

City of Pilot Point, Texas

Minutes of the June 24, 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 Special City Council meeting. City Council members present were Mayor Shea Dane-Patterson, Jim Porter, Whitney Delcourt, Dean Cordell, Matt McIlravy, and Andy Singleton. City Staff members present were City Manager Alan Guard, Librarian Wendy Turner, Finance Manager Lana Ensminger, Development Services Director John Taylor, Fire chief Heath Hudson, Police Chief Tim Conner, EDC Director Denise Morris, Asst. City Secretary JoAnn Wright, Public Works Director Trent Vandagriff, and City Secretary Alice Holloway.

AGENDA

A. ROLL CALL/CALL TO ORDER

Mayor Dane-Patterson announced a quorum at 6:30 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 Earl Guillory, associate pastor of St. James Baptist Church.

D. ITEMS OF COMMUNITY INTEREST

Mayor Dane-Patterson made the following announcements:

- Movies in the Park this Friday-Captain Marvel- Concession Stand will be opened.
- Plano Community Band Concert will be held on June 30, 2019.
- Glen Templeton Concert will be held on July 5, 2019.

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. Public Works Department presentation regarding staffing, significant budget expenditures and future budget considerations.
Public Works Director Vandagriff gave a presentation regarding the Public Works Department. The following was discussed:
 - Staffing
 - Current Budget
 - Budget Needs
 - Budget Wants

Mr. Willie Hudspeth - Mr. Hudspeth stated that he was there to speak on the school and a comment made by the mayor. Lynching is a hurtful work and reminds some of how his people was treated. It stated that it was inappropriate and would like a public apology. He does not think the word should be used anywhere. He stated that there is a cemetery here that is full of his people and it is forgotten and nothing is being done about it and now the council is wanting to remove their school.

Mayor Dane-Patterson stated that she does want to apology for using the word Lynching. She stated that It was not her intention of upsetting anyone by using such a sensitive word. She stated that she used the word by the definition of it. She then read the definition of the word "lynching"-a mob to kill someone, especially by hanging for an offense with or without a legal trial. She stated that she used the word in reference of not follow through on something. She stated that If she offended anyone by her word of choice, she apologizes.

Mayor Dane-Patterson stated that she is not a racist, she loves everyone, and if the world was blind, it would be a better place, whether you are black, yellow, or white, if you have a disability or not, you are loved and respected in her eyes. She thanked Mr. Hudspeth for bringing it to her attention and apologized.

Mr. Willie Hudspeth thanked Mayor Dane-Patterson and stated that he accepts her apologies.

F. CONSENT AGENDA

1. Discuss, consider, and possible action on an agreement with the Pilot Point Independent School District for two School Resource Officers for the 2019-2020 school year and authorize the City Manager to sign the agreement.
2. Discuss, consider, and possible action on approving an amendment to the lease agreement with Rise Broadband.
3. Discuss, consider and possible action to waive permit and inspection fees for Habitat for Humanity in the construction of a single-family house at 512 N. Church Street parcel ID 41478 .
4. Discuss, consider, and possible action on board appointments.
5. Discuss, consider, and possible action on the Library Advisory Board Bylaw Revisions.
6. Discuss, consider, and possible action on approval of City Council Minutes:
 - May 13, 2019
 - May 20, 2019

Councilmember Porter moved to approve the Consent Agenda. Councilmember McIlravy seconded the motion. The motion passed unanimously. Ayes: Cordell, Dane-Patterson, Delcourt, McIlravy, Porter, Singleton

Absent: Petty

G. REGULAR AGENDA

1. **Discuss, consider, and possible action on a resolution accepting the resignation of Ronald Petty and declaring vacancy for place four.**

Councilmember Cordell moved to approve a resolution accepting the resignation of Ronald Petty and declaring vacancy for place four. Councilmember Porter seconded the motion. The motion passed unanimously.

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

Absent: Petty

2. **Discuss, consider, and possible action on City's policies and procedures to fill the vacancy in Place 4 of the City Council.**

Councilmember Singleton moved to approve the application and schedule recommended by the City Secretary. Councilmember Porter seconded the motion. The motion passed unanimously.

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

Absent: Petty

3. **Discuss, consider and possible action on an order declaring a substandard structure located at 522 E. Burks Street owned by Melvin Harris, also described as Tract 157, C. Smith, Abstract No. 1139, 1.0 acres.**

Development Services Taylor stated that on April 22, 2019 the City Council held a public hearing and a substandard structure report by the building official was presented. At that time, the council tabled the case until June 24, 2019. This was done in order to give the Harris family more time to present information on the possible historic significance of the structure.

Development Services Taylor stated that a Condemnation Timeline (attached to agenda packet) outlines the steps taken in this condemnation proceeding and outlines all the next steps which could result. If the council acts on the presented Condemnation Order is adopted the owners have a minimum of 30 days to make repairs. However, any amount of time may be extended for the repairs. Mr. Taylor stated that he talked to the building official and ask what would it take to remove the substandard structure designation and he answered that it would have to have working water, sewer, and electricity and brought up to current code.

