

**City of Pilot Point, Texas**

Minutes of the February 10, 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, Jim Porter, Pearlie Simpson, Dean Cordell and Matt McIlravy. City Staff members present were Interim City Manager Terry Roberts, Police Chief Tim Conner, Capital Projects Manager Matt Kaminski, Financial Manager Lana Ensminger, Development Services Director John Taylor, Librarian Wendy Turner, Economic Development Director Denise Morris, Code Enforcement Officer Sheree Brady, City Attorney Andy Messer, HR Consultant Kathryn Usrey and Acting City Secretary JoAnn Wright.

**AGENDA**

**A. ROLL CALL/CALL TO ORDER**

Mayor Dane-Patterson announced a quorum and called the meeting to order at 6:30 p.m.

**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 pledges to the flags.

**C. INVOCATION**

Police Chief Tim Conner led the invocation.

**D. ITEMS OF COMMUNITY INTEREST**

Mayor Dane-Patterson made the following announcements:

1. "The Death and Life of Sneaky Fitch" will be performed at the Pilot Point Community Opera House Saturday February 15th.
2. City Hall will be closed February 17th in observance of President's Day.

**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 of City of Pilot Point Milestone anniversaries.

Mayor Dane-Patterson made the following presentations to employees with milestone anniversaries:

- One year
  - Vanessa Watkins
  - Justin Hull
  - Preston Green
  - John Taylor
  - Chantelle Nightingale
  - Bruce Walker
  - William Sterling
  - Adam Zimmerer
  - Lorianne Davis
- Five Years
  - Wendy Turner
  - Erica Salinas
  - John Gardner

- Sheree Brady
- John Gardner
- Todd Rimling
- Ten Years
  - Michael Cordell
- Fifteen Years
  - Trent Vandagriff
- Twenty
  - JoAnn Wright

## F. CONSENT AGENDA

1. Consider approval of a Resolution of Investment Policy for the EDC as required of the Public Funds Investment Act (the "Act"- Texas Government Code 2256) to define and adopt a formal Investment Strategy and Policy.

Councilmember Cordell moved to approve the consent agenda. Councilmember Porter seconded the motion. The motion passed unanimously.

## G. REGULAR AGENDA

1. **Discuss, consider, and possible action on FY 2019-2020 EDC Budget Amendment Number 1.**

Economic Development Coordinator Morris went through the need for changes to the budget. The date was changed from budget year 2016-2017 to budget year 2019-2020. Councilmember Porter moved to approved with noted changes. Councilmember Delcourt seconded the motion. The motion passed unanimously.

2. **Discuss, Consider and Possible Action on purchasing a new Defibulator.**

This item was pulled from the agenda due to not having all financial information ready.

3. **Discuss, Consider and Possible Action to accept the infrastructure for Lakeview Estates.**

Capital Projects Manager Matt Kaminski stated the reason for this item. Mr. Kaminski stated that the developer had everything on the checklist completed.

Mayor Dane-Patterson asked the developer Buster Chandler if this process worked out well for them.

Mr. Chandler stated that it had worked out really well between himself and the city staff.

Mayor Dane-Patterson commended the staff that developed the check list. Councilmember McIlravy moved to except as presented. Councilmember Singleton seconded the motion. The motion passed unanimously.

4. **Discuss, consider and possible action on current contract with Waste Connections. Also, to review the fuel surcharge increase from October 2019 of 22 %.**

Lana Ensminger stated she was asked to bring this back to city council. There were only 20 incidents in the last 3 months and most have been resolved.

Mayor Dane-Patterson stated there had been a lot of complaints.

Councilmember Singleton stated that the contract states that we would get to take bulk trash to the Denton dump ground once a month and that is not true.

Hilmar Bobadilla with Waste Connections stated no land field will take large bulk trash at this time. But he did offer to reimburse money that has to be paid if residents show there receipts.

Mayor asked Sheree if she was having problems with the bulk trash being left out.

Ms. Brady stated that she needed better communication with Waste Connections when their trucks are broken down. The complaints seem to be the same. Ms. Brady stated that she comes in on Monday morning and does not know if the trash that is still out is from the waste company not picking it up or residents are not putting it out on time. Ms. Brady stated that the city is having problems with small dumpsters. Waste Connections cannot provide small dumpsters and they do want residents renting small dumpsters

from a local company.

Mayor Dane-Patterson stated that small cabinet shops do not need a large dumpster and cannot afford the larger dumpsters. Waste Connections is not providing what they need.

Sheree stated that this is a problem. People that only want to clean out their garage don't need the big containers.

Mayor Dane-Patterson stated that if she remodeled her utility room, she would not need a 20-yard container.

Councilmember asked what the difference was in Waste Connections coming in to pick up an extra dump or the residents taking the dump into Denton and being reimbursed.

Hilmar stated that the difference was the expense of paying a driver's salary and fuel and wear and tear for a truck.

Councilmember Cordell asked when the contract is up.

Mayor Dane-Patterson answered year 2021.

Interim City Manager Roberts stated that he is hearing that at least Waste Connection is trying to make an attempt to reimburse for the resident's trouble of taking the bulk in themselves, but doesn't know if the residents will take the time to send in their receipts.

Stephanie Mohan Hill with JPH Operating, LLC stated that they have a concern that the recycle is not being recycled. Stephanie stated that they have 12-yard, 15-yard, 18-yard, 20-yard, 30 yard and 40-yard containers. They only rent 12, 15, and 18-yard containers inside the city limits for trash. The 20-yard, 30-yard and 40-yard they rent outside the city limits. They have one large container inside the city limits for recycle only.

Councilmember Porter asked how the reimbursement of citizens taking their own bulk to Denton would work.

Hilmar stated that citizens could drop off their receipts at city hall.

Councilmember Cordell stated that he thought the receipts should be sent straight to Waste Connections to have less hands involved in the matter.

Finance Manager Ensminger stated that Waste Connections has been charging an additional surcharge on each resident of 28 cents. Just for one month that is an extra \$500 a month. Ms. Ensminger asked Hilmar if the city could ask for a review of the contract in October or do, we have to wait until the end of the contract.

Hilmar stated that usually it is done at the end of the contract, but the city might be able to ask of other terms in October.

Ms. Ensminger stated that she thought the City is in a contract that the City needs to abide by and in July make some proposals to change the service.

Mayor Dane-Patterson moved to table this item and let staff have time to bring back more information. Councilmember McIlravy seconded the motion. The motion passed unanimously.

**5. Discuss, consider and possible action on providing staff direction on future ordinance amendments related to alcohol sales.**

Planning Development Director Taylor stated the reason for this item is due to the wording in the ordinance. A liquor store that has no extra impact on the neighborhood. A bar might have an impact on the neighborhood. The ordinance does not allow for the differences in the types of businesses. A liquor store should not have any more requirements that any other retail sales store.

Mayor Dane-Patterson stated that if an owner sells and the new owner does not intend to change the use of the business, we should not make the new owner get a Special Use Permit. The use was already approved with the first owner. If the use is already covered in the zoning ordinance, there is no use for an additional ordinance. The SUP ordinance is an unnecessary step.

Councilmember McIlravy moved to send the SUP ordinance to the Planning and

Zoning Commission for review. Councilmember Singleton seconded the motion. The motion passed unanimously.

**6. Discuss, consider and possible action on providing staff direction on the ordinance regulating commercial pool tables in the city.**

Mayor said this is out of date and it needs to be updated.

John said he first wanted to abolish this but he talked to the Police Chief. He then decided to antiquate this ordinance.

Tim said the City of Ft Worth is in litigation about this very same thing now. He said it would be good for the City of Pilot Point to wait until ft worth gets a ruling to see what the courts rule.

Councilmember Porter moved to table to get more information. Councilmember Simpson seconded the motion. The motion tabled.

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

**7. Discuss, consider and possible action on a proposed ETJ boundary agreement with the City of Celina.**

City Attorney Andy Messer stepped out of the room.

Celina City Manager Jason Launer made a presentation of the proposed ETJ boundary agreement.

Council made no motion on this item.

**H. STAFF REPORT**

**1. November and December 2019 Staff Reports**

Mayor Dane-Patterson stated that she would like to see collections on warranty fees.

**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. § 551.071(2): 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 re: Professional Fees, Yarbrough Farms, City of Celica ETJ boundary; and

§ 551.074: Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of public officer or employee: City Manager.

Mayor Dane-Patterson read the purpose of the Executive Session and council convened into Executive Session at 8:17 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:

Mayor Dane-Patterson announced that the meeting reconvenes into regular session at 9:46 p.m. Councilmember McIlravy moved to offer Britt Lusk the position of City Manager. Councilmember Cordell seconded the motion. The motion passed unanimously.

Councilmember McIlravy moved to not except the City of Celina's offer to alter the ETJ agreement. Councilmember Singleton seconded the motion. The motion passed unanimously.

**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.*


Nothing was mentioned for future agenda items.

**L. ADJOURN**

Councilmember Simpson moved to adjourn at 9:48 p.m. Councilmember Porter seconded the motion. The motion passed unanimously.

  
Shea Dane-Patterson, Mayor

**ATTEST:**

  
JoAnn Wright, Acting City Secretary