

City of Pilot Point, Texas

Minutes of the September 28, 2020

City Council Meeting

Mayor Shea Dane-Patterson, Mayor Pro Tem Jim Porter, Councilmembers Pearlie Simpson and Matt McIlravy. City staff members present were City Manager Britt Lusk, Police Chief Tim Conner, Fire Chief Heath Hudson, Planning and Development Director John Taylor, Finance Manager Lana Ensminger, Capital Projects Manager Matt Kaminski, Public Works Director Trent Vandagriff, Main Street Manager Lenette Cox, EDC Director Denise Morris, Acting City Secretary JoAnn Wright, HR Consultant Kathryn Usrey, City Attorneys Andy Messer, Marie Johnson, and Brenda McDonald. Councilmembers Andy Singleton and Dean Cordell were not present.

AGENDA

A. VIDEO CONFERENCE

1. Please join my meeting from your computer, tablet or smartphone.
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B. ROLL CALL/CALL TO ORDER

Mayor Dane-Patterson conducted roll call and called the meeting to order at 6:30pm.

Place 1 Andy Singleton - Absent

Place 2 - Vacant

Place 3 Jim Porter - Present

Mayor Shea Dane-Patterson - Present

Place 4 Pearlie Simpson - Present

Place 5 Dean Cordell - Absent

Place 6 Matt McIlravy - Present

C. PLEDGE TO FLAGS

Mayor Dane-Patterson led the pledges to the 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*

D. INVOCATION

Bonnie Ambrose of Pilot Point First United Methodist Church led the invocation.

E. ITEMS OF COMMUNITY INTEREST

Mayor Dane-Patterson announced that a Special Election was being held on September 29th to fill the Texas Senate Seat vacated by Representative Pat Fallon. Voting will be held at Aubrey City Hall.

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.)

Councilmember Porter reported there have now been 113 positive COVID cases in Pilot Point and reminded everyone to please continue to take safety precautions.

G. REGULAR AGENDA

Mayor Dane-Patterson moved Regular Agenda Items J5-J8 up as Old Business.

5. **Discuss, consider, and possible action on an ordinance of the City Council of Pilot Point, Texas adopting a budget for the fiscal year beginning October 1, 2020, and ending September 30, 2021, in accordance with the City Charter and State Law; providing for the filing of the budget represented in "EXHIBIT A"; providing for the incorporation of premises; providing a cumulative repealing clause; providing severability; and providing an effective date.**
ASSIGNED ORDINANCE 417-13-2020

Mayor Pro Tem Porter moved to Adopt the FY21 Budget Ordinance in accordance with the City Charter and State Law. Councilmember McIlravy seconded the motion. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem Porter, Councilmembers Simpson and McIlravy
Absent: Councilmembers Cordell and Singleton

6. **Discuss, consider, and possible action on an ordinance of the City Council of the City of Pilot Point, Texas adopting the tax rate and levying ad valorem taxes for the Fiscal Year 2020-2021 to provide revenue for the payment of current expenditures; providing a severability clause; and providing for an effective date.**
ASSIGNED ORDINANCE 418-13-2020

Councilmember McIlravy moved to adopt the tax rate and levy ad valorem taxes for FY21. Mayor Pro Tem Porter seconded. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem Porter, Councilmember McIlravy
Nays: Councilmember Simpson
Absent: Councilmembers Cordell and Singleton

7. **Discuss, consider, and possible action on an ordinance repealing City Ordinance Number 379-12-2018 and amending City Code Article 13.03 Division 4, amending water and sewer charges; providing for deposits for water and sewer customers; service connection fees, late penalty and service disconnection fees; miscellaneous fees, billing and adjustments; utility system access fees; providing for repeal of conflicting ordinances; providing for severability; providing for engrossment and enrollment; providing for a penalty; providing an effect date and publication clause.**
ASSIGNED ORDINANCE 419-13-2020

Mayor Dane-Patterson moved to adopt an Ordinance repealing City Ordinance Number 379-12-2018 and amending City Code Article 13.03 Division 4, amending water and sewer charges. Mayor Pro Tem Porter seconded the motion. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem Porter, and Councilmember McIlravy
Nays: Councilmember Simpson
Absent: Councilmembers Cordell and Singleton

8. **Discuss, consider and possible action on an Ordinance amending Chapter 13, "Utilities", of the Code of Ordinance of the City to amend Article 13.07, "Stormwater Drainage Utility System"; providing for repeal of conflicting ordinances; providing for severability; providing for engrossment and enrollment; providing for a penalty; providing an effect date and publication clause.**
ASSIGNED ORDINANCE 420-13-2020

Mayor Dane-Patterson moved to adopt an Ordinance amending Chapter 13 "Utilities", of the Code of Ordinance to the City to amend Article 13.07 "Stormwater Drainage Utility System". Mayor Pro Tem Porter seconded the motion. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem Porter, and Councilmember McIlravy
Nays: Councilmember Simpson
Absent: Councilmembers Cordell and Singleton

At 6:46 pm the Council took a short recess to get instruction from HR Consultant Usrey on interviewing the applicants. They reconvened into regular session at 6:55pm.

1. Conduct interviews with applicants for City Council Member Place 2.

Names were drawn from the list of applicants to place order of interview:

1. Randall Tudor
2. Stephanie Fulmer - absent
3. Brian Ingram
4. Shaun Hopkins
5. Lori Beggs

The applicants were interviewed one at a time by the Council.

H. EXECUTIVE SESSION

1. In accordance with Texas Government Code, Section 551.001, et seq., the City Council will recess into Executive Session (closed meeting) to discuss the following:

- a. § 551.074: Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Council Member Place Two.

The Council recessed into Executive Session at 7:34pm to deliberate the appointment for Place Two Council Member.

I. RECONVENE INTO REGULAR SESSION

The City Council of the City of Pilot Point will reconvene into Regular Session (Open Meeting) pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding the following items discussed in Executive Session.:

The Council reconvened at 7:50pm.

J. REGULAR AGENDA

1. **Discuss, consider, and possible action on a resolution making an appointment to fill the seat of City Council Place 2 until the next regular City election.**
ASSIGNED RESOLUTION 2020-06-489

Councilmember McIlravy moved to appoint Brian Ingram to Place Two until the next regular election in May 2021. Mayor Pro Tem Porter seconded the motion. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem Porter, Councilmembers Simpson, and McIlravy

Absent: Councilmembers Cordell and Singleton

2. **City Secretary to administer the Oath of Office to the newly appointed Council Member Place 2.**

Acting City Secretary JoAnn Wright administered the Oath of Office to Brian Ingram, he took his seat on the dais.

3. **Discuss, consider and possible action on Economic Development Corporation presenting annual report of events and projects.**

Glen Ray, President of the EDC, gave a presentation of the PP EDC Annual Report 2019/2020 with the following highlights:

- Sales tax revenues increased 10%
- Goals and initiatives were taken from RUDAT and the City's Comp Plan
- A part-time position will be added in FY21 to help with administrative duties
- Another Small Business Support Grant is in the works
- Available Historic Downtown properties were marketed this past year. Five of the buildings have sold and two have been leased
- 2021 Projects include restoring both the Ice House and the Central Christian Church, and also building a parking lot next to City Hall

4. **Discuss, consider and possible action on the 2018/2019 Annual Financial Report presented by the City's independent external auditor, William Spore, P.C.**

Independent Auditor, William Spore, P.C. presented his 2018/2019 Annual Financial Report.

Mayor Pro Tem Porter moved to accept the 2018/2019 Annual Financial Report. Councilmember McIlravy seconded the motion. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem Porter, Councilmembers Ingram, Simpson, and McIlravy

Absent: Councilmembers Cordell and Singleton

9. Discuss, consider, and possible action on TxCDBG Project No. 7218360 Anna St. Improvements - Final acceptance.

Capital Projects Manager Matt Kaminski joined via the Video Conference and presented the Final Improvements Acceptance Checklist for Anna St. He also stated the contractor will replace any necessary sod in the spring and the road is complete and approved by Wall Engineering.

Mayor Pro Tem Porter moved to accept final acceptance of Anna St. improvements.

Councilmember Simpson seconded the motion. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem Porter, Councilmembers Ingram, Simpson, and McIlravy

Absent: Councilmembers Cordell and Singleton

10. Discuss, consider and possible action on a waiver for sidewalks on lots re-platted in the Texas & Pacific Railway Co. Addition.

Planning and Development Director Taylor stated that a 1993 Ordinance required sidewalks on all new construction on lots under one acre and platted or re-platted after the effective date of the ordinance. The Texas & Pacific Railway Co. Addition was platted before the 1993 Ordinance and did not require construction of sidewalks. However, now the lots have been re-platted as very small lots and many of the new houses have not had sidewalks due to the conflict with bar ditches and the fact that no sidewalks exist in this addition. Director Taylor was asking for a waiver for sidewalks on lots in the T&P Addition.

Councilmember McIlravy moved to follow the ordinance as written and not allow a waiver. Mayor Pro Tem Porter seconded the motion. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem Porter, Councilmembers Ingram, Simpson, and McIlravy

Absent: Councilmembers Cordell and Singleton

K. EXECUTIVE SESSION

The City Council of the City of Pilot Point will recess into Executive Session (Closed Meeting) pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to discuss the following:

1. In accordance with the Texas Government Code, Section 551.001, et seq., the City Council will recess into Executive Session (closed meeting) to discuss the following:
 - a. § 551.071: Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter re: Yarbrough Farms development.
 - b. § 551.074: Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of public officer or employee: City Attorney; City Secretary.

The Council recessed into Executive Session at 8:38pm.

L. RECONVENE INTO REGULAR SESSION

1. The City Council of the City of Pilot Point will reconvene into Regular Session (Open Meeting) pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding the following items discussed in Executive Session.

The Council reconvened into Regular Session at 10:50pm.

M REGULAR AGENDA

Andy Singleton joined the Video Conference at 10:57pm and Regular Agenda Item J6 was voted on again.

Discuss, consider, and possible action on an ordinance of the City Council of the City of Pilot Point, Texas adopting the tax rate and levying ad valorem taxes for the Fiscal Year 2020-2021 to provide revenue for the payment of current expenditures; providing a severability clause; and providing for an effective date.

Councilmember McIlravy moved to ratify a tax rate of \$0.619717 per \$100 assessed valuation which is made up of \$0.413068 per \$100 valuation for General City Purposes and \$0.206649 per \$1000 valuation for the Interest and Sinking Fund. The motion was seconded by Mayor Pro Tem Porter. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem Porter, Councilmembers Singleton, Ingram, and McIlravy

Nays: Councilmember Simpson

Absent: Councilmember Cordell

Councilmember McIlravy moved to levy a tax rate of .619717 on each \$100 of assessed valuation on all taxable property, made up of \$.413068 per \$100 of assessed valuation for General Municipal Purposes and \$.206649 per \$100 of assessed valuation for the Interest and Sinking Fund. Mayor Pro Tem Porter seconded the motion. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem Porter, Councilmembers Singleton, Ingram, and McIlravy

Nays: Councilmember Simpson

Absent: Councilmember Cordell

1. **Discuss, consider and possible action on the Dorothy Blvd Extension Final Plat in Yarbrough Farms located in the Charles Smith Survey Abstract 1139, Denton County Texas.**

Councilmember McIlravy moved to deny Dorothy Blvd. Extension Final Plat for: 1. Failure to provide a sub-divider's agreement, performance bond, payment bond and maintenance bond as required by Section 10.02.091 (b)(1) of the Subdivision Regulations, and 2. Failure to provide stormwater analysis that addresses downstream obstructions, including the obstruction at the intersection for Burk St. and N. College St. Councilmember Ingram seconded the motion. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem Porter, Councilmembers Singleton, Ingram, Simpson, and McIlravy

Absent: Councilmember Cordell

2. **Discuss, consider and possible action on the Yarbrough Farms Phase 2A Final Plat, a 21.26-acre tract located in the Joseph Jefferies Survey Abstract 661 and Charles Smith Survey Abstract 1139, Denton County Texas, creating 52 residential lots.**

Councilmember McIlravy moved to deny Yarbrough Farms Phase 2A Final Plat for: 1. Failure to provide a sub-divider's agreement, performance bond, payment bond and maintenance bond as required by Section 10.02.091 (b)(1) of the Subdivision Regulations and 2. Failure to provide stormwater analysis that addresses downstream obstructions, including the obstruction at the intersection of Burk St. and N. College St. Councilmember Ingram seconded the motion. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem Porter, Councilmembers Singleton, Ingram, Simpson, and McIlravy

Absent: Councilmember Cordell

3. **Discuss, consider, and possible action to appoint Lenette Cox as Acting City Secretary.**

Councilmember McIlravy moved to Appoint Lenette Cox as Acting City Secretary. Councilmember Ingram seconded the motion. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem Porter, Councilmembers Singleton, Ingram, Simpson, and McIlravy

Absent: Councilmember Cordell

4. **Discuss, consider, and possible action appointing a City Attorney.**

Mayor Pro Tem Porter moved to table this agenda item until the October 12, 2020 Council Meeting. Councilmember McIlravy seconded the motion. The motion passed.
Ayes: Mayor Dane-Patterson, Mayor Pro Tem Porter, Councilmembers Singleton, Ingram, Simpson, and McIlravy
Absent: Councilmember Cordell

N. STAFF REPORT

1. FY20 July Finance Report
2. FY20 August Finance Report
3. August Municipal Court Report
4. August Library Report
5. August 2020 Main Street Report
6. August 2020 Code Report

O. 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.

Mayor Pro Tem Porter would like for city staff to begin working on a Tree Ordinance

P. ADJOURN

Mayor Dane-Patterson moved to adjourn at 11:02pm. Councilmember McIlravy seconded the motion. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem Porter, Councilmembers Singleton, Ingram, Simpson, and McIlravy

Absent: Councilmember Cordell


Shea Dane-Patterson, Mayor

ATTEST:


Lenette Cox, Acting City Secretary