Mayor Dane-Patterson asked for clarification and asked if the council is being asked to determine if this is substandard or not. Development Services Director Taylor stated that is correct.

Ms. Micah Crittenden- stated that she is a graduate student of UNT majoring in history. She stated she has spent the last 1.5 year studying the African American Communities in Pilot Point. She stated the correct school name is Lincoln Academy and that she had referenced it incorrectly at the last meeting.

Ms. Micah Crittenden- She gave a brief history of area including the County Line church. She stated that 1918-1919 was able to find a list of 45 African American students that had a pilot point address. In addition, local citizens such as Eli Sledge, William Sledge, and Willie Pearl Jackson attended the Lincoln Academy, Ms. Crittenden stated as a brief history significant, 522 E Burk Street is the last standing building of freemen and women.

Ms. Micah Crittenden stated that the family has agreed to have a Under told Marker place so she applied for Under told Marks for St. John, County Line, and Oakdale (522 E. Burk). She stated that she has made the application.

The building was built by the community of people who parents and grandparents where enslaved and they came here to seek freedom. the people built the school by their hands. In addition, she stated that she will be discussing another pilot point she is working on. it is the Equal Justice Initiative, a historic marker for victims of lynching. Two men was taking from Pilot Point jail and was lynched in 1922.

Mayor Dane-Patterson stated that what is being presented to the council is a question if the building is substandard or not. She stated that the council does have reports from the building official that it is substandard.

Ms. Stafford stated that a form was going to be drawn up.

Ms. Cecelia Harris stated that she spoke with City Manager Guard and he stated he would have a release drawn up for an anonymously fee. She stated that she has been to city hall many times, but no release has been available. City Manager Guard denied making that statement.

Ms. Micah Crittenden stated that we need to see if the structure is going to be treated as a regular structure or a historic structure that it is.

Mayor Dane-Patterson stated that the council has been working with the family since 2016.

Ms. Peggy Riddle stated that Denton County has offered to take the building and restore it at the historic park. Felt it was something that could tell a story for the African

American community.

Mayor Dane-Patterson stated that Denton County has the means to take care of the building and would be a perfect organization that could take care of it.

Ms. Cecelia Harris asked if they do make restoration of the building, what is going to be done about the drainage issue and asked about getting more time.

Ms. Peggy Riddle stated that she would like to encourage the council to give another 30 days stay to give more time for everyone to look for financial assistance.

Mr. Hudspeth stated: let the people tell the council what they want" and give them more time and communicate with them. He stated if you all have heard enough, that's what people of authority does to us, do what you need to do.

Ms. Harris stated that they need more time and everyone knows it. The HRB has even stated that there is history there and asked why the council wants to destroy it.

Ms. Chelsea Stallings, stated she was also a UNT student, stated that she is willing to help with this project as well. She stated that she is a liaison with the organization that Micah was explaining earlier. She stated that they have countless resources and have a strong interest in saving the history. She offered to reach out to the organization for help.

Ms. Hudspeth stated that if the council will just give some time.

Andy Singleton asked how much time is needed.

Peggy stated that most stays are 90-180 days.

Barbie Mays- stated that we want to preserve history and bring everyone into the fold. Now we have the opportunity in pilot point, we have a great example of a one room school. We have an opportunity of a one room school of children who parents came here for a better way of life. She stated let's unite and work together. This is history, so much of Pilot Point, Denton county is below the lake, this is a unique prospective. let's look at this with our hearts, what it does to our community and what it does to our history.

Tori- stated that funding may be available and the family needs the maximum amount of time to figure out what they want to do and meet with who the need to meet with.

Chris Aguinaldo- serves on HRB. Chris stated that the problem with the structure is it is falling down. We have to look at it is going to take. What are the alternates. How are we going to fund it. We all need to be creative. He is all for giving more time, but afraid the house is going to fall down. We know the history; we need to figure out how to make sure the house is going to continue standing. How can we protect the house so we can protect the history.

Alisa -When will we have access to the house.

Mayor Dane-Patterson asked everyone to leave the building until the fire chief determines what the burning smell is.

At 8:34 pm, Mayor Dane-Patterson called everyone back into the council chambers.

City Attorney Marie Johnson stated that she will look into the release and place it on her priority list.

Mayor Dane-Patterson asked what the council going to due with 90 day passes. Councilmember Singleton stated listen to the family and comments and make a decision from that discussion.

Councilmember Porter moved to table this item for 90 days to allow family and historians to search for funding, giving access to structure with release, and to have one family spokesperson. Councilmember Cordell seconded the motion. The motion passed unanimously.

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

Absent: Petty

4. Discuss, consider, and possible action on a Subdivision Construction Agreement and surety for Lakeview Estates with its developer, M&B Construction.

