

City of Pilot Point, Texas
Minutes of the February 11, 2019
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, Jim Porter, Whitney Delcourt, Andy Singleton, Ronald Petty, and Dean Cordell. City Staff members present were City Manager Alan Guard, Police Chief Tim Conner, EDC Executive Director Denise Morris, Development Services Director John Taylor, and City Secretary Alice Holloway.

AGENDA

A. ROLL CALL/CALL TO ORDER

Mayor Dane-Patterson announced a quorum at 6:30 pm 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 was led by Tim Connor, Pilot Point Chief of Police

D. ITEMS OF COMMUNITY INTEREST

- 1) City offices will be closed on Monday, February 18, 2019 in observance of President's Day.
- 2) City Council will hold a retreat on Saturday, February 16, 2019 at 8:00am. The retreat will be held at the Lone Star Lodge, in the red barn.
- 3) City Secretary is taking applications to be placed on the ballot for the May General until Friday, February 15, 2019.

E. PUBLIC FORUM, PRESENTATIONS AND RECOGNITION: (No Action)

1. **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.)*
 - i. Jeff "Doc" Justice- Mr. Justice stated that he has concerns regarding roads and drainages in the area of Lakeview Estates. In addition, he asked if there are any plans to upgrade the area roads before the construction starts. City Manager Guard stated that he will contact him the following morning to discuss.
 - ii. Kirstin Giesecker- Ms. Giesecker stated that she is in full support of the purchase of the two properties for the future sewer plant.

F. CONSENT AGENDA

1. Discuss, consider, and possible action on approval of the City Council minutes of January 28, 2019, January 29, 2019, and January 31, 2019.
2. Discuss, consider, and possible action on the approval of the financing of two (2) Ford Interceptors by Point Bank of Pilot Point, TX in the amount of \$101,458 at an interest rate of 3.85% for the Police Department.
3. Discuss, consider, and possible action on a resolution to designate authorized signators for the Texas CDBG Program Planning Contract No. 7218114.
4. Discuss, consider, and possible action on a resolution adopting required CDBG Limited English Proficiency Standards policies for CDBG Contract No. 7218114.

Councilmember Cordell moved to approve the Consent Agenda. Councilmember Delcourt seconded the motion. The motion passed unanimously.

G. REGULAR AGENDA

- 1. Hold a Continued Public Hearing on a zoning request to revise PD-003: Hat Creek Estates (Ordinance No. 360-12-2018), consisting of 28.47 acres; to include an additional 27.95 acres, in the development for a total of 56.42 acres in the Planned Development; and to revise the related development standards and concept plan.**

Mayor Dane-Patterson opened the public hearing on a zoning request to revise PD-003: Hat Creek Estates (Ordinance No. 360-12-2018), consisting of 28.47 acres; to include an additional 27.95 acres, in the development for a total of 56.42 acres in the Planned Development; and to revise the related development standards and concept plan at 6:39 p.m.

Development Services Director Taylor stated that the Planning & Zoning Commission approved the zoning request with recommended changes. Mr. Taylor read the following proposed Planned Development Standards and stated they include the recommendations (in red) of Planning & Zoning Commission.

Below are the standards proposed to the City Council (without recommendation)

- The minimum lot width shall be 70ft. in Phase 1 and 75 ft. in Phase 2
- All sides of the main structure for residential uses shall be constructed of 100% masonry with a minimum of 70% constructed with brick and stone
- Driveways shall be at least as wide as the garage door opening plus one foot on each side for the entire length.
- There shall be sidewalks providing access throughout the internal portions of the PD and a sidewalk along 1192 as proposed in the adopted Master Trails Plan
- HOA must be in place and a copy of the CCNR's provided to the City prior to Council action on the final plat. HOA shall, at a minimum, maintain all three entrances, and ROW adjacent to screening, screening landscaping adjacent to 1192, perimeter screening fences, and common open spaces.
- Construction of each and every dwelling unit on a Lot within the Subdivision shall include the installation and placement of one (1) two-inch caliber Texas Native Hardwood tree.
- Developer to deed to City of Pilot Point the 3.8-acre park land. City will maintain park in perpetuity. Developer will install all park improvements during Phase 1 of development. The developer will coordinate with the city in decisions affecting the park that will be dedicated to the City.
- All shingles shall be 30-year composite architectural grade shingles.
- All perimeter wood screening fences shall include steel posts with 6' cedar panels all stained with consistent uniform color and maintained by the HOA.

