

City of Pilot Point, Texas

Minutes of the July 27, 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, Pearlie Simpson, Dean Cordell and Matt McIlravy. City Staff members present were City Manager Britt Lusk, Police Chief Tim Conner, Financial Manager Lana Ensminger, Development Services Director John Taylor, Fire Chief Heath Hudson, Assistant Fire Chief Bryan Cox, Main Street Director Lenette Cox, Economic Development Corporation Director, Denise Morris, Capital Projects Manager Matt Kaminski Librarian Wendy Turner Public Works Director Trent Vandagriff and Acting City Secretary JoAnn Wright. Councilmember Jim Porter was absent.

AGENDA

A. ROLL CALL/Call TO ORDER

Mayor Dane-Patterson announce a quorum and called the meeting to order at 6:30 pm.

B. PLEDGE TO FLAGS

Mayor Dane-Patterson led the pledges to the flags.

C. INVOCATION

Invocation was led by Reverend Cindy Kennedy, the new pastor, of the First United Methodist Church of Pilot Point.

D. ITEMS OF COMMUNITY INTEREST

July 30, 2020 at 6:00 pm the Habitat for Humanity of Denton County will have a dedication ceremony for the Miller Family.

E. 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.)*

Willie Hudspeth state that he is a rules guy. If the rules say something, you should abide by them. If you're a young man on parole, you should check in.

Mary Helen Jackson stated confusion about her house number being changed from 721 to 711.

F. CONSENT AGENDA

1. Authorization for payment to THI Water Well (formerly Strittmatter Irrigation) for \$19,237.68. An explanation of the event is attached along with a copy of the invoice.

Mayor Dane-Patterson moved to approve the consent agenda. Councilmember Delcourt seconded the motion. The motion passed unanimously.

G. REGULAR AGENDA

1. **Discuss, consider and possible action on a Resolution consenting to the Creation of Bryson Ranch Municipal Utility District No. 1.**

Development Services Director Taylor stated the first two items on the agenda are related. The City of Pilot Point is in receipt of a Petition for Consent to creation of Bryson Ranch Municipal Utility District No. 1 from Cowboys Center, LTD. This is for the provision of a water supply system, disposal of waste, control storm water, construct and maintain roads and other construction for a proposed 1,047-acre mixed use development.

By state law the city was required to respond within 90 days of receipt of the petition which was received on April 2nd. This would have been on the June 22 regular Council meeting. However, an extension was granted until August 7, 2020.

Below is the outline of the substantive deal points the city of Pilot Point has been discussing with Bryson Ranch representatives and the response. The attached agreement includes these points.

1. Future annexation of property – YES
2. Property stays in Pilot Points fire service area unless Pilot Point gives consent for removal - NO. WANTS TO BE ABLE TO OBTAIN COST EFFECTIVE FIRE, POLICE AND EMS SERVICE, however, to change Fire service districts outside the County will require permission from the County.
3. Donation of a public safety site that is 2 net acres in a location conducive to providing the services – YES
4. 11 net acre site for park/sports fields - AGREES TO 10 ACRES
5. Commit to the number of acres presented to council as commercial having to be commercial—no residential in this area - WILL COMMIT TO A MINIMUM OF 20 ACRES OF COMMERCIAL BUT BELIEVES THERE WILL BE MORE.
6. All sales tax to be retained by city - YES.
7. The SPA would contain typical standard/miscellaneous contractual provisions normally found in such agreements. - YES

The city was waiting on a revised agreement that reflects these deal points. The developer did not get everything to the City in a timely manner for proper review. The developer is allowing the City until the meeting of 8/10/2020 to act on this item.

Mayor Dane-Patterson moved to table until 8/10/2020 for lack of information to decide. Councilmember Delcourt seconded the motion. The motion tabled.

2. Discuss, consider and possible action on approving a Development Agreement By, and Between City of Pilot Point, Texas and Cowboy Center, Ltd.

Development Services Director Taylor stated that the first two items on the agenda are related. Mr. Taylor explained the item. The developer did not get everything to the City in a timely manner for proper review. The developer is allowing the City until the meeting of 8/10/2020 to act on this item.

Mayor Dane-Patterson moved to table until 8/10/2020 for lack of information to decide. Councilmember Delcourt seconded the motion. The motion tabled.

3. Discuss, consider and possible action on a Resolution for Tax Year 2020 in the manner provided for a special taxing unit at 8 percent.

City Manager Lusk stated the need for this item. The resolution would need to be passed in the event the City Council would want to raise the tax rate between 3 and 8 percent. This resolution would only enable the Council to do so, not automatically do so.

Cecila Harris asked about the increase in funding and where the tax rate was now? Once the City has decided if the tax rate needs to be, will the City ever decrease the tax rate?

City Manager Lusk stated that the current tax rate is .58 per hundred dollars of valuation. Once the truth and taxation has been done there are points on that where the County will send the City a no new revenue tax rate and if the city can operate within that, the City would have a lower tax rate. The City is not at the point in the budget process where we make that determination. Once our CPA has reached out to us, we will have a clearer picture of where we need to be.

Ms. Harris asked why the City would have to go up that much.

Mr. Lusk stated that there are some big items that the City must have, and the current rate did not cover it, that would be the reason for the rate increase.

Councilmember Singleton moved to accept the 8% resolution. Councilmember Delcourt seconded the motion. The motion passed unanimously.

- 4. Discuss, consider and possible action on transferring Reserve Funds to Pooled Cash for Debt Service payments due August 15, 2020. These include 2011, 2013, 2016, 2017, 2018 and 2019 Bond and C/O payments of principal and interest.**

Financial Director Ensminger stated the Debt Service payments are due on August 15, 2020. The Total Debt Payments are \$ 475,759.75. As of today, in the Pooled Cash Account there is \$617,529.98. In the General Fund Reserve, \$ 811,574.54, and in Utility Reserve \$241,254.93. Staff recommends transferring \$ 350,000 from General Fund Reserve and \$50,000 from the Utility Fund Reserve. We will budget in replenishing these accounts in the FY21 budget.

Councilmember McIlravy moved to make this adjustment from Reserve Funds to Pooled Cash for the Debt Service payments due August 15, 2020 and making note in the upcoming budget that there is a line item for repaying reserves. Mayor Dane-Patterson seconded the motion. The motion passed unanimously.

- 5. Discuss and consider designating a professional engineering firm for the 2020 Texas Capital Fund Downtown Revitalization/Main Street Program of the Texas Community Development Block Grant (TxCDBG) Program for application and project implementation.**

City Manager Lusk stated this for the sidewalk grant. We are working with GrantWorks. This is for the engineer fees. The City only received one application. Councilmember Delcourt moved to designating Wall Engineering for the professional engineering firm for the 2020 Texas Capital Fund Downtown Revitalization/Main Street Program of the Texas Community Development Block Grant (TxCDBG) Program. Councilmember Simpson seconded the motion. The motion passed unanimously.

- 6. Discuss, consider and possible action on adopting the Citizen Participation Plan - 2020 CBDG DRP_MS.**

City Manager Lusk stated once again that this is part of the sidewalk grant process. Councilmember Simpson moved to adopt to Citizen Participation Plan - 2020 CBDG DRP MS. Councilmember Delcourt seconded the motion. The motion passed unanimously.

- 7. Discuss, consider, and possible action on a resolution creating a Neighborhood Empowerment Zone for the Historic District**

City Manager Lusk stated this an Economic Development Corporation tool that will help us give incentives to update and improve their properties. Neighborhood Empowerment Zones promote housing, economic development and quality services in a designated area. Creating a neighborhood empowerment zone for our historic district gives us another tool in our tool chest to help incentivize development or improvement of properties in our historic district. This will allow us to have agreements with individual property owners to abate portions of municipal property tax. The council may authorize other incentives such as waiving of fees.

Mayor Dane-Patterson moved to a resolution creating a Neighborhood Empowerment Zone for the Historic District. Councilmember Delcourt seconded the motion. The motion passed unanimously.

- 8. Discuss, consider and possible action on the preliminary plat for Yarborough Farms Phase 2; a 49.57-acre tract consisting of Phase 2a: 52 single family lots on 21.27 acres; Phase 2b: 26 single family lots on 10.91 acres; Phase 2c: 15 single family lots on 7.86 acres; and Phase 2d: 54 lots on 9.53 acres in the Charles Smith Survey Abstract #1139 and the Joseph Jefferies Abstract #661 in the City of Pilot Point, Denton County, Texas.**

Development Services Director Taylor stated the property owner is proposing to Preliminary Plat Yarborough Farms Phase 2. Within this Preliminary Plat are Phase 2a, 2b, 2c, and 2d. The property is zoned Planned Development "PD". The PD ordinance is attached and covers all of Phase 1 and Phase 2. When the plats are compared to the standards of the PD ordinance, we must look at the entire development including Phase 1 and Phase 2 which are outlined in the attached Tables. The tables show only one discrepancy from the PD zoning. This was in the Phase 1d Townhouse section and was addressed and approved by City Council in the Phase 1 Preliminary Plat amendment as the allowed density and acreage were still in compliance with the PD. It was also decided by the City Council when the Phase 1 Preliminary Plat Revision was approved that the map in the original PD should be viewed as a concept map and not as a parcel specific land use map. The lots in the proposed Phase 2 Preliminary Plat conform to all the standards of the original PD zoning and Subdivision Rules and Regulations.

Mayor Dane-Patterson asked if the Plan Development needs to be changed since there are showing different property owners.

Mr. Taylor stated the owner at the time the property was first zoned in 2016 it was by the owner of record. Everything should be good.

Councilmember Delcourt moved to with the except the preliminary plat with Yarbrough Farms Phase 2 as stated with the two additional recommendations of 1. The owner of the properties not being consistent with Denton Central Appraisal District and 2. The meets and bounds do not appear. Councilmember Simpson seconded the motion. The motion passed unanimously.

9. Discuss, consider and possible action on authorizing the City Manager to enter into a Pro Rata Agreement for a new sewer line approximately 230' long to be installed in the alley ROW between Dallas Street and the Denton Street ROW.

Development Services Director Taylor stated the property owner is proposing to Preliminary Plat Yarbrough Farms Phase 2. Within this Preliminary Plat are Phase 2a, 2b, 2c, and 2d. The property is zoned Planned Development "PD". The PD ordinance is attached and covers all of Phase 1 and Phase 2. When the plats are compared to the standards of the PD ordinance, we must look at the entire development including Phase 1 and Phase 2 which are outlined in the attached Tables. The tables show only one discrepancy from the PD zoning. This was in the Phase 1d Townhouse section and was addressed and approved by City Council in the Phase 1 Preliminary Plat amendment as the allowed density and acreage were still in compliance with the PD. It was also decided by the City Council when the Phase 1 Preliminary Plat Revision was approved that the map in the original PD should be viewed as a concept map and not as a parcel specific land use map. The lots in the proposed Phase 2 Preliminary Plat conform to all the standards of the original PD zoning and Subdivision Rules and Regulations.

The cost will be as follows:

- Line cost \$17,201.80.
- Divided by 4 = \$4,300.45
- 60% = \$2,580.27 cost per lot.

Remaining cost to city will be 40% of the project = \$6,880.72. This cost is proposed to be paid for from system improvement budget from public works. Mary Helen Jackson stated that her dad is one of the current property owners that want to know if he would have to pay?

Mayor Dane-Patterson stated there is no fee to the properties with existing homes due to the City correcting a problem.

Mayor Dane-Patterson moved to approve this expense. Councilmember Delcourt 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 and stepped down from the dais.

Mayor Dane-Patterson stated this ordinance does not allow for a variance the way it was written. The only way it could do a variance is if Council chose to rewrite the ordinance. The question is do we even need to have a vote on it since we cannot allow a variance. The City Manager is here to answer this question.