Development Services Director John Taylor stated that this item was tabled for one week (last week) when council met and the reason for that table was to be able to give the developer another week to come up with a different form of surety. He stated that if you remember that the sub divider's agreement that was presented to council and was drafted by the city attorney. In addition, he stated that there weren't any issues that he heard of at that meeting anyway, with that agreement, it was all about the surety.

Development Services Director Taylor stated that if they had a draft of a letter of credit, but it wasn't on an approved form so there was some concern about that form so that is why it got tabled. Mr. Taylor stated that since that time, the developer has decided to forgo the whole letter of credit option. In addition, he reminded everyone that the subdivision rules and regulations and the sub divider's agreement provide for three different options for surety. Mr. Taylor that that the following are the options:

- Letter of credit
- Performance bond
- Cash deposit.

Mr. Taylor stated that the developer has decided to do the simpler of those three things which is a cash deposit. In addition, he stated that the cash deposit has been made, and deposited in a city account in the amount of \$530,000, which is the amount that was approved by the city engineer.

Mayor Dane-Patterson asked if it is set up in its own escrow account?

City Manager Guard stated that we have set it up in our account and we have segregated it. Mr. Guard stated that it is restricted for those purposes. In addition, he stated because we will be writing him checks for when it is done, we are going to have to do a budget amendment because we have added a revenue and we are going to have to write checks from it.

Mayor Dane-Patterson stated that it is in our subdivision regulations that it has to have its own escrow account and we have the money coming in and out of it, so when they have a stage completed and it's been inspected and approved then a portion of that money can be released back to the developer. She stated that she wants to make sure we are setting up its own escrow account, and we are following the subdivision ordinance to the letter of the law and we have a clear transparency of the transactions coming in and out of it.

City Manager Guard stated that he agrees with that. He stated that he will talk with the bank tomorrow. In addition, he stated that setting up a bank account has normally taken two or three weeks in the past.

City Manager Guard stated that we have already given them permission for them to start construction last week and he has already gotten work done and two or three weeks more to bring this back to council to approve an account, that will substantially slow him down. Mr. Guard stated that he will talk to the bank tomorrow and see what they are able to do. He stated that we have money in our bank account now for \$530,000.

Development Services Director Taylor stated just a reminder, the sub-developer's agreement that you have before you list those three things. It also states that it has to be in the satisfaction of the city, so by approving the subdivides agreement, it doesn't sound like anyone has any issues with, then that allows that deposit to be written in any way that the city fills it needs to be written.

City Manager Guard stated for the purpose of any of these sureties is to make sure the infrastructure gets completed. He stated that if the developer does not do the work then the city has access to the funds to complete the project.

Mayor Dane-Patterson stated she wants to make sure that we are being transparent and have the account set up so we know at any given time what comes in and what goes out of it. She stated that It protects the developer as well as the city.

City Manager Guard stated that he agrees. Mr. Guard stated at we will absolutely have that information and we will be doing it in accordance with this to where we will be getting similar to retainage of 90 percent. He stated that we will pay 90 percent out as he provides proof that things have been completed and paid for.

Mayor Dane-Patterson moved to approve the subdivision agreement with the cash deposit into an escrow account. Councilmember McIlravy seconded the motion. The motion passed unanimously.

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

Absent: Petty

5. Discuss, consider, and possible action on speed limits and other traffic control measures for Northside Drive.

Ms. Sue Hesse stated she is asking to have the speed zone lower to 25 mph and to have speed bumps installed. She stated that vehicles travel up to 60 mph on her road.

Councilmember Delcourt moved to reduce speed limit to 25 MPH, keep patrol active, and direct staff to bring options back to city council regarding traffic control devices. Councilmember Porter seconded the motion. The motion passed unanimously.

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

Absent: Petty

H. STAFF REPORT

1. May City Secretary Report
2. May Financial Report
3. May Municipal Court Report
4. May Main Street Report
5. May Library Report

I. 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 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 this chapter regarding:
 1. Yarbrough Farms;
 2. City Manager complaint; and
 3. Investigation regarding employee complaints made during the May 28, 2019, council meeting

Mayor Dane-Patterson read the purpose of the Executive Session and council convened into Executive Session at 9:05 p.m.

J. 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, Chapter 551, the City Council will

reconvene into Regular Session to consider action, if any, on matters discussed in Executive Session.

Mayor Dane-Patterson announced the meeting is back in regular session at 10:59 p.m.

No action taken as result of executive session.

K. 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.

The following items was requested to be on the next agenda:

- Petition
- Character First Program

L. ADJOURN

Councilmember McIlravy moved to adjourn at 11:00 pm. Councilmember Cordell seconded the motion. The motion passed unanimously.

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

Absent: Petty



Shea Dane-Patterson, Mayor

ATTEST:



Alice Holloway, City Secretary

Approved July 22, 2019