

City of Pilot Point, Texas

Minutes of the May 13, 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, Dean Cordell, Ronald Petty, Casie "CJ" Hilliard, Matt McIlravy. City Staff members present were City Manager Alan Guard, Police Chief Tim Conner, Development Services Director John Taylor, Main Street Director Lenette Cox, Public Works Director Trent Vandagriff, City Attorney Andy Messer, and City Secretary Alice Holloway.

AGENDA

A. ROLL CALL/CALL TO ORDER

Mayor Dane-Patterson announced a quorum at 6:35 p.m. 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 led by Dwayne Edwards, pastor of Pilot Point Church of the Nazarene.

D. ITEMS OF COMMUNITY INTEREST

City Manager announced a joint City Council / School Board Meeting will be held on May 20, 2019.

Councilmember Delcourt announced the 19th Century Club had the Wes Miller Memorial Garden planted in time for Homecoming.

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.)*

1. Recognize Councilmember CJ Hilliard for over five years of service to the City of Pilot Point.

Mayor Dane-Patterson and City Council recognized Councilmember CJ Hilliard for over five years of service to the City of Pilot Point. Councilmember Hilliard was presented a plaque of appreciation.

2. Presentation of Certificate of Election and administer the Oath of Office to Shea Dane-Patterson, Ronald Petty, and Matt McIlravy who were duly elected for purposes of the May 4, 2019 General Election pursuant to the ordinance issued on February 25, 2019, cancelling the election that was scheduled to be held on May 4, 2019.

Mayor Dane-Patterson presented the Certificate of Election to herself for the position of Mayor, Ronald Petty for Place #4, and Matt McIlravy for place #6.

City Secretary Holloway administered the Oath of Office to Mayor Dane-Patterson, Councilmember Petty, and Councilmember McIlravy who were duly elected for

purposes of the May 4, 2019 General Election pursuant to the ordinance issued on February 25, 2019, cancelling the election that was scheduled to be held on May 4, 2019.

3. Proclamation Recognizing May 19-25, 2019 as National Public Works Week

Mayor Dane-Patterson read out loud a proclamation recognizing May 19-25, 2019 as National Public Works Week. The proclamation was presented to Public Works Director Vandagriff and other public works employees.

4. Proclamation Recognizing the 30th Anniversary of Denton County Master Gardener Association

Mayor Dane-Patterson presented a proclamation recognizing the 30th Anniversary of Denton County Master Gardener Association. The proclamation was presented to several members of the association.

5. Proclamation recognizing May 2019 as Motorcycle Safety Awareness Month

Mayor Dane-Patterson presented a proclamation recognizing May 2019 as Motorcycle Safety Awareness Month. The proclamation was presented to several members of the Survivors United MC.

PUBLIC FORUM:

Amy Wright spoke about a Facebook post that she had made regarding the trash and recycle service. It was all factual information and not "opinion" based. It was after that my mother was pulled into a meeting by the city manager in city hall and told that it would be in her best interest if I were to delete it. Not only is it harassment, it's illegal. I am just as much an American citizen as anyone therefore I am entitled to my first amendment rights like everyone else in this room. She spoke against the renewal of City Manager Guard's contract.

Pete Hollar- Mr. Hollar stated he was a lifetime resident of Pilot Point, stated he has served on the school board, City Council, was Mayor, co-chaired the original Charter Commission, chaired the Charter Review Commission, and would like to be on the next Charter Review Commission. Mr. Hollar stated the intention of the City Charter is for the city manager to work for the city council and the mayor.

Buster Chandler- Mr. Chandler stated that City Manager Guard is doing a great job. Mr. Chandler stated the employees are better and the fire department is the best.

Mario Cisneros spoke in support of City Manager Guard.

Champ Walker- Mr. Walker stated there are things regarding a new business on his street that are raising a few questions. The following are Mr. Walker's concerns:

- Silt fence barriers were not put up
- Nothing was maintained
- Inspections were not being done
- halfway through the project a fence was put up
- the fence was not masonry on concrete but was vinyl

Mr. Walker stated he asked city staff about the issues. He stated staff informed him the builder ran out of money and was given five years to change it out. Mr. Walker asked the council to do their due diligence to make it right.

F. CONSENT AGENDA

1. Discuss, consider, and possible action on approval of April 22, 2019 minutes.

Councilmember Porter 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 of the City Council of the City of Pilot Point, Texas, canvassing the returns and declaring the results of the Special Election for City Council Place 1 held on May 4, 2019.

Councilmember Porter moved to approve a resolution canvassing the returns and declaring the results of the Special Election for City Council Place #1. Councilmember Petty seconded the motion. The motion passed unanimously.

2. Presentation of Certificate of Election and administer the Oath of Office to Andy Singleton for being duly elected as Councilmember Place No. 1.

Mayor Dane-Patterson presented the Certificate of Election to Andy Singleton for place #1.

City Secretary Holloway administered the Oath of Office to Councilmember Singleton.

3. Discuss, consider, and possible action on the appointment of a Mayor Pro-Tem for a one-year term.

Councilmember Delcourt moved to appoint Jim Porter as Mayor Pro-Tem. Councilmember Singleton seconded the motion. The motion Failed.

Ayes: Delcourt, Porter, Singleton

Nays: Cordell, Dane-Patterson, McIlravy, Petty

Councilmember Cordell moved to appoint Councilmember Ronald Petty as Mayor Pro-Tem for period of one year. Councilmember McIlravy seconded the motion. The motion Passed.

Ayes: Cordell, Dane-Patterson, McIlravy, Petty

Nays: Singleton

Abstain: Delcourt, Porter

4. Discuss, consider, and possible action on the preliminary plat for The Hills at Pilot Point, being plus or minus 77.167 acres in the Samuel Flint Survey, Abstract Number 418, Charles Smith Survey, Abstract Number 1139 in the City of Pilot Point, Denton County, Texas.

Councilmember Singleton moved to approve the preliminary plat for The Hills at Pilot Point. Councilmember Cordell seconded the motion. The motion Passed.

Ayes: Cordell, Dane-Patterson, Delcourt, McIlravy, Porter, Singleton

Nays: Petty

5. Discuss, consider, and possible action on the current solid waste contract with Waste Connections.

City Manager Guard stated that Waste Connections recommends and will start picking up recycling every two weeks instead of twice a month to help with the confusion. This will start on May 28, 2019.

No action taken on this item.

6. Discuss, consider, and possible action on an ordinance of the City Council of the City of Pilot Point, Texas, amending ordinance no 380-12-2018 providing for the City of Pilot Point budget amendment number two (2) in order to amend the 2018-2019 fiscal year budget, providing for the incorporation of premises; providing a savings clause; providing a cumulative repealer clause; providing for severability; providing for engrossment and enrollment, and providing an effective date.

Councilmember Porter moved to approve an ordinance amending ordinance no. 380-12-2018 providing for the City of Pilot Point budget amendment number (2) in order to amend the 2018-2019 fiscal year budget. Councilmember Cordell seconded the motion. The motion passed unanimously.

7. Discuss, consider, and possible action on giving direction to the City Secretary on processing City agreements/contract.

Councilmember Singleton stated the city council trust the City Secretary to make the right decision regarding the city agreements. Councilmember Singleton moved to turn this over to City Secretary Holloway to make the calls on whether to close out, extend or renew the agreements/contracts. Councilmember Porter 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:

Mayor Dane-Patterson called the executive session into order at 7:27 p.m. She stated that City Manager Guard has requested that his review be in open session. Mayor Dane-Patterson stated that the Council would start with public comments first then go to the Council.

City Manager Guard asked if he could start with a statement. Mayor Dane-Patterson allowed City Manager Guard to speak.

City Manager Guard stated that he wanted to make a little protest. Mr. Guard stated that this is Councilmember McIlravy's first day on council and is not sure if him doing an evaluation is appropriate at this time.

