

City of Pilot Point, Texas

Minutes of the January 14, 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, Councilmembers Mario Cisneros, Brian Ingram, Mary Rawls, Elizabeth Jones, and Matt McIlravy. City Staff members present were City Manager Britt Lusk, Police Detective Preston Green, Fire Chief Heath Hudson, Public Works Director Trent Vandagriff, Development Services Director John Taylor, Finance Manager Lana Ensminger, Capital projects Manager Matt Kaminski, EDC Director Denise Morris, and Acting City Secretary Lenette Cox. Brenda McDonald of Messer, Fort, & McDonald Law Firm was also in attendance

AGENDA

A. VIDEO CONFERENCE

1. Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/525437293>

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (571) 317-3122

- One-touch: tel:+15713173122,,525437293#

Access Code: 525-437-293

B. CITY COUNCIL ROLL CALL/CALL TO ORDER

Mayor Dane Patterson called the meeting to order at 6:32pm 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 – Absent

Place 6 Matt McIlravy – Present

Mayor Shea Dane Patterson – Present

C. ECONOMIC DEVELOPMENT CORPORATION ROLL CALL/CALL TO ORDER

EDC Board President conducted roll call.

Glen Ray – Present

Rowland Funk – Present

Stephanie Sanchez – Present

Everett Cummings – Present

Chance Kirby – Present via video conference

D. 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. **The Pilot Point City Council will now hold a Closed Executive Session meeting pursuant to the provisions of Chapter 551 of the Texas Local Government Code in accordance with the authority contained in the Chapter.**
 - A. Section 551.072 of Texas Government Code to discuss or deliberate the purchase, exchange, lease or value of real property.
 - B. Section 551.087 of Texas Government Code to discuss economic development negotiations.

The Economic Development Corporation Board of Directors will now hold a Closed Executive Session meeting pursuant to the provisions of Chapter 551 of

the Texas Local Government Code in accordance with the authority contained in the Chapter.

A. Section 551.072 of Texas Government Code to discuss or deliberate the purchase, exchange, lease or value of real property.

B. Section 551.087 of Texas Government Code to discuss economic development negotiations.

The City Council and the Economic Development Corporation Board of Directors recessed into Executive Session at 6:36pm.

E. 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. The Pilot Point City Council will now reconvene into Regular Session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any action necessary as a result of the Closed Session.

A. Section 551.072 of Texas Government Code to discuss or deliberate the purchase, exchange, lease or value of real property.

B. Section 551.087 of Texas Government Code to discuss economic development negotiations.

The Economic Development Corporation Board of Directors will now reconvene into Regular Session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any action necessary as a result of the Closed Session.

A. Section 551.072 of Texas Government Code to discuss or deliberate the purchase, exchange, lease or value of real property.

B. Section 551.087 of Texas Government Code to discuss economic development negotiations.

The City Council and the Economic Development Corporation Board of Directors reconvened into Regular Session at 8:08pm. Mayor Dane Patterson announced no action had been taken. EDC Board President announced no action had been taken.

F. ECONOMIC DEVELOPMENT CORPORATION ADJOURNMENT

The EDC Board adjourned their meeting at 8:10pm.

G. 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*

H. INVOCATION

Councilmember Matt McIlravy led the invocation.

I. ITEMS OF COMMUNITY INTEREST

Mayor Dane Patterson announced the following items of community interest:

- A General Election for Place 2 and Place 5 City Council seats will be held on Saturday, May 1, 2021.
- First day to file for a place on the ballot is Wednesday, January 13, 2021. The last day to file for a place on the ballot is Friday, February 12, 2021 at 5:00pm.
- Last day to order a general election is Friday, February 12, 2021.
- Last day to register to vote is Thursday, April 1, 2021.
- Last day to apply for a ballot by mail is Tuesday, April 20, 2021.

- Last day of early voting by person appearance is Tuesday, April 27, 2021.

