson moved to this resolution. Councilmember McIlravy seconded the motion. The motion passed unanimously.

3. **Discuss, consider and possible action on appointments to boards and/or commissions.**

Acting City Secretary JoAnn stated that in the packet is a copy of the application for Brandi Birkelbach for the Library Board.

Councilmember Delcourt stated she knows Brandi Birkelbach and she is an education and has a background of working with deaf children and she would be a great asset for the Library Board. Councilmember Delcourt moved to appoint Brandi Birkelbach to serve on the Library Advisory Board. Councilmember McIlravy seconded the motion. The motion passed unanimously.

4. **Discuss, consider and possible on an agreement with Denton County Sheriff's Office for 2020-21 Communications and Dispatch Services System.**

Acting City Secretary Wright stated that the City has had an agreement with Denton County Dispatch for many years and this agreement is to continue the agreement for another year.

Councilmember Porter stated that at some point in the future it would be good to have a regional dispatch, although it is not within the city's budget at this time.

Mayor Dane-Patterson moved to renew the contract with Denton County Dispatch. Councilmember Simpson seconded the motion. The motion passed unanimously.

5. **Discuss, consider and possible action on a Denton County Interlocal Cooperative Purchasing Agreement.**

Acting City Secretary Wright stated that when purchasing materials and supplies it is easier when purchasing in bulk. By signing with the Denton County, it affords the City to be able to take be able to take advantage of bulk rates by purchasing with a group or corporation.

Mayor Dane-Patterson moved to approving the Denton County Cooperative Purchasing Agreement. Councilmember Porter seconded the motion. The motion passed unanimously.

6. **Discuss, consider and possible action to approve a 380 Agreement with 112050 LLC/Chandler Cabinets.**

Denise stated Chandler Cabinets recently relocated and expanded their local cabinet manufacturing facility to a new building over 200,000 sq. ft employing approximately 225 people. The city and 112050 LLC/Chandler Cabinets desires to enter into a 380 agreement which has the following main points.

1. 112050 LLC/Chandler Cabinets agrees to replat lots 2, 3 and the 10.1-acre tract to the north into a single 2R2 lot.
2. 112050 LLC/Chandler Cabinets agrees to immediately begin annexation process of the 10.1-acre tract.
3. City of Pilot Point agrees to reimburse Chandler Cabinets for survey fees associated with replating lot 2R2.
4. City of Pilot Point will refund \$7,745 for fees paid by Chandler Cabinets
5. City of Pilot Point will waive building related fees and water and sewer tap/meter fees for five years from the date of the agreement for Lots 1, 6, 7 and 8 IF Buster Chandler is the General Contractor on those lots.
6. City of Pilot Point will issue a Property Tax Refund for Lot 2R2
100% year one
50% year 2-5

Mayor Dane-Patterson moved to the 380 agreement with 112050 LLC/Chandler Cabinets. Councilmember Porter seconded the motion. The motion passed unanimously.

7. Discuss, consider and possible action on the annexation of a 10.01-acre tract north of Buster and Dave's Industrial Park which has been combined with lots 2 and 3 into Lot 2R2.

Planning Development Director Taylor stated Buster and Dave's Industrial Park Addition was approved on January 25, 2016 when it was in the ETJ of the city. It was then annexed into the city February 22, 2016. Chandler Cabinets was constructed on lots 2 and 3 of that addition and on a 10.01-acre tract to the north. This 10.01 ac. Tract has not been annexed but is now being requested to be annexed by the owner.

Attached is the annexation schedule following rules laid out by the State. The first step is for the City Council to adopt a Resolution that:

1. Sets one Public Hearing date on 08/10/20;
2. Authorizes the publication of notice of the public hearing, LGC 43.0673(a); and
3. Authorizes City to enter into written service agreement with property owner.

Mayor Dane-Patterson moved to a resolution setting a public hearing to move forward with the annexation. Councilmember McIlravy seconded the motion. The motion passed unanimously.

8. Discuss, consider and possible action to accept the public infrastructure for Mustang Creek Subdivision.

Capital Projects Manager Kaminski stated Prior to Building Permit issuance it is required that the city "accept" the public infrastructure within a subdivision. The Infrastructure Acceptance Checklist for Mustang Creek has been completed. The park land might be damaged during construction of the houses so the parks will be done at the end of all construction. This subdivision will bring in 64 lots into the city.

Councilmember Simpson asked why the brick wall was put where it is.

Capital Projects Manager Kaminski stated it is for a retaining wall.