The following citizens commented during the public hearing:

- 1) Marion Brockett –stated that he opposes the development even with changes.
- 2) Rebecca Millikin- stated she serves on the Planning & Zoning Commission and that they have a different vision than the developers and its has been difficult to work together.
- 3) Morris Morgan- Stated he has concerns on where the kids are going to play, how are the property owners going to keep them off their property and have concerns regarding lot sizes.
- 4) Ann Green- Ms. Green asked who is going to maintain the space that will butt up to their property and that she talked to Denton County and they did know about this project. In addition, she stated she has concerns about the traffic.
- 5) Paul Dennis- Mr. Dennis stated that we can do much better for our Lakeside Property and asked the City Council to keep the recommendation of 75 ft. lots in Phase 2. In addition, he stated that there was green space prior on Jordan Moore Rd. and that we need more green space.
- 6) Brian Blagg (developer)- stated that he feels his developments is being held to a higher standard than other developments. In addition, he stated that to keep lots affordable, the lots needs to stay as proposed.
- 7) Chance Kirby- Mr. Kirby stated that the City Council is being asked to correct the economic mistake of the developer. The City does not need to be bailing out developers. In addition, he stated that we need to focus on Pilot Point and the value of the City Boards.

Mayor Dane-Patterson stated that the City Council values the City Boards. She is asking questions about each line item because a comment was made that some things were not approved by the Planning & Zoning Commission. In addition, she stated that she wants to make sure what the Planning & Zoning approved is what the City Council approves.

After no more comments, Mayor Dane-Patterson closed the public hearing at 8:14 p.m.

2. Discuss, consider, and possible action on a zoning request to revise PD-003: Hat Creek Estates (Ordinance No. 360-12-2018), which includes plus or minus 28.47 acres; to include an additional plus or minus 27.95 acres, in the metes and bounds description for a total of plus or minus 56.42 acres included in the Planned Development; and to revise the development standards and concept plan.

Planning & Zoning Commission Chair Brian Heitzman stated that the intentions of the Planning & Zoning Commission were to make the development look nice.

Councilmember Petty stated that the two open spaces have been removed. Mayor stated the open spaces needs to go back and be divided up into the 75 ft. lots.

Councilmember Porter moved to approve the zoning request with recommendations of the Planning and Zoning Commission (as read out loud). Councilmember Petty seconded the motion. The motion passed unanimously.

Exhibit "C" was approved as followed:

PLANNED DEVELOPMENT STANDARDS

All zoning regulations, standards, uses, requirements, and processes for the SF-2 District of the City of Pilot Point Zoning Ordinance (Ord. No. 338-12-2017 Chapter 14) as it exists or may be amended shall apply to the Planned Development as follows:

1. The maximum number of single-family units permitted shall be 192 lots with 91 lots in Phase 1 and 101 lots in Phase 2.
2. The following single-family residential lot development standards shall apply:
 - a. The minimum lot area shall be 7,900 sq. ft. (90% of lots are over 8050 sq. ft.)
 - b. The minimum dwelling area (air-conditioned) shall be 1,650 sq. ft.
 - c. The minimum lot width shall be 70 ft. in Phase 1 and 75 ft. in Phase 2 measured along the platted front yard building line. The five lots backing up to Phase 1 can be 72 ft. wide.
 - d. The minimum lot depth shall be 113 ft., measured at the midpoints of the front and rear lot lines, or as otherwise approved by the City staff in unusual geometric situations and based on the provision of a buildable area evidenced by the placement of a building pad at least 50' wide, and 70' deep.
 - e. The maximum lot coverage shall be 40%, including main structures and accessory structures.
 - f. The maximum structure height shall be two and one-half (2 ½) stories measured at the highest point of the structure, not to exceed thirty-five feet (35').
 - g. The minimum front yard shall be 25 ft.
 - h. The minimum side yard shall be 10 ft.
 - i. The minimum side yard adjacent to a street shall be 15 ft.
 - j. The minimum rear yard shall be 20 ft.
 - k. The minimum size enclosed garage is 400 sq. ft.
 - l. All sides of the main structure for residential uses shall be constructed of 100% masonry. Masonry with a minimum of 70% constructed with brick and stone. Masonry shall consist of brick, stone, stucco, cultured stone, fiber cement siding or similar masonry unit type materials approved by the City.
3. General Conditions and Restrictions:
 - a. The land plan and site data depicted on Concept Plan (Exhibit D) is conceptual and subject to change. Revisions to the plan that do not change the general lot layout, or change the general street configuration and pattern, and which adhere in all aspects to the restrictions of the PD, shall not constitute an amendment of the PD, or require the submittal and approval of a revised plan prior to the submittal of a Preliminary Plat.
 - b. Phasing of the development may occur, provided the subdivision rules and regulations are adhered to unless superseded by the PD or waived by the City Staff, Planning & Zoning Commission, and/or City Council, as applicable.
 - c. The Concept Plan (Exhibit D) shall serve as the Sketch Plat for this PD.

- d. Electric facilities serving the PD internally shall be placed underground.
 - e. Driveways shall be at least as wide at the garage door opening plus one foot on each side for the entire length.
 - f. Street intersections shall be within 15° of perpendicular.
 - g. Maximum block length shall be 1,200'. Block length shall be defined as the distance along a street centerline between one or more intersecting streets (between a "T" intersection, or a 4-way intersection). A deflection in the centerline alignment of the street that is greater than 20°, i.e., and "elbow" or "eyebrow", or a roundabout, shall also terminate a block length for the purposes of this paragraph.
 - h. Maximum streetlight separation shall be 900 ft. One streetlight shall be placed at each street intersection.
 - i. Fire Hydrants shall be spaced every five hundred feet (500') and at every intersection. To be located two feet (2') to six feet (6') behind curb with a three foot (3') unobstructed clearance radii. An approved blue, two-sided reflector shall be affixed to the center line of each roadway or fire access lane opposite fire hydrant. Fire hydrant not to be located within the turning radii or bulb of cul-de-sac.
 - j. A house elevation shall not be repeated along the same side of a street without being separated by at least three (3) houses in between. A house elevation shall not be repeated across a street without being separated by at least two (2) houses in between.
 - k. There shall be sidewalks providing access throughout the internal portions of the PD and a sidewalk along 1192 as proposed in the adopted Master Trails Plan.
 - l. HOA must be in place and a copy of CCNR's provided to the City prior to Council action on the final plat. HOA shall, at minimum, maintain all three entrances, and ROW adjacent to screening, screening landscaping adjacent to 1192, common area screen fences, and common open spaces.
 - m. Architecture Control Committee (ACC) to approve all building plans and specs prior to submission to city building permit department.
 - n. Construction of each and every dwelling unit on a Lot within the Subdivision shall include the installation and placement of one (1) - two-inch (2") caliber Texas Native Hardwood tree
 - o. Developer to deed to City of Pilot Point the 3.8-acre park land. City will maintain park in perpetuity. Developer will install all park improvements during Phase 1 of development. The developer will coordinate with the city in decisions affecting the park that will be dedicated to the City.
 - p. All shingles shall be 30-year composite architectural grade shingles.
 - q. All perimeter wood screening fences shall include steal posts with 6' cedar panels all stained with consistent uniform color, smooth side on outside, and maintained by individual property owners and not the City.
3. **Discuss, consider, and possible action on the final plat for Lakeview Estates, being plus or minus 16.77 acres in the C. Smith Survey, Abstract Number 1139 in the City of Pilot Point, Denton County, Texas.**

Development Services Director Taylor stated the following:

The property owners, Michael Fritz and Buster Chandler, are proposing to final plat a 47 residential lot subdivision called Lakeview Estates. The subdivision will also have two lots dedicated to the city. One will be a .39-acre drainage and trail lot and the other will be a .09 acre lift station lot. The lift station will be owned and maintained by the city. The reason the lift station is being proposed to be owned and maintained by the city is that it will allow the city to abandon the nearby lift station on Aubrey.