J. 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.)*

K. CONSENT AGENDA

1. Discuss, consider, and possible approval of the December 14, 2020 City Council Regular Meeting minutes.
2. Authorization for payment to Data Flow Solutions to replace a server and antenna at the WWTP for \$ 9,300.
3. Authorization for payment to Wall Engineering for \$ 48,015.50 for work done December 2020 on the WWTP.
4. Authorization for City Manager's approval of invoices for installing Hydra Stop Valves using vendor J Z Southern Boys totaling \$ 40,000.
5. Discuss, consider, and possible action on approving payment of \$5,840.00 to Evans Excavation Inc. for fill dirt work at fire department building project. The funding will come from the bond project.
6. Discuss, consider, and possible action on authorizing the change order proposal to provide sleep room custom millwork with ancillary support items beyond the original scope of work.
7. Authorize payment to Tim Beaty Builders, Inc. for \$190,931.00 for the Fire Station project, invoice is attached.
8. Authorization for City Manager's approval of invoices for work done on sewer manholes in the City.

Councilmember Brian Ingram motioned to approve the consent agenda. Councilmember McIlravy seconded the motion. The motion passed.

Ayes: Mayor Dane Patterson, Councilmembers Cisneros, Ingram, Rawls, Jones, and McIlravy
Absent: Councilmember Cordell

L. REGULAR AGENDA

1. **Discuss, consider, and possible action on the appointment of a Mayor Pro Tem.**

Mayor Dane Patterson reminded the council that Dean Cordell had been elected the Temporary Mayor Pro Tem until a full Council was seated following the December 8, 2020 Runoff General Election. The Council was now fully seated and it was time to appoint a new Mayor Pro Tem until the May 1, 2021 General Election when this would be voted on again.

Councilmember Ingram nominated Councilmember McIlravy. Councilmember Jones nominated Councilmember Cordell. Brenda McDonald stated nominations would cease, and there would need to be a vote to determine who the nominee would be and that Councilmember McIlravy was nominated first, so he would be the first person to be voted on for nominee. Councilmember Cisneros made a motion to table the appointment until all members of Council were present. Councilmember Jones seconded the motion. The motion tied.

Ayes: Mayor Dane Patterson, Councilmembers Cisneros, and Jones

Nays: Councilmembers Ingram, Rawls, and McIlravy

Absent: Councilmember Cordell

The motion to table failed because it did not pass.

Councilmember McIlravy stated he did not think Councilmember Cordell's attendance was good enough to be appointed Mayor Pro Tem. Mayor Dane Patterson informed Council that Councilmember Cordell's attendance was approximately 65%. Councilmember Ingram stated that Councilmember McIlravy is at all the meetings and helps to keep order. Councilmember Jones stated Councilmember Cordell was a voice for the people and the citizens relate to him. Mayor Dane Patterson said that all of Council is a voice for the people and that attendance is important.

Mayor Dane Patterson announced that Councilmember McIlravy was the first to be nominated and they would now vote to see if he would be the nominee for Mayor Pro Tem.

Ayes: Mayor Dane Patterson, Councilmembers Ingram, Rawls, and McIlravy

Nays: Councilmembers Cisneros and Jones

Absent: Councilmember Cordell

Councilmember McIlravy is nominated as Mayor Pro Tem. Councilmember Ingram made the motion to appoint Councilmember McIlravy as Mayor Pro Tem. Councilmember Rawls seconded the motion. Motion passed.

Ayes: Mayor Dane Patterson, Councilmembers Ingram, Rawls, and McIlravy

Nays: Councilmembers Cisneros and Jones

Absent: Councilmember Cordell

2. Discuss, consider, and possible action on appointing a City Council member to the Economic Development Corporation Board.

Mayor Dane Patterson reminded Council this item had been tabled the previous month until a full council had been seated. She then asked if any councilmembers were interested in serving as a liaison between the EDC Board and City Council. Mayor Pro Tem McIlravy volunteered.

Mayor Pro Tem McIlravy made a motion to appoint himself as a member of the EDC Board of Directors. Councilmember Ingram seconded the motion. Motion passed.

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

Absent: Councilmember Cordell

3. Discuss, consider and possible action on the request of Ernest and Pearlle Simpson to be refunded demolition costs at 644 W. Gould through the Pilot Point NOW Program.

Mayor Dane Patterson stated Ernest and Pearlle Simpson had asked this item to be tabled until a later date. No action will be taken.

4. Discuss, consider, and possible action on adopting an Ordinance for a 10 ft. utility easement and the abandonment of the 377 Waterline Easement on the 6 acre property.

Mayor Dane Patterson stated the owners of this property had asked this item to be tabled until a later date. No action will be taken.

5. Discuss, consider and possible action on the Unsafe Building/Substandard Structure Order on 522 Burks Street adopted by Council on October 28, 2019.

Development Services Director Taylor reminded Council this item had been on the agenda in December and the family was given 30 days to meet with members of City Staff and to have a plan for repairs. The family had a phone consultation with City Manager Lusk, Development Services Taylor and Public Works Director Vandagriff and it was determined the drainage was a lot-to-lot issue and was not the fault of the City. The City Attorney had informed Staff they could not go on private property or force another property to correct the issue. The family thinks the drainage problems are coming from either the Pilot Point Intermediate School or the Community Cemetery. Mayor Dane Patterson showed Council photos taken by the Code Enforcement Officer showing the porch has not been taken down as requested, the items that were requested to be removed from the front yard had been moved to the back of the building, and a solid fence had not been installed so the building is still open and visible to the public.

Attorney Brenda McDonald asked if the Order was to remove the entire building or just to bring it down to the one room historic structure? Development Services Director Taylor stated the Order was for the entire building. Mayor Pro Tem McIlravy stated that one and

half years ago, the Council extended the Order 90 days so the family could make repairs and bring a plan of action to Council to show how they planned to bring the property to compliance but have not done that. He made a motion to move forward with the property being an unsafe structure. Ms. McDonald stated the motion would be to enforce the October 28, 2019 Order and, if passed, Staff would begin the process to have the building demolished. Mayor Pro Tem McIlravy made a motion to enforce the October 28, 2019 Order. Mayor Dane Patterson asked if this was for the entire building or to keep the one room? Ms. McDonald stated it would include the entire building as the grace period had lapsed.

The property owners called Mayor Dane Patterson's cell phone and said they were having difficulties getting on the video conference. Mayor Dane Patterson asked them to call in on the video conference, which they did.

Alicia Stafford stated they were never told the porch needed to be removed also. She had had a conference call with City Staff on Tuesday and was told she needed to contact the PPSD and the Community Cemetery Foundation to address any drainage issues. When asked if the family was asking for more time, Ms. Stafford replied yes, because they'll need to get an engineer to come and look at the drainage.

City Manager Lusk stated this was not a drainage issue, this was a substandard house issue. Mayor Pro Tem asked Ms. Stafford if they were going to get the house fixed and did they have the funds to do so? Ms. Stafford replied that is what the family is trying to do. They were told to address the drainage issue and then they would be able to progress with civil matters with the other properties. Mayor Dane Patterson asked if the family has a plan and are they requesting more time? Ms. Stafford replied yes, but they cannot get a timeframe on repairs until they get an engineer to address the drainage issue.

Ms. McDonald stated Council can ask the owners to demolish the house within a timeframe or other options can be addressed. She stated a historic structure cannot continue to be in a substandard condition. Designation does not supersede an Unsafe Structure Ordinance. Council can give whichever motion they would like, but it needs to be clear by giving a specific time period and what they would like accomplished.

Mayor Pro Tem McIlravy revised his motion to give the family 30 days to have the front porch removed or the property will be considered a substandard structure per the inspection report. Mayor Dane Patterson said Council has given the family 90 days before and the family has not complied since 2019. Ms. McDonald stated the Order gave the family 90 days to bring back a plan, which they did not do. The Substandard Structure Order is clear, but Council needs to clarify what they would like to happen next.

Mayor Dane Patterson said that since the family did not follow instructions, did not follow the plan they were given, has not brought the structure up to code, and has not made the property safe, that the property be demolished within 30 days. Ms. McDonald stated the family has the right to make repairs or demolish the home.

Mayor Pro Tem McIlravy suggested allowing the family 90 days to make all the repairs on the inspection report and if the work is not done in 90 days, the family has 30 days to demolish the house. Councilmembers Cisneros and Jones felt that time period was too long. Mayor Dane Patterson suggested allowing 60 days for repairs and 30 days for demolition. Mayor Pro Tem McIlravy made the motion to allow the family a 60-day extension to make all the repairs listed on the inspection report, and if all repairs are not made, 30 days to demolish after the structure. Councilmember Jones seconded the motion. Motion passed.
Ayes: Mayor Dane Patterson, Mayor Pro Tem McIlravy, Councilmembers Cisneros, Ingram, and Jones
Nays: Councilmember Rawls
Absent: Councilmember Cordell

- 6. Public hearing on a proposed ordinance amending Chapter 14. Zoning of the City of Pilot Point Code of Ordinances providing requirements for fences, walls, and screening; providing definitions; providing for a repealer clause; providing for enforcement and penalties; providing a savings clause; providing a**

severability clause; and providing an effective date.

