

City of Pilot Point, Texas

Minutes of the February 25, 2021

City Council Meeting

The City Council of the City of Pilot Point, Texas met on this date at 6:30pm for a Regular City Council Meeting. City Council members present were Mayor Shea Dane Patterson, Mayor Pro Tem Matt McIlravy, Councilmembers Mario Cisneros, Brian Ingram, Mary Rawls, Elizabeth Jones, and Dean Cordell. City Staff members present were City Manager Britt Lusk, Police Chief Tim Conner, Development Services Director John Taylor, Capital Projects Manager Matt Kaminski, Public Works Director Trent Vandagriff and City Secretary Lenette Cox. Brenda McDonald of Messer, Fort, & McDonald Law Firm was also in attendance

AGENDA

A. VIDEO CONFERENCE

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B. ROLL CALL/CALL TO ORDER

Mayor Dane-Patterson called the meeting to order at 6:33pm and conducted roll call.

Place 1 Mario Cisneros – Present

Place 2 Brian Ingram – Present

Place 3 Mary Rawls – Present via video conference

Place 4 Elizabeth Jones – Present

Place 5 Dean Cordell – Present

Place 6 Matt McIlravy – Present

Mayor Shae Dane-Patterson - Present

C. 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*

D. INVOCATION

Mayor Pro Tem Matt McIlravy led the invocation.

E. ITEMS OF COMMUNITY INTEREST

Mayor Dane-Patterson announced the General Election will be held on May 1, 2021 and the last day to register to vote in the election is April 1, 2021. Early voting will be April 1, 2021-April 27, 2021. The candidates for Place 2 are Everett Cummings, Brad Wooley, Steve Keith, and Brian Ingram. The candidates for Place 5 are Dean Cordell and Shaun Hopkins. City Manager Lusk commended the City's first responders for their work during the inclement weather the week before.

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.)

G. CONSENT AGENDA

- 1. Discuss, consider, and possible action on the February 11, 2021 City Council Regular Meeting minutes.**
- 2. Discuss, consider, and possible action on authorizing payment to Tim Beaty Builders for \$149,675.08. This is for the Fire Station project, invoice is attached.**
- 3. Discuss, consider, and possible action on authorizing payment to Schmoltdt Construction Pay Application #4.**
- 4. Discuss, consider, and possible action on approving Pay Application #1 (Concrete) of the Police Station Project in the amount of \$48,469.00.**

Councilmember Cordell moved to approve the Consent Agenda. Mayor Pro Tem McIlravy seconded the motion. The motion passed unanimously.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem McIlravy, Councilmembers Cisneros, Ingram, Rawls, Jones, and Cordell

H. REGULAR AGENDA

- 1. Discuss, consider and possible action on an ordinance of the City of Pilot Point, Texas, repealing Chapter 1 - General Provisions, Article 1.07 - Boards and Commissions, Division 8 establishing Keep Pilot Point Beautiful Committee in the Code of Ordinances of the City of Pilot Point, Texas; repealing all conflicting ordinances and resolutions; providing a savings and severability clause; and providing an effective date.**

City Manager Lusk stated this Ordinance was based on the December 14, 2020 City Council meeting recommendation to make City Boards more efficient. This Ordinance would dissolve the Keep Pilot Point Beautiful Advisory Board and place the program under the Parks Program. Jason Poncio has begun working as the Affiliate Director and has already applied for the City's Affiliate Recertification. Mayor Pro Tem McIlravy moved to approve the Ordinance. Councilmember Ingram seconded the motion. The motion passed unanimously.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem McIlravy, Councilmembers Cisneros, Ingram, Rawls, Jones, and Cordell

ASSIGNED ORDINANCE: 435-13-2021

- 2. Discuss, consider, and possible action on an ordinance of the City of Pilot Point, Texas, amending chapter 1 - General Provisions, Article 1.07 - Boards and Commissions, Division 5 - Library Board to create the Library and Cultural Arts Board in the Code of Ordinances of the City of Pilot Point, Texas; providing for amendments to duties and powers; repealing resolution creating the Museum Advisory Board and all conflicting ordinances; providing a savings and a severability clause; and providing an effective date.**

City Manager Lusk stated this Ordinance also stems from the December 14, 2020 City Council Meeting recommendation concerning Advisory Boards. This Ordinance would combine the Library and Museum Boards while also adding the newly formed Public Arts Board into one Board. This will allow for more opportunities for traveling exhibits such as the Smithsonian Museum to be brought into the city. Mayor Pro Tem McIlravy moved to approve Agenda Item H.2. as presented. Councilmember Cisneros seconded the motion. The motion passed unanimously.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem McIlravy, Councilmembers Cisneros, Ingram, Rawls, Jones, and Cordell

ASSIGNED ORDINANCE: 436-13-2021

- 3. Discuss, consider, and possible action on an ordinance of the City of Pilot Point, Texas, amending Chapter 1 - General Provisions, Article 1.07 - Boards and Commissions, Division 6 - Main Street Advisory Board in the Code of Ordinances of the City of Pilot Point, Texas; providing for amendments to purposes and duties; providing for appointments and meetings; repealing**

Chapter 1 - General Provisions, Article 1.07 - Boards and Commissions, Division 7 - Historic Review Board in the Code of Ordinances of the City of Pilot Point, Texas; repealing all conflicting ordinances and resolutions; providing a savings and a severability clause and providing an effective date.

City Manager Lusk again stated this Ordinance is from the December 14, 2020 City Council Meeting regarding Advisory Board recommendations. Historic Review is a tenet of the Main Street Program, so it would be more efficient to have the Board merged into the Main Street Advisory Board. This move would not take away any of the requirements of the Historic Review Board and they would keep the Historic District Guidelines. Mayor Pro Tem McIlravy moved to approve Agenda Item H.3. as presented. Councilmember Cordell seconded the motion. The motion passed unanimously.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem McIlravy, Councilmembers Cisneros, Ingram, Rawls, Jones, and Cordell

ASSIGNED ORDINANCE: 437-13-2021

4. **Discuss, consider and possible action on an ordinance of the City of Pilot Point, Texas, amending a demolition and redevelopment incentive program called the "NOW Program"; providing for a repealer clause; providing for enforcement and penalties; providing a savings clause; providing a severability clause; and providing an effective date.**

Development Services Director Taylor reminded Council that on November 20, 2017 the City Council approved the NOW Program and that Staff had been asked to revise the guidelines and procedures for the Program. The new Ordinance details the minimum application criteria, the application process, the NOW Agreement terms and conditions, the property owner's obligations, the City's obligations, and the administrative provisions. Councilmember Jones asked if the program would apply to a house that had been destroyed by fire? Director Taylor stated it would. Mayor Dane-Patterson asked if the City would have to wait 3 months after a certificate of occupancy was issued before we began making payments? Director Taylor stated yes, and that is based upon five years of value. The City would be giving the money back to the property owner before we are able to recoup it, but we would know ahead of time which properties would be qualifying for payment so the expense could be budgeted. Mayor Dane-Patterson made a motion to approve item H.4 as presented. Councilmember Cordell seconded the motion. The motion passed unanimously.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem McIlravy, Councilmembers Cisneros, Ingram, Rawls, Jones, and Cordell

ASSIGNED ORDINANCE: 432-13-2021

5. **Impact Fee Draft Land Use Assumptions and Capital Improvements Plan presented by Impact Fee consultant Kimley Horn**

John Atkins of Kimley Horn made a presentation on the Land Use Assumptions and Capital Improvements Plan for the 2020 Impact Fee Study. The topics covered were the Purpose, the Components of the Land Use Assumptions Chapter, the Land Use Assumptions Methodology, the Impact Fee Service Areas, the Data Format, the 10-Year Growth Study, the Land Use Assumptions Summary, and the Impact Fee Capital Improvements Plan.

Mayor Dane-Patterson asked when would the fees become effective? Mr. Atkins stated that would be done through an ordinance and the fees will be set within that ordinance. Homes which have already been platted will have a one-year grace period.

6. **Discuss consider and possible action on an ordinance amending Chapter 4 Business Regulations, Article 4.05 Alcoholic Beverages in the Code of Ordinances relating to distance regulations for the sale of alcoholic beverages from churches, public or private schools, or public hospitals; providing for variances and exemptions from distance requirements; providing for exemption in downtown historic overlay district; providing for a penalty upon conviction for a violation not to exceed \$500; providing a savings and severability clause; providing a repealer; and providing an effective date.**

Director Taylor stated the current ordinance permits alcohol sales with a specific use permit and designates distance regulations from churches, public or private schools, or public hospitals. There is a church that has inquired about purchasing one of the buildings on the Square and has sent a letter of support stating they have no issue with a bar being within the distance regulations. Director Taylor stated the amended Ordinance would remove the distance requirements within the Historic District only. The Ordinance clears up measurements required by the State for distance and allows variances and establishes grandfathering rules for existing properties. Attorney McDonald stated that the Historic District is considered a Mixed-Use usage and you would not want to deny anyone because of the distance requirements. She stated a church presence would not prohibit bringing in other businesses which either do or do not sell alcohol. Mayor Dane-Patterson moved to approve item H.6. as presented. Councilmember McIlravy seconded the motion. The motion passed unanimously.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem McIlravy, Councilmembers Cisneros, Ingram, Rawls, Jones, and Cordell

ASSIGNED ORDINANCE: 438-13-2021

7. Discuss, consider and give staff direction on the standards for tattoo studios.

Director Taylor asked for Council direction on the standards for tattoo studios. Currently cosmetic tattoos can be done in beauty parlors. Body art studios are not allowed in C-1 districts but are allowed in C-2, I-1 and I-2 districts. Attorney McDonald stated tattoos have become more commonplace and there needs to be a current ordinance for zoning. Councilmember Cisneros asked if there were other restrictions concerning distance? Director Taylor stated their only restriction is the zoning ordinance. Councilmember Cordell stated he does not want a tattoo studio in the Historical District. Mayor Dane-Patterson stated past Council and the RUDAT had stated the Historical District is a destination area and tattoo studios should be outside of the area. Councilmember Ingram stated attitudes about tattoos have changed and now some artists are renowned, and their studios have become destinations. Mayor Dane-Patterson suggested asking the community for input. Attorney McDonald recommended moving this item to a future agenda and placing a notice on social media inviting discussion on tattoo parlors before making any policy changes. City Manager Lusk stated we could do a survey. Mayor Dane-Patterson asked that Staff conduct a survey and invite the community to give their input.

8. Discuss, consider, and possible action on providing guidance to Staff in regards to Rural Water Lines and TCEQ mandates.

Rusty Heitzman of 1412 US Hwy 377 stated in the 1990's his parents had paid for a water line when George Hilz was mayor. They bought a water tap because his sister was going to build a house on their property which she ultimately did not do. They had paid for the meter and a few days later, he saw that a meter had been installed. While working the field two years ago he got bogged down in a wet spot and noticed that meter was leaking. He called Public Works Director Vandagriff and they found the meter was providing water to the house across the street. Mr. Heitzman's daughter would now like to construct a house on the property but is being told she cannot per TCEQ guidelines because there are too many service connections on the line. Mayor Dane-Patterson stated the issue is the number of rural water lines. Attorney McDonald stated the issue is who constructed a line to a meter that wasn't theirs. Just because someone had purchased a meter years ago does not entitle them to water, having a CCN (Certificate of Convenience and Necessity) entitles them to water. The City is required to extend the water line if necessary. The City's obligation in CCN is not related to TCEQ mandates regarding capacity. Mr. Heitzman stated he wants to know where his meter is. Attorney McDonald stated his question is not related to the rural water line issue and that Council should not get involved in Mr. Heitzman's water meter issue. Councilmember Cisneros stated that per TCEQ, the City is responsible for the lines. Attorney McDonald stated that does not apply from the meter to the house. Mayor Dane-Patterson stated there are agreements that the rural line owners would maintain their lines originally, but the law was changed and the lines are now the City's responsibility. Attorney McDonald stated it is the City's responsibility to repair public lines when they're constructed and if the provision of agreement was service, the contracts are enforceable.

Mayor Dane-Patterson stated that for the agenda item, they need to discuss the rural lines and get feedback from the attorney regarding those old contracts and what to do with lines that

were tapped into without permission. Attorney McDonald stated the discussion of no permission is another issue. She will need to provide a legal memo to Council or have an executive session. Mayor Dane-Patterson stated Council has asked for legal opinions in the past but have not received a solid answer. Attorney McDonald assured Council she would give them a solid answer. Mayor Pro Tem McIlravy made a motion to table Agenda Item H.8. Councilmember Cisneros seconded the motion.

Mike Fritz of 1555 Buck Creek Access approached the podium and stated he was the builder for the Heitzman's daughter and how will this issue be resolved so he can continue to build the house? Attorney McDonald stated Mr. Heitzman would have to resolve his dispute with the neighbor. The City had placed a meter on their property but the prior records were destroyed. It is known that a meter was paid for and placed on his property. It is known that the house across the street paid for a meter too, so there must be a meter on the neighbor's property somewhere. Mr. Heitzman will probably need to have a surveyor find the meter. Mr. Fritz stated he will find the other meter. Attorney McDonald reminded Council there had been a motion and a second previously made. Councilmember McIlravy again moved to table the agenda item. Councilmember Cisneros seconded the motion. The motion to table was unanimous.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem McIlravy, Councilmembers Cisneros, Ingram, Rawls, Jones, and Cordell

I. STAFF REPORT

- 1. January 2021 Code Enforcement Report**
- 2. December Municipal Court Report**
- 3. January Municipal Court Report**

Mayor Dane-Patterson stated she would like to find a way to have the outstanding warrants paid.

- 4. January 2021 Library Report**
- 5. PPF February 12, 2021-February 19, 2021 Call Report**

Mayor Dane-Patterson stated the fire report was impressive with the number of calls the department had run in the one-week timeframe. They had surpassed the number of calls they had at the same time last year and set a record for most calls in one day.

J. 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 Dane-Patterson asked that Rural Water Lines be placed on a future agenda for discussion. Councilmember Cordell asked that a citizen survey be conducted regarding tattoo shops and storm sirens.

Mayor Dane-Patterson asked for the 2021 Calendar to be discussed at the next meeting.

Councilmember Cisneros would like to discuss communication for Staff as they were unable to use cellphones during the inclement weather.

Mayor Dane-Patterson stated she would like to hold a debriefing with Staff to discuss the weather emergency.

Councilmember Ingram would like to discuss ways to increase volunteers for the Fire Department.

Councilmember Cordell would like to discuss the possibility of refunding 1,000-2,000 gallons of water usage to citizens that were letting their water drip during the weather emergency.

Councilmember Cordell would also like to discuss the policy of Councilmembers being reserves or volunteers for the Police and Fire Departments.

Mayor Dane-Patterson stated the agenda had been exhausted and adjourned the meeting at 8:08pm.

K. ADJOURN

Shea Dane-Patterson
Shea Dane-Patterson, Mayor

ATTEST:

Lenette Cox
Lenette Cox, City Secretary