City Manager Lusk stated last meeting this item was tabled to gather more information from the city attorney. The attorney was consulted and although we do not need to designate a specific area, we do need to have some areas that the circles on the map do not encompass. This does not affect the ability to grant a waiver. The ordinance does not allow for a waiver, again, to be able to grant a waiver the ordinance would need to be changed to allow it.

Mayor Dane-Patterson moved to continue with the ordinance as written without allowing waivers. Councilmember Cordell seconded the motion. The motion Passed. Abstain: Simpson

11. Discuss, consider, and possible action to amend Article 8.06 Sex Offender Residency of the City of Pilot Point Code of Ordinances.

Mayor Dane-Patterson stated this ordinance was passed in February 2018. The distances are 2,000 feet from all bus stop, school, playground, all places where children gather. The question is do we change or approve another ordinance. The state law states that there is 1000 feet. The City can discuss going from 2000 to 1000 but cannot go below 1000 feet.

Mayor Dane-Patterson stated she tabled the item on the last meeting because she wanted to consult with the City Attorney. The 2000-foot limitation looked like it left no place for a sex offender to live in the City of Pilot Point. After looking, there are some areas in town where a sex offender could live, so the City is following the current ordinance.

Willie Hudspeth stated those of us that have children and want them to be safe, this is a good ordinance. Mr. Hudspeth stated he does not think that the City should go further than the state allows. The person that he is speaking about tried to register. The person should be allowed to register.

Mayor Dane-Patterson stated that anyone that was already living in the City before the passage of the ordinance in 2018 is grandfathered in. If they should ever move from that location, they would no longer be grandfathered and would not be allowed to return.

Greg Bradley stated he had a hard time understanding why anyone would consider changing the rules if it is not convenient for somebody. Mr. Bradley stated that he deals with a lot of youth and thinks the ordinance is good and should not be changed.

Mary Helen Jackson has lived in Pilot Point all her life. Ms. Jackson stated she has never seen so much chaos over things. When a person goes and pays 14 years of their life incarcerated to pay for his crime, he has paid. This man may have been in trouble with the law since being released, but never for that same type of crime. There may be a rule that he cannot live here, but he is not a menace.

Anna Riley stated she stands here saying all lives matter. If they didn't God would not have made them. One question, has there been any that has been allowed to live here?

Police Chief Conner stated that no sex offender has moved into the City since the ordinance was passed.

Ms. Riley stated that a person cannot be convicted again for something that has already been paid.

Pearlie Mae Simpson stated that when Terry first got out of prison he could register at her house. Ms. Simpson stated that all the postings on Facebook is not true and that Terry has not been in trouble since he has been out of prison.

Noel Cox stated this is not about Pearlie Simpson or her son. This is about protecting our children.

Kelsey Mackay stated she has fears about lowering the distance to allow sex offenders to come into the City. Ms. Mackay stated that she thinks if the distance is lowered, it will be like a welcome for more sex offenders to move to Pilot Point.

John Ross stated that he understands the concerns. Mr. Ross served in the military and was military police. The law is just but it is not right. A distance could change at any time. The bus stop is what's holding Terry back. The bus stop is a temporary place.

Laura Bradley stated she was against changing the sex offender ordinance.

Cecilia Harris asked if this person is removed from their house, where are they supposed to move?

Councilmember Cordell stated that they asked the police department in 2018 to investigate this matter.

Councilmember Delcourt stated that she was serving on the Council when this ordinance was put in place and thinks it should stay the same. Councilmember McIlravy moved to keep the ordinance the way it is. Councilmember Delcourt seconded the motion. The motion Passed. Abstain: Simpson

I. STAFF REPORT

1. June 2020 Main Street Report
2. June Municipal Court Report

3. FY20 June Finance Report
4. June 2020 Library Report
5. June 2020 Code Report

Mayor Dane-Patterson stated that she would like to see court fees collected.

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.

K. ADJOURN

Mayor Dane-Patterson moved to adjourn at 7:55 pm. Councilmember Delcourt seconded the motion. The motion passed unanimously.



Shea Dane-Patterson, Mayor

ATTEST:



Lenette Cox, Acting City Secretary