

City of Pilot Point, Texas
Minutes of the August 19, 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, Andy Singleton, Whitney Delcourt, Jim Porter, Pearlie Simpson, Dean Cordell, and Matt McIlravy. City Staff members present were Finance Manager Lana Ensminger, Police Chief Tim Conner, Development Services Director John Taylor, Asst. Fire Chief Bryan Cox, 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 was led by Roger Greer, pastor of Calvary Baptist Church.

D. ITEMS OF COMMUNITY INTEREST

Councilmember Porter asked for prayer for the city manager and his wife.

Councilmember Porter thanked staff for assisting with the fan program.

Councilmember Delcourt stated that the performance of "Driving Ms. Daisy" at the opera house will be held August 23 through September 1.

Councilmember Cordell stated that Dad's Fest will be held on August 31st at Grace Point Church.

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. Presentation from City Manager regarding staff response to the 2018 audit recommendations/findings made by Brooks Watson & Co. PLLC.; discussion of same.

This item was tabled until the next meeting so the city manager could be present.

F. CONSENT AGENDA

1. Discuss, consider, and possible action accepting the resignation of Alan Guard as member of the Board of Directors for the Upper Trinity Regional Water District.
2. Discuss, consider, and possible action approving an agreement with DISD Adult Education and Literacy Program for the use of the Community Center for Adult Education Programs from August 2019 through June 2021 and authorize the City Manager to sign the agreement.
3. Discuss, consider, and possible action on approving the meeting minutes of July 13, 2019 and July 22, 2019.

Councilmember Porter moved to approve the Consent Agenda. Councilmember McIlravy seconded the motion. The motion passed unanimously.

G. REGULAR AGENDA

1. Hold a public hearing on the appeal of a denial of a certificate of appropriateness request for 108 N. Washington on June 25, 2019.

Mayor Dane-Patterson open the public hearing at 6:38 pm.

Development Services Director Taylor stated that the Historic Review Board heard a request for a certificate of appropriateness on alterations made to a site within the Historic District on June 25, 2019.

Mr. Taylor stated that the applicant, Stephen Halsey, remodeled the inside of this building to open a new restaurant and as part of the remodeling process, he made alterations to the exterior of the building without first getting approval of the Historic Review Board.

Mayor Dane-Patterson asked what boards are over the design of the downtown area. Mr. Taylor stated that the Historic Review Board is the final authority unless it is appealed.

Mr. Stephen Halsey stated that the boat has always been on the property. Mr. Halsey showed a picture to council of the boat in the back on the property, but visible from the street.

Mr. Halsey stated that he moved the boat to the front of the property, added two tables and made it safer. He stated that he wants to add a canopy with lights if the boat is approved.

Mr. Halsey stated that he is appealing the decision for several reasons. He stated that he disagrees with Mr. Taylor's interpretation of the code. He stated that the boat is not a building. In addition, he stated that the boat has always been on the property without any code violations or issues. Mr. Halsey stated that this is not a building, but a boat.

Mr. Halsey stated that the outpouring of support has been overwhelming. He stated that he has reviewed the City ordinances and cannot find anything that states the boat cannot be there.

Mayor Dane-Patterson asked if he presented a plan when he went to the Historic Review Board. Mr. Halsey stated that he did not know he was supposed to. In addition, he stated that he did not realize that there would be a time for him to discuss it with them and though it would be only the board. Mayor Dane-Patterson questioned why staff did not tell him the process.

Mayor Dane-Paterson asked how it got to this point. Mr. Taylor stated that Mr. Halsey was issued a building permit, but the application did not have any information regarding the outdoor changes.

Mayor Dane-Patterson stated that she believes it should go back to the Historic Review Board with plans.

Councilmember Cordell stated that the boat has been there 4 years and asked if there was ever any violation. Mr. Halsey answered no.

Mayor Dane-Patterson closed the public hearing at 7:17 pm.

2. Discuss, consider, and possible action on the appeal of Historic Review Board denial of a Certificate of Appropriateness on alterations made to 108 N. Washington.

Mayor Dane-Patterson moved to send back to the Historic Review Board with plans. Councilmember Cordell seconded the motion. The motion tabled.

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

3. Hold a public hearing on ordinances amending the Zoning Ordinance and the Subdivision Rules and Regulations to cause ordinances to be in compliance with House Bill 2439 and House Bill 3167.

Mayor Dane-Patterson opened the public hearing at 7:22 pm.

Development Services Director Taylor stated that House Bill 2439, House Bill 2497 and HB 3167 were adopted in Austin during recent 2019 legislative session and all become effective September 1, 2019. He stated that these bills will require a thorough review of the zoning ordinance and subdivision regulation ordinance. In addition, he stated that the legislature did not leave adequate time for the full review that is needed before the September 1, 2019 effective date.

Mr. Taylor stated that in order to prevent a claim from a property owner/developer that an unlawful requirement has been imposed by the municipality after September 1, 2019 the proposed ordinances are recommended by the City Attorney's Office.

Mayor Dane-Patterson asked if the new rules apply to PD's. City Attorney Messer stated that he would need to look at each case by case. Mayor Dane-Patterson stated that the City has had 6 PD's in front of the city council. Mayor Dane-Patterson asked City Attorney Messer to review them.

Mayor Dane-Patterson stated that if we had a checklist to give developers, it would be helpful. City Attorney Messer agreed with Mayor Dane-Patterson.

Mayor Dane-Patterson closed the public hearing at 7:36 pm.

4. Discuss, consider, and possible action on two interim ordinances to be in compliance with HB 2439, HB 2497 and HB 3167.

Councilmember Porter moved to approve two interim ordinances to be in compliance with HB 2439, HB 2497, and HB 3167. Councilmember Delcourt seconded the motion. The motion passed unanimously.

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

5. Discuss, consider, and possible action on a zoning change request for plus or minus 1.0 acre from "I-1" Light Industrial to "MF-3" Multi-family residential - Apartments for an area south of Northside Drive and west of Hwy 377. The property is also described as Lot 3R, Block A, Northside Drive Addition No. 2.

Development Services Director Taylor stated that this request was tabled at a prior City Council meeting until the Planning & Zoning Chair and the applicant could be present.

Councilmember Singleton moved to approve the zoning change request for plus or minus 1.0 acre from I-1 Light Industrial to MF-3 Multi-family residential - Apartments for an area south of Northside Drive and west of Hwy 377. Mayor Dane-Patterson seconded the motion. The motion Failed.

Ayes: Dane-Patterson, Singleton

Nays: Cordell, Delcourt, McIlravy, Simpson, Porter

6. Discuss, consider, and possible action on a resolution appointing a representative to serve on the Upper Trinity Regional Water District Board.

Councilmember McIlravy moved to approve a resolution appointing Allen McCracken II to the Upper Trinity Regional Water District Board. Councilmember Delcourt seconded the motion. The motion passed unanimously.

7. Discuss, consider, and possible action awarding a five-year contract to LaFollett and Company, PLLC of Tom Bean, Texas for audit services.

Councilmember Porter moved to approve a five-year contract with LaFollett and Company, PLLC. Councilmember McIlravy seconded the motion. The motion. passed unanimously.

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

8. Discuss, consider, and possible action on appointing a Mayor Pro-Tem.

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

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

9. Discuss, consider, and possible approval of the Bonnie and Clyde Days Vendor packet.

Councilmember Cordell recommended that for item 13, we need to add service dogs. Councilmember Cordell moved to approve the Bonnie and Clyde Days Vendor Packet with the change of adding service dogs to item 13. Councilmember Porter seconded the motion. The motion passed unanimously.

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

10. Discuss, consider, and provide direction to staff on next steps for restoring Bloomfield School and the Ice House.

Mayor Dane-Patterson moved to table the discussion on the Bloomfield School. Councilmember Porter seconded the motion. The motion passed unanimously.

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

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:

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. Status update regarding the investigation conducted by Attorney Katie Anderson, Clark Hill Strasburger
 2. Status update regarding the investigation conducted by Ken French, M.S., A|A, S.E., P.E., Nelson Forensics, LLC
 3. Status update regarding pending litigation with Nathan Brown/SNAG Investments, LLC regarding Burks Street

Mayor Dane-Patterson read the purpose of the Executive Session and council convened into Executive Session at 8:31 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.:

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 10:31 p.m.

Katie Anderson, Clark Hill Strasburger, stated she was retained by the City Council to conduct an investigation as an independent 3rd party who does not live or work in Pilot Point. She stated she was hired to conduct investigations regarding allegations filed by the city secretary and the city manager. During her investigation, she reviewed documents and interviewed personnel. As a result of her investigation, she found no credible evidence supporting the allegations that rises to a level of a violation.

No action taken as a result of Executive Session.

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

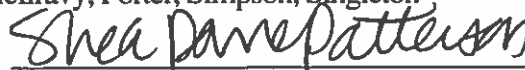
status on an item that is not posted. Any Councilmember may, however, state an issue and a request that this issue be placed on a future agenda.

Mayor Dane-Patterson stated she would like for the council to receive an update on new laws.

K. ADJOURN

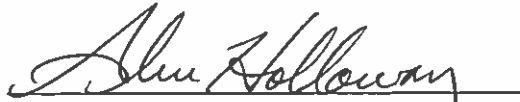
Mayor Dane-Patterson moved to adjourn. Councilmember Simpson seconded the motion. The motion passed unanimously.

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



Shea Dane-Patterson, Mayor

ATTEST:


Alice Holloway, City Secretary

Approved September 23, 2019