CITY MANAGER'S STATEMENT:

May 9th marked my second anniversary as City Manager. Now it's time for my evaluation. I have had two evaluations, one at six months and one at one year. In both evaluations in every single category the mayor rated me as exceeds expectations. However, since July 24, 2018 the Mayor has had very different expectations, questioning many of my actions and being openly hostile toward me and other members of my staff. She has accused me of breaking policy inaccurately. She has implied that I have not been honest, inaccurately. She has accused me of being incompetent, inaccurately. She has told me she has a list of everything that I have done wrong in the last year. That's fine. I was not hired to be perfect. I was hired to be accountable. Since my arrival I have uncovered many problems and issues that have needed to be corrected. I have taken on each of those issues without excuse, and have done my absolute best to find a solution and take action to correct the situation. It has been my stated goal to modernize the organization and make it more professional and prepare Pilot Point for its future. I do not intend to respond to every accusation the Mayor has tonight. If you do indeed have a list I would appreciate if you would provide it to me in electronic format and I be provided ten business days to respond. It doesn't mean you can't discuss them tonight, but I will not necessarily respond to all of them tonight.

This is a performance evaluation and the heart of my evaluation should focus on what I've accomplished. Results matter. When I was hired, I was given a list of issues to address. Specifically get the Burks Street project back on track. It is constructed and open. Get water well #8 sight online. That is done. Complete the comprehensive plan. That's done. Find a site for the sewer plant. I believe after tonight, that will be done. Improve the organizational culture. That has significantly improved, and I have lots of data to prove it. Change the City's reputation with the development community. I think people like Buster Chandler can speak for the fact that that is accomplished. We have new developers that come and meet with us every week. They talk about how accommodating and professional our staff is. There are more than 1100 lots that are at final plat or preliminary plat phase. Most of these will have homes within the next five years. I was told to work on drainage. So, we created a drainage utility. The drainage bond package was approved in the bond election this last November. The bond package also includes a new police station and fire station. Four million dollars for streets. half a million dollars for sidewalks. In October 2017 the city approved a strategical plan and an organizational plan. Since that plan was adopted 69 of the 79 work plan items 86 percent has received significant work. 53 percent are completed. 18 percent are ongoing operations. and 15 percent are completed. only 11 items out of the 79 have yet to be addressed. And we now have a new strategic plan. I have never claimed to be perfect. But I think this record of accomplishments speaks of my hard work, my ability to get city employees to work together, and my ability to work with the community at large. There is a palatable positive difference in this organization, where the city looks better than it has in recent years. The staff is meeting with new developers every week. We are taking on issues that have previously been neglected, and there is a lot heavier lifting to do. I am going to work through whatever issues are between me and the mayor so we can focus our energy on the work ahead. I am hopeful that the mayor will agree. I look forward to the council's feedback.

CITIZENS COMMENTS:

Chad Riney-Mr. Raney stated that he had issues with the trash service. Not all builders can be trusted, and they are not going to build the way we want. Mr. Riney stated he does not have any trust for the city manager.

City Attorney read the following letters:

1. J.T. Nolan, employee, letter was in support of City Manager Guard.
2. Lillie West, 445 N. Sierra Trail, letter was against City Manager Guard.
3. Tori Fowler, 600 S. Morrison Street, letter was against City Manager Guard.

Councilmember Singleton stated that City Manager Guard exceeds expectations.

Councilmember Delcourt stated that she appreciates the job that City Manager is doing.

Councilmember Porter stated that City Manager either meets or exceeds expectations.

Councilmember Petty stated that he does not have respect for City Manager Guard.

Councilmember Cordell stated that he has lost all confidence in City Manager Guard.

Councilmember McIlravy stated while on the Parks Board, there was work on the parks that needed to be done, the work was not completed. For example, the ball fields are full of weeds. In addition, while on Planning and Zoning Commission the board was made to vote on an item that the board wanted to table. City Manager Guard said there must be a vote.

Mayor Dane-Patterson stated most of her evaluation for City Manager Guard is rated does not meet city standards and requires immediate improvement.