A preliminary plat was approved by Planning and Zoning on December 3, 2018 and by City Council on December 10, 2018. This Final Plat meets the design of the approved Preliminary plat and conforms to all the standards of the SF-2 zoning.

The Construction documents were reviewed by Brandon Wall, the city engineer, and Tent Vandergriff, the Public Works Director. All comments have been addressed and all changes have been approved.

The subdivision will have internal sidewalks and is providing a lot for a multipurpose trail to be constructed by the city on the north side of the subdivision. This trail will connect the proposed Hills of Pilot Point development to South Morrison Street. The dedication of the 17,159 sq. ft. lot will, in part, offset the 1 acre for every 40 lots park land dedication requirement. (43,560 sq. ft. / 40 = 1,089 sq. ft. per lot) This subdivision has 47 residential lots thus requiring 51,183 sq. ft. of park land. This requirement minus the 17,159 sq. ft. dedication leaves 34,024 sq. ft. or .78 acre. At \$18,600 per acre, prior to filing the plat the fee of \$14,508 will be due to the park fund and could be used for trail construction.

Councilmember Petty asked if the sidewalks are going to be ADA Compliant. Director Taylor stated yes.

Mayor Dane-Patterson asked if trail will be put in simultaneously with the development. City Manager Guard stated that the City don't have the funds right no. Mayor Dane-Patterson asked if staff can earmark the parks funds from this project for the trails. City Manager Guard stated yes, it will be done that way.

Councilmember Delcourt moved to approve the final plat for Lakeview Estates, being plus or minus 16.77 acres in the C. Smith Survey, Abstract Number 1139 in the City of pilot Point, Texas. Councilmember Cordell seconded the motion. The motion passed unanimously.

H. 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 § 551.071: 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 and/or consultation with attorney regarding pending litigation, contemplated litigation or a settlement offer re: (1) settlement proposal from Nathan Brown/SNAG Investments, LLC regarding Burks Street; and (2) pending litigation: Cause No. PR-2018-00716 *The City of Pilot Point v. Shelby, et al.*; and
2. In accordance with the Texas Government Code, Section 551.072: Deliberate the purchase, exchange, lease, or value of real property, including: (1) an approximately 35-acre tract generally located west of Pecan Creek and north of FM 455 for the wastewater treatment facility project, and (2) an approximately 39-acre tract generally located east and west of Pecan Creek and south of FM 455 for the wastewater treatment facility project.

Mayor Dane-Patterson read the purpose of the executive session and Council convened into Executive Session at 8:39 PM.

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:

1. In accordance with the Texas Government Code, Section § 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 and/or consultation with attorney regarding pending litigation, contemplated litigation or a settlement offer re: (1) settlement proposal from Nathan Brown/SNAG Investments, LLC regarding Burks Street; and (2) pending litigation: Cause No. PR-2018-00716 *The City of Pilot Point v. Shelby, et al.*; and
2. In accordance with the Texas Government Code, Section 551.072: Deliberate the purchase, exchange, lease, or value of real property, including: (1) an approximately 35-acre tract generally located west of Pecan Creek and north of FM 455 for the wastewater treatment facility project, and (2) an approximately 39-acre tract generally located east and west of Pecan Creek and south of FM 455 for the wastewater treatment facility project.

Mayor Dane-Patterson announced the meeting is back in regular session at 10:24 p.m.

Councilmember Delcourt moved to have City Attorney to research issues. Councilmember Delcourt seconded the motion. The motion passed unanimously. (item 1-1)

Councilmember Delcourt moved to have City Attorney and City Manager to proceed as discussed in closed session in the range discussed and bring back final documents for City Council approval. (item 1(2) and item 1-2 and 2).

J. ADJOURN.

Mayor Dane-Patterson moved to adjourn. Councilmember Porter seconded the motion. The motion passed unanimously. The meeting adjourned at 10:27 pm.



Shea Dane-Patterson, Mayor

ATTEST:



Alice Holloway, City Secretary

Approved: February 25, 2019