Mayor Dane Patterson opened the public hearing at 9:35pm. She stated she does not think a contractor should have to register to install a fence because many homeowners install fences on their own property.

Mayor Dane Patterson closed the public hearing at 9:41pm.

- 7. Discuss, consider, and possible action on an ordinance amending Chapter 14. Zoning of the City of Pilot Point Code of Ordinances providing requirements for fences, walls, and screening; providing definitions; providing for a repealer clause; providing for enforcement and penalties; providing a savings clause; providing a severability clause; and providing an effective date.**
ASSIGNED ORDINANCE 425-13-2021

Mayor Dane Patterson and Councilmembers McIlravy and Cisneros do not think a person should need to register to install a fence. Councilmember Cisneros asked who has the responsibility for maintaining utility easements? Development Services Director Taylor stated that is the responsibility of the property owner.

Mayor Dane Patterson made a motion to approve the ordinance after removing the requirement for registration. Mayor Pro Tem McIlravy seconded the motion. Motion passed.

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

Absent: Councilmember Cordell

- 8. Discuss consider and possible action on an ordinance amending Chapter 10. Subdivision regulations, Division 6 - Park and Recreation Dedication Requirements, in the Code of Ordinances of the City of Pilot Point to provide for park and recreation dedication requirements and cash payment in lieu of dedication requirements in the City's Extraterritorial Jurisdiction, providing for process revision; providing a severability clause; and providing an effective date.**
ASSIGNED ORDINANCE 426-13-2021

Mayor Dane Patterson made a motion to approve the ordinance as written. Mayor Pro Tem McIlravy seconded the motion. Motion passed.

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

Absent: Councilmember Cordell

- 9. Discuss and provide staff direction on amending the accessory building ordinance to allow shipping containers in residential zoning districts.**

Jade McClure is asking Council to reconsider the current ordinance addressing the denial of shipping containers in residential areas. She would like to use a container as a hub for an upcoming service project working with honeybees. She would like to turn the project into a non-profit to support classrooms or organizations such as Best of the Best, Life Skills, and National Junior Honor Society as a long-standing community project which will teach children how to care for the environment. She stated she lives on five acres and is willing to meet the guidelines given to commercial buildings using shipping containers. She does not want to build a building because it limits the use of the property in the future, and she does not want a wooden building because it's susceptible to rot. She has explored other options but wants the longevity and security of the shipping container. She is also willing to landscape and fence the area around the container.

Development Services Director Taylor reminded Council the Ordinance adopted in April 2019 prohibits shipping containers in residential areas. The ordinance can be amended, but it will be effective city-wide and allow for all properties to have shipping containers.

Mayor Dane Patterson said she personally thinks the ordinance should be adjusted and likes using commercial guidelines and lot size as requirements for allowing the containers on residential properties.

Councilmember Ingram made a motion for Staff to amend the Ordinance regarding shipping containers in a residential area. Councilmember Cisneros seconded the motion. Motion passed.

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

City Attorney Brenda McDonald reminded Council they can set requirements which narrow the guidelines. Council suggested using commercial guidelines, lot size of 1 1/2 acre or more, accessory building guidelines, must be used for agricultural use, and only one container per property.

Mayor Dane Patterson asked if Ms. McClure would be able to keep her container while the ordinance is being amended? Ms. McDonald said Ms. McClure would not be in violation. Ms. McClure said she will wait until the Ordinance amendment has been finalized before beginning her honeybee project and she will have no more than three hives and will keep them at least 150 ft. away from any other property.

M. 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.

N. ADJOURN

Mayor Dane Patterson stated the agenda had been exhausted and adjourned the meeting at 10:22pm.



Shea Dane-Patterson, Mayor

ATTEST:



Lenette Cox, Acting City Secretary