

City of Pilot Point, Texas
Minutes of the February 26, 2018
City Council Meeting

The City Council of the City of Pilot Point, Texas met on this date at 6:00 p.m. for a Regular City Council meeting. City Council members present were Mayor Shea Dane-Patterson, John White, Whitney Delcourt, Jim Porter, Dean Cordell, and CJ Hilliard. City Staff members present were City Manager Alan Guard, Police Chief Tim Conner, Lieutenant Jeff Ingalls, Fire Chief Heath Hudson, Assistant Fire Chief Bryan Cox, Development Services Director Kelly Carpenter, Finance Supervisor Lana Ensminger, Librarian Wendy Turner, Public Works Director Mario Cisneros, Main Street Director Lenette Cox, Assistant City Secretary JoAnn Wright, City Attorney Andy Messer and City Secretary Alice Holloway.

AGENDA

A. ROLL CALL/CALL TO ORDER

Mayor Dane-Patterson announced a quorum at 6:00 pm and called the meeting to order.

B. 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 Texas Government Code, Section 551.071, consultation with City 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 the Texas Open Meetings Act regarding:**

- a. Water Well #8 Project and TCEQ Interim Approval Process.**

- 2. In accordance with the Texas Government Code, Section 551.072, to deliberate the purchase, exchange, lease or value of real property, including but not limited to:**

- a. Property related to possible future Wastewater Sewer Treatment Plant**

Mayor Dane-Patterson read the purpose of the Executive Session and the City Council convened into Executive Session at 6:01 pm.

C. 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 Texas Government Code, Section 551.071, consultation with City 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 the Texas Open Meetings Act regarding:**

- a. Water Well #8 Project and TCEQ Interim Approval Process.**

- 2. In accordance with the Texas Government Code, Section 551.072, to deliberate the purchase, exchange, lease or value of real property, including but not limited to:**

- a. Property related to possible future Wastewater Sewer Treatment Plant**

Mayor Dane-Patterson reconvened into Regular Council meeting at 6:21 pm.

Mayor Dane-Patterson made the following statements:

Water Well #8 Project and TCEQ Interim Approval Process- Council has been informed that Strittmatter Irrigation has been paid and three test will be done on the water through TCEQ and the project should be finalized next week.

Property related to possible future Wastewater Sewer Treatment Plant- The City will not be putting the Wastewater Sewer Treatment Plant on Strittmatter Road. The City is researching two other properties. Once negotiations are settled, the City can move forward on the project.

No action was taken as a result of the Executive Session.

D. 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.

E. INVOCATION

Invocation was led by Reverend Penny Mitchell of Pilot Point First United Methodist Church.

F. ITEMS OF COMMUNITY INTEREST

Mayor Dane-Patterson made the following announcements.

1. The primary election will be held on March 6, 2018. Early voting has begun. Last day to early vote in the primary election is March 6, 2018.
2. City Council will hold a joint meeting with Capital Projects Advisory Committee (CPAC) on March 19, 2018 at 6:00 pm at City Hall. City Council and the committee will be looking at possible future bonds items.
3. There will be a City sponsored Easter egg Hunt on March 24, 2018 at 10:00 am at the Old City Park.

G. 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.)*

Mayor Dane-Patterson stated that everyone who signed up to speak under 18 will be heard at that time unless they wish to speak now. Everyone wished to wait.

Councilmember Hilliard arrived at 6:39 pm.

H. CONSENT AGENDA

1. Discuss, consider, and possible action on approval of the City Council minutes of February 12, 2018.
2. Discuss, consider, and possible action on a Resolution accepting the low bid and awarding the contract related to the Downtown Sidewalk CDBG Project to North Rock Construction in the amount of \$227,592.12.
3. Discuss, consider, and possible action on the 2017 Racial Profiling Report.

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

I. REGULAR AGENDA

1. Discuss, consider, and possible action on an Ordinance amending Chapter 14 of the Code of Ordinances, regarding accessory structures requirements; providing a severability clause; a penalty clause not to exceed two thousand dollars (\$2,000), and an effective date.

Development Services Director Carpenter stated the purpose of this amendment is to improve the accessory structures section of the City Code of Ordinances and to set standards for maintenance on fences.

Councilmember Porter moved to approve the Ordinance amending Chapter 14 of the Code of Ordinances, regarding accessory structures requirements; providing a severability clause; a

penalty clause not to exceed two thousand dollars (\$2,000), and an effective date. Councilmember White seconded the motion. The motion passed unanimously.

- 2. Discuss, consider and possible action on a Resolution of the City Council of the City of Pilot Point, Texas, authorizing the city manager to execute for and on behalf of the City of Pilot Point, a development agreement between the City of Pilot Point and James and Barbara Schon, the property owner of Tract 44, P. Gass Survey, Abstract No. 496; authorizing the filing of the development agreement with the Denton County Clerk; and providing for an effective date.**

Mayor Dane-Patterson moved to approve a Resolution of the City Council of the City of Pilot Point, Texas, authorizing the city manager to execute for and on behalf of the City of Pilot Point, a development agreement between the City of Pilot Point and James and Barbara Schon, the property owner of Tract 44, P. Gass Survey, Abstract No. 496; authorizing the filing of the development agreement with the Denton County Clerk; and providing for an effective date. Councilmember Porter seconded the motion. The motion passed unanimously.

- 3. Discuss, consider, and possible action on a resolution creating the Pilot Point Museum Advisory Board for the City of Pilot Point, Texas; and providing an effective date.**

Main Street Director Cox stated that during the construction and set up of the museum the Museum Advisory Committee was form. Now it is the recommendation for the committee to become a Board.

Councilmember Cordell moved to approve a resolution creating the Pilot Point Museum Advisory Board for the City of Pilot Point, Texas; and providing an effective date. Councilmember White seconded the motion. The motion passed unanimously.

- 4. Discuss, consider, and possible action on a resolution creating the Keep Pilot Point Beautiful Advisory Board for the City of Pilot Point, Texas; and providing an effective date.**

Main Street Directory Cox stated that when the City took on Keep Pilot Point Beautiful it was a committee. Now we are asking for it to become a Board.

Councilmember Porter moved to approve a resolution creating the Keep Pilot Point Beautiful Advisory Board for the City of Pilot Point, Texas; and providing an effective date. Councilmember White seconded the motion. The motion passed unanimously.

- 5. Discuss, consider, and possible action on award of bid for Grant Application & Planning Services to GrantWorks for the 2018 Texas CDBG Planning & Capacity Building Fund Program.**

City Secretary Holloway stated that staff has advertised for grant application and planning services. The City has only received one proposal and it is from GrantWorks. The City has worked with GrantWorks before with great experience and that is who staff recommends.

Councilmember Porter moved to award the bid for Grant Application & Planning Services to GrantWorks for the 2018 Texas CDBG Planning & Capacity Building Fund Program. Councilmember Delcourt seconded the motion. The motion passed unanimously.

- 6. Discuss, consider, and possible action on award of bid to Pavement Doctor Corp., LLC of Celina, TX for the application of Coal Tar Rejuvenator-Sealer to be applied to the City Square, for the amount of \$14,686.88.**

Councilmember Cordell moved to award the bid to Pavement Doctor Corp., LLC of Celina, TX for the application of Coal Tar Rejuvenator-Sealer to be applied to the City Square in the amount of \$14,686.88. Councilmember Delcourt seconded the motion. The motion passed unanimously.

- 7. Discuss, consider, and possible action on board appointments.**

Mayor Dane-Patterson moved to make the following board appointments;

| Keep Pilot Point Beautiful Advisory Board | | Term |
|--|---------------------------------|-------------|
| Charlotte Petermeier | (current KPPB committee member) | 2019 |
| Charlotte Bridges | (current KPPB committee member) | 2019 |
| Debbie Edwards | (current KPPB committee member) | 2019 |
| Sandra Lapsley | (current KPPB committee member) | 2020 |
| Tiffany Wright | (current KPPB committee member) | 2020 |

| Museum Advisory Board | Term |
|------------------------------|-------------|
|------------------------------|-------------|

| | | |
|-----------------|-----------------------------------|------|
| Ray Dane | (current Museum committee member) | 2019 |
| Jay Melugin | (current Museum committee member) | 2019 |
| Joyce Wood | (current Museum committee member) | 2019 |
| Karen Allison | (current Museum committee member) | 2020 |
| Colleen Pierce | (current Museum committee member) | 2020 |
| Megan Hollmeyer | | 2020 |

Planning & Zoning

| | | |
|-------------|--|------|
| Dallas Slay | | 2020 |
|-------------|--|------|

Councilmember Delcourt seconded the motion. The motion passed unanimously.

8. **Discuss, consider, and possible action on a Resolution of Support to participate in a special funding program through the Texas Department of Housing and Community Affairs (TDHCA) as requested by Bonner-Carrington in regards to property located at the intersection of Hwy 377 and Debbie Lane.**

Mayor Dane-Patterson made the following statement:

During the process of considering the apartments, she has listened to everyone's concerns and has taken it to heart. Over the past week, she has visited the following locations:

- Royce City
- Georgetown
- Cedar Park

In addition, she talked to city managers, police chiefs, and several councilmembers from the following cities regarding concerns they had during their process:

- Royce City
- Joshua
- Georgetown
- Cedar Park

Mayor Dane-Patterson stated that she visited with the Pilot Point School Superintendent regarding any concerns the school had and talked with Texas Department of Transportation regarding a possible red light.

In the next three to five years the City has plotted 698 new homes. The Marina which is in Denton's ETJ is happening at the lake. The City has a goal to annex out to the marina. The City is talking with the City of Denton about giving up the marina since Denton cannot supply utilities without coming through the City of Pilot Point. There are other investors talking about coming to town to build new homes and businesses.

There are maps going back to 1982 showing the possibility of having apartments on the highway. There have been plans for the last two to three years to buy a new fire apparatus. Because we as Council know that development is coming that will change the makeup of the community, we can set up codes and rules regulations for development. But someone can buy a farm in the country and put whatever they want on it.

The Apartments would bring in about \$105,000 in taxes a year to the City and \$250,000.00 to the School. Bonner Carrington is not asking for a tax break. They are just asking for support from the City so they can apply for grants.

In the last seven years there have been 7,066 EMS and Fire calls. Out of this 280 were from the five existing apartments in town 204 were EMS calls.

Mayor Dane-Patterson read a letter from Bonner Carrington that thanked the City for the opportunity to present their proposed Cypress Creek Apartment Homes. In addition, she stated that they have decided to pause the development process for now and look in another city.

Below are some of the citizens' comments:

1. Cheryl McCally-1151 Friendship Road, stated that she opposes the apartment because the City can't afford this project and has concerns regarding the water and wastewater systems.
2. Steve Irick, 10088 Strittmatter Road, stated that he thanks the City Council for their hard work and for listening to the citizens. In addition, it is not his vision to have apartments on HWY 377.

3. J D Tadlock, Friendship Road, stated that he is against the apartments on the HWY 377. Mr. Tadlock stated that apartments should be behind businesses on HWY 377.
4. Trent Trubenbach, 10699 Strittmatter Road, stated he opposes the apartment because if the school fails it will devastate the city's economy.
5. Tracy Billing, 11410 Massey Road, stated that she opposes the apartments because she moved to Pilot Point because of the current makeup of the city and she is not sure if low income people can afford to live here.
6. Robert Wright, 522 South Kirby Street, stated that he thanks the Council for their service, but opposes the apartment because it will make his property values go down.
7. Champ Walker, 816 East Peel Street, stated that he opposes the apartments. Mr. Walker stated that he was prepared to turn in a petition against the apartments with 275 signatures. The City spent a lot of money for the RUDAT report and this would disregard their recommendations.
8. Sue Holt, 405 West Clifton Street, stated that she opposes the apartments because she wants to see more high income housing in town so her taxes will go down. In addition, she stated that we have too much low income housing already.
9. Monica Fox, 301 North Prairie Street, stated that she opposes the apartments because the City should only approve projects that will make the City money. We need to improve the Infrastructure.
10. Donna Bradford, 1013 East Debbie Lane, stated that she opposes the apartments because she has looked into the apartments in Royce City and found there was a lot of crime at the apartments. In addition, she also looked up the Bonner Carrington on line and found a lot of bad reviews.
11. Brad Nesbitt, 608 Aspen Street, stated that he opposed the apartments because of the cost to the City's infrastructure. In addition, he stated that the survey that the City sent was misleading. The City needs to know the numbers before making decisions.
12. Andrea Simons, 9811 Friendship Road, stated that she loves the City and appreciates the job the Council does. In addition, she stated that she would like for the city council to put the apartment in the right place.
13. Pearly Simpson, 640 West Gould St, stated she is against the apartments because of the proposed location. The City needs more stores not more low housing.
14. Kimberly Costello, 551 East Main Street, stated she is against the apartments because once the City opens the door for low income housing more will follow that may be slum lords.
15. Chance Kirby, 608 East Main Street, stated that he is against the apartments because the City is staffed too low and would need to employ more police and firefighters to keep up with the growth.
16. Pastor Dwayne Edwards, 236 Point Circle, stated that he appreciates the work that Council does for the City. Pastor Edwards wants to see more people getting involved. In addition, he thanked City Manager Guard for all the work he does.
17. Howard Kimble, 1215 North St. Charles Avenue, stated that he wants to postpone the apartment development to go to some of the other cities and talk to the people on the street.
18. Paul Morris, 10281 Friendship Road, stated that he opposes the apartments because we need to get the sewer plant done before we put in an apartment. The City needs time to prepare for growth. Everyone in the community needs to get involved.
19. Aaron Bullard, 800 South McFarland Street, Pilot Point, stated that he opposes the apartments because we need to think about the safety of the people that will be crossing the highway.
20. Elizabeth Jones, 12222 Massey Road, stated that she wants the City to be known for something and to leave a legacy for those to follow. Ms. Jones wants to see beauty in everything we do and incorporate art and beauty in everything we do.
21. Jeff Christy, 920 N HWY 377, Pilot Point, stated that he opposes the apartment and is glad that Bonner Carrington pulled out of the development.

9. Discussion on the draft Comprehensive Plan 2030.

City Manager Guard presented the Comprehensive Plan to Council. There have been several public hearings already and the Planning and Zoning Commission has approved this plan for Council to look at. The City needs to get a plan in place so everyone knows the direction the City is going. No action was taken on this item.

J. STAFF REPORTS

The City Council may discuss any of the items under Staff Reports, but no formal action will be taken.

- **January Municipal Court Report**
- **January Main Street Report**
- **January Library Report**
- **January City Secretary Report**
- **January Police Department Report**
- **January Public Works Report**
- **January Financial Report**
- **January Fire Report**

K. ADJOURN.

Mayor Dane-Patterson moved to adjourn. Councilmember Cordell seconded the motion. The motion passed unanimously. The meeting adjourned at 8:31 pm.



Shea Dane-Patterson, Mayor

ATTEST:



Alice Holloway, City Secretary

Approved: March 12, 2018