MAYOR DANE-PATTERSON MADE THE FOLLOWING STATEMENT:

- Has complained and yelled to the City Secretary numerous times.
- Has not been forthcoming with all council members
- Has lied on numerous occasions and I have had to start journaling what he has told me
- If he does not agree with something, his attitude changes to argumentative
- He has made comments in city hall that the council and mayor are stupid
- If your opinion differs from the his, the city manager finds a way to discredit you with staff or council
- He has shut down communication with me
- We have had meetings scheduled and the day of he has sent emails stating he will be out of town
- He presented a plan for the historic downtown that council was not aware of
- He has failed to bring staff together in city hall
- I have had emails from citizens stating they have had encounters with staff that has been negative and unpleasant
- Council has requested a sprinkler system in the old city park, but this not a priority of the city manager so it never got done
- The grant for the sirens was pulled but no money was ever left aside for the repairs even though we were supposed to have matching funds
- The city manager has overpaid on contributions for Burks Street Construction Project
- He is not following purchasing policies

I agree that City Manager Guard has accomplished many of the things that city council has asked for him to do, but he has also failed in many other ways. Integrity and trust are some of the utmost characteristics that a city manager must possess. The city attorney has stated that an individual council member can view any city document that they want. Past Mayor Janet Groff said she would look at every check before it was approved to go out. After Alan Guard's annual review on April 23, 2018, Mr. Guard was given a list of expectations.

- Support employees and department heads decisions
- Fund city projects with alternative ways
- Replace Mario Cisneros due to his retirement. Open the position to the public
- Brief council before any presentation to the public

- Acknowledge staff regarding their awards and good deeds

Our charter states that the council sets the administrative departments not the city manager. Mid-year 2018 - our city manager made a new department and appointed Mario Cisneros as department head without council consent. This is a violation of city charter. A raise was given to Mr. Cisneros in July 2018 after Mr. Cisneros told our city manager he planned to retire. August 2018 another raise was given to match the amount given to a newly hired Public Works Director. Our city manager kept telling council this would only go into effect if the bonds passed. Mario stated in a newspaper article that he was hired as the new Project Manager. Mario retired, October 2, 2018, before the bond election. These pay raises resulted in a higher pay out for Mario's vacation and sick time.

June 1, 2018 - our city manager instructed staff to take over expenses for Rain for Rent, this contractor provided a sewer bypass for sewer line on Burks Street that was damaged by Iron Horse Contractors. Why is there no contract on file? Why did the city manager have the city pay out \$65,577.39? This is not a city expense. This is an Iron Horse expense. This is a violation of the city Purchasing Policy. Staff cannot locate the contract.

July 10, 2018 - the city manager presented to the Historic District downtown plans without council knowledge. The new design plans were developed by Eikon and cost \$8,250. This is a direct violation of the purchasing policy that all contracts over \$5,000 must be approved by council. This goes against his review where he was told to keep council apprised of all public communication.

July 2018 - City council was asked to approve a contract for new sewer lines for the Industrial Park and Yarbrough Farms. Council was told all property owners had signed or verbally agreed to easements. I refused to sign since they had not been signed by the property owners. This project started anyway.

Sept 7, 2018 - The city manager paid Snag Development \$4,800 for credits to cut and dry curtains (driveway aprons) for 4 lots, \$1,200 each. This was never approved by council.

December 1, 2018 - The city manager informed me that the commercial property east of Champ Walker would follow code and be required to put up a solid brick or concrete wall. Now the city manager has allowed a vinyl fence to be installed, because the contractor ran out of money.

February 2, 2019 - The city manager and I met with contractors for Yarbrough Farms. They stated they were told to charge for items that were not completed. I requested for an internal audit to be performed by the city manager. On Friday, March 1, 2019, Alan told me that the city had paid \$189,000 for Yarbrough Farms items that had not actually been done. I requested that council be made aware of this at the next meeting. The following Monday morning Alan sent an email to Randy Tudor with Yarbrough Farms asking for a check for \$134,090.21 for over payments. We have yet to receive that payment. Councilmember Petty asked for an outside investigation on Yarbrough Farms. The city manager gave it to the Police Chief Tim Conner. In turn, our city attorney asked for time to get Tim Conner's results. We have yet to be presented with any findings. So, I would like for an outside third-party investigation to be done.

Our city secretary's staff report for March 2019 show collections of alcohol collections. The city secretary office had to take over collections on this due to the finance department failed to send invoices to local businesses for alcohol permits. This has not been collected since 2015.

The latest lie was during my Friday meeting with City Manager Guard. Councilmember Petty joined us. During the meeting Mr. Guard told us the city just purchased new software to help with the building permits, code violations and numerous other internal processes. I asked why the council had not reviewed the contract and he told us it cost the same as our current software iWorqs. This was a lie. iWorqs contract was for \$2,792 a year and the contract for MyGov is \$15,792. This is a direct violation of the city purchasing policy.

Other issues are the city manager allows developmental services to bring documents to council without all the required documents being submitted. This has happened with Yarbrough Farms Phase I, Lakeview Estates, and Mustang Creek. They were told they could start without any documents.

I talked with Texas New Mexico representative Greg Evans on May 9th. He said they just now got the contract for electric service in Yarbrough Farms. Yarbrough Farms has already sold lots to builders before all infrastructure and utilities had been in place.

February 20, 2019 - I discovered Lamp Post Home, a company owned by Randy Tudor with Iron Horse, was given a building permit for a residential house without paying the \$5100 in permit fees.

From 2016 to 2019 there were 26 permits issued without fees being collected.

There is a mural being painted on the side of the Library, a city owned building, without council being made aware of it. Councilmember Jim Porter said that the Friends of the Library had donated the money and that Librarian Wendy Turner had okayed this. I dug into it deeper and found that the librarian had asked if it needed to go to council and the city manager said no.

Mayor Dane-Patterson moved to not extend the contract with City Manager Alan Guard and that his employment be terminated immediately. Councilmember Petty seconded the motion. The motion failed.

Ayes: Cordell, Dane-Patterson, Petty

Nays: Delcourt, Porter, Singleton

Abstain: McIlravy

Councilmember Porter moved to extend City Manager's contract for one year.

Councilmember Singleton seconded the motion. The motion Failed.

Ayes: Delcourt, Porter, Singleton

Nays: Cordell, Dane-Patterson, McIlravy, Petty

Mayor Dane-Patterson moved to give information to the City Attorney's office to give to the City Manager and give City Manager Guard until the May 28th council meeting to answer complaints against him. Councilmember Cordell seconded the motion. The motion passed unanimously.

Mayor Dane-Patterson read the purpose of the Executive Session and council convened into Executive Session for item H1 and H2 at 9:48 p.m.

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.:

Mayor Dane-Patterson announced the meeting back into regular session at 10:30 p.m.

Councilmember Singleton moved to authorize the City Manager to move forward on the acquisition on the 8.16 acres of land. Councilmember McIlravy seconded the motion. The motion passed unanimously.

Councilmember Petty moved to give the City Manager authority to negotiate a contract for the purchase of 0.139 acres east side of US 377 and north of East Burks Street for a proposed permanent sanitary sewer easement and bring back to City Council for approval. Councilmember Cordell seconded the motion. The motion passed unanimously.

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.

Councilmember Delcourt asked that council rules be put on the May 28, 2019 city council meeting.

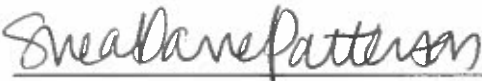
Councilmember Cordell ask to consider adding Cinco de Mayo to next year's events.

Councilmember Petty ask for October Fest to be added in with Bonnie and Clyde Days.

K. ADJOURN

Councilmember Porter moved to adjourn at 10:38 pm. Councilmember Cordell seconded the motion.

The motion passed unanimously.



Shea Dane-Patterson, Mayor

ATTEST:



Alice Holloway, City Secretary

Approved June 24, 2019