Mayor Dane-Patterson asked what materials are used on the wall.

Capital Project Manager Kaminski stated it was constructed of rock. Councilmember McIlravy moved to except Mustang Creek. Councilmember Porter seconded the motion. The motion passed unanimously.

9. Discuss consider and possible action on authorizing the City Manager to enter into a Professional Services Agreement with David Pettit Economic Development for economic development services relating to the Pilot Point Tax Increment Reinvestment Zone Number One (TIRZ)

Development Services Director Taylor stated that the city used the services of David Pettit for the creation of the TIRZ on June 2016. However, the city did not seek any assistance in the implementation or administration of the District.

City management now believes that it is important to enter into a professional service agreement to assist with implementation and administration of the district, including but not limited to

calculation of the tax increment base, annual tax increment generated, cresting statue requirement annual report and updating the current project and financing plan for the TIRZ.

The objective will be to use these services for one year are which time the city staff will have the training and templates necessary to administer the district. Mayor Dane-Patterson moved to for City Manager to enter into an agreement with David Pettit for professional services. Councilmember Simpson seconded the motion. The motion passed unanimously.

10. Discuss, consider and possible action on waiver of Article 8.06 Sex Offender Residency

Councilmember Simpson recused herself from the dais.

Pastor John Ross of St James Baptist Church spoke about the dire need for Terry Simpson to be able to live with his aging patents. Mr. Simpson was registered and verified in Pilot Point in September 2019. Terry is trying to do the right thing. Terry is facing register or go back to prison. Consider two things:

1. Why can't Terry register in Pilot Point?
2. Consider the great need for him to live with his parents.

City Manager Lusk stated the ordinance as it is written in article 8.06 states that individuals that are on this list cannot live within 2000 feet from any place where children gather. This includes bus stops. In this place there are 3 bus stops. Also, in this ordinance there is no way to grant a variance or waiver.

Mayor Dane-Patterson asked when the ordinance was adopted.

Police chief Conner stated the ordinance was passed February 2018. Mr. Simpson was living at an address in Pilot Point at the time the ordinance was passed. Mr. Simpson moved and that removed his ability to register.

Pearlie Simpson stated that Terry lived next to the property. Terry is trying to do the right thing. He needs a place to live. Mrs. Simpson stated she is asking for help. If Terry doesn't register, he will go back to prison.

Anna Riley stated that Terry Simpson has spent 14 years in prison for a crime that he was accused of committing. Who would have taken the girls back to their home if they were guilty? Mrs. Riley stated she was just asking for Council to redo this ordinance where Terry can live with his family.

Councilmember Porter stated that it seems like the only thing to do would be to rewrite the ordinance.

Mayor Dane-Patterson stated yes, there is no way for a variance so changing the ordinance is the only thing left to enable Mr. Simpson to move into his parents' house.

Mayor Dane-Patterson asked for the City Manger's opinion.

City Manager Lusk stated that while I do believe that Mr. Simpson's story is a compelling one. This ordinance would not only effect Mr. Simpson. It would affect the entire city. That's the decision that Council needs to make. Does the City Council Want use to rewrite the ordinance?

Mayor Dane-Patterson asked if this is the family home, would Terry not be allowed to live there.

Police Chief Conner stated he would not because that is not the address he lived at when he was last registered.

Mrs. Simpson stated, Terry was told he could move back to his old address.

Pastor Ross stated ordinances can be changed. Washington does it all the time. Moving into his mother's house does not make Terry more of a risk.

Bessie Peters asked why he is such a high risk?

Mayor Dane-Patterson stated that when he came out of Texas Department of Corrections, that's how the inmate is classified when they are released. Mayor Dane-Patterson asked if there was a rule that says the city has to provide an area where a sex offender can live. Mayor Dane-

Patterson moved to table until the next City Council meeting on July 27, 2020, to give staff time to confer with the City Attorney. Councilmember Porter 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.

Items to be placed on a future agenda are:

1. Sex Offender Ordinance.
2. The 2020-2021 budget.

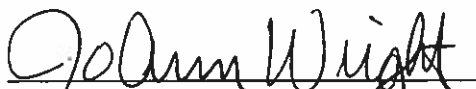
J. ADJOURN

Mayor Dane-Patterson moved to at 7:42 p.m. Councilmember McIlravy seconded the motion. The motion passed unanimously.



Shea Dane-Patterson/Mayor

ATTEST:



JoAnn Wright, Acting City Secretary
Approved August 10, 2020