

City of Pilot Point, Texas

Minutes of the April 8, 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, Ronald Petty, Dean Cordell, and Casie "CJ" Hilliard (by Video Conference). City Staff members present were City Manager Alan Guard, Police Chief Tim Conner, Development Services Director John Taylor, Main Street Director Lenette Cox, Librarian Wendy Turner, City Attorney Andy Messer, and City Secretary Alice Holloway.

AGENDA

A. ROLL CALL/CALL TO ORDER

Mayor announce 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 Pledge to Flags.

C. INVOCATION

Invocation led by Reverend Penny Mitchell, Pastor of Pilot Point Methodist Church

D. ITEMS OF COMMUNITY INTEREST

Mayor Dane-Patterson made the following announcements:

- Movies in the Park will be held on April 26, 2019
- Easter Egg Hunt will be held on April 13, 2019
- City election will be held on May 4, 2019
- Songwriter Festival will be held April 12-14, 2019
- KPPB Trash-off was moved to April 27, 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. Presentation from Mr. Joe Booth, board member of the Children's Advocacy Center for Denton County.

Mr. Joe Booth, board member of children's Advocacy Center stated that he wanted to introduce himself and thank the City of Pilot Point for all their assistance and support.

2. Proclamation recognizing April 7-13, 2019 as National Library Week.

Mayor Dane-Patterson read out loud and presented a proclamation to Librarian Wendy Turner for National Library Week.

3. Recognize Asst. City Secretary JoAnn Wright for 20 years of dedicated service to the City of Pilot Point.

Mayor Dane-Patterson presented a plaque to Assistant City Secretary Joann Wright for 20 years of dedicated service to the City of Pilot Point.

City Secretary Alice Holloway stated that Joann Wright brings a wealth of experience to

the City of Pilot Point. In addition, she stated that Joann has worked in accounts payable, payroll, finance, court, permitting, and at the library.

F. CONSENT AGENDA

1. Discuss, consider, and possible action on reappointment of a member to the Upper Trinity Regional Water District for a four-year term.
2. Discuss, consider, and possible action on approval of City Council Minutes of February 16, 2019 and March 18, 2019.

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 the 2017/18 Comprehensive Annual Financial Report presented by the City's independent external auditor Brooks Watson & Co., PLLC Certified Public Accountants.**

Mr. Jon Watson, CPA of Brooks Watson & Company, presented the 2018 Comprehensive Annual Financial Report.

Mr. Watson stated that the audit was performed in accordance with Generally Accepted Auditing Standards. In addition, Mr. Watson made the following comments in his presentation:

- The City received an unmodified opinion
- Highest level of assurance
- Total assets exceeded total liabilities by \$8,542,260
- The City had an overall decrease in net position of \$349,194 for the year
- City's governmental funds reported a combined ending fund balance of \$1,234,444, a decrease of \$4,040,740
- Unassigned fund balance in the general fund was \$902,097 or 24% of annual general fund expenditures
- Net change in General Fund Balance (153,347). If the City continues to use reserves, the City will be below the recommended fund balance and this will raise a red flag for the City
- Ending Fund Balance in General Fund \$1,019,992.
- Net change in Debt Service (6,488)
- Ending Fund Balance in Debt Service \$7,671
- Net change in Tax Increment Fund (3,823,974)
- Ending Fund Balance in Tax Increment Fund \$317,616
- Net Change in Capital Projects Fund (56,596)
- Ending Fund Balance in Capital Projects Fund (118,562)-needs to be addressed
- Net Change in Non-major Hotel Fund (335)
- Ending Fund Balance in Non-major Hotel Fund \$7,727
- Total Governmental Funds Net Change in Fund Balance (4,040,740)
- Total Governmental Ending Fund Balance \$1,234,444

Councilmember Cordell moved to accept this item. Councilmember Petty seconded the motion. The motion passed unanimously.

2. **Hold a Public Hearing on an Ordinance to amend Article 10.02 "Subdivision Ordinance"; Division 3. "Plat Procedures, Standards, and Specifications" and Division 4. "Sub-divider's Agreement and Construction Contracts for Public Improvements", of the Code of Ordinances of the city of Pilot Point, Denton County, Texas.**

Mayor Dane-Patterson opened the public hearing at 8:47 p.m.

John Taylor, Development Services Director, stated that the current Subdivision Rules and Regulation currently require the city to record a Final Plat with the county within 10 days of it being approved by the City Council. Mr. Taylor states this action creates legal lots that can then be sold. In addition, he stated that if there is required infrastructure like streets and utilities to be installed by the developer, they would do this after the lots

have been created.

Mayor Dane-Patterson stated that she recently signed a final plat of Lakeview Estates, at the request of staff and her normal question is if everything is complete and in compliance with the city. In addition, she stated now she is finding out that staff did not follow current ordinance and require the developer to file a Sub-dividers Agreement and Performance Bond or Letter of Credit.

Mayor Dane-Patterson asked City Attorney Andy Messer if the Sub-dividers Agreement and Performance Bond/Letter of Credit is what protects the city and he answered yes. In addition, he stated it is all in timing of events.

No comments made from the public.

Mayor Dane-Patterson closed the public hearing at 9:14 p.m.

3. **Discuss, consider, and possible action on an Ordinance to amend Article 10.02 “Subdivision Ordinance”; Division 3. “Plat Procedures, Standards, and Specifications” and Division 4. “Sub-divider’s Agreement and Construction Contracts for Public Improvements”, of the Code of Ordinances of the city of Pilot Point, Denton County, Texas.**

Councilmember Porter moved to table this item to give city attorney time to make recommendation. Councilmember Cordell seconded the motion. The motion tabled.

4. **Public hearing on an ordinance amendment to Chapter 14: Zoning regarding Section 14.02.107 Accessory Building and Use Regulations, of the Code of Ordinances of the City of Pilot Point, Denton County, Texas.**

Mayor Dane-Patterson opened the public hearing at 9:15 p.m.

John Taylor, Director of Development Services read the following statement that the accessory structure ordinance was adopted by the City Council in 2018. The ordinance presently presents several contradictions which affect the administration of the regulations for accessory buildings. In addition, the ordinance does not address shipping or cargo containers used as accessory buildings.

The Planning and Zoning Commission held a workshop on the ordinance on March 4, 2019. The attached ordinance draft reflects the comments and opinions from that meeting. The following outlines the changes proposed in the ordinance: (only changes are included in this review)

- a. The ordinance uses the terms buildings and structures interchangeably. The ordinance has been made to use the term “structures” consistently
- b. The accessory building ordinance provides two regulations for limiting the size of an accessory structure. The total square footage of all accessory buildings may not be over 25% of the rear yard. However, there were two definitions in the code for how a rear yard is measured. The proposed change makes it clear that a rear yard is measured from the rear of the primary structure and not the required rear yard setback.
- c. Ordinance was cleaned up to be easier to read and outdated terms were changed i.e. servant changed to caretaker.
- d. An Accessory Dwelling may not be bigger than 50% of the primary structure but the minimum dwelling size is 1,000 square feet so you would have to have a minimum of a 2,000 sq. ft. house to build an Accessory Dwelling Unit. The draft removes the minimum unit size for an Accessory Dwelling Unit.
- e. Temporary Storage Units were not addressed so a new section was added which permits them on residential property not to exceed seven days and allows them in the front setback. Any use greater than seven days requires a permit and is limited in time to the related permit for construction, remodel or repair in effect on the property.
- f. Clarification that no one accessory structure may be larger than 50% of the primary structure.
- g. Clarification that metal is allowed on accessory structures is certain listed conditions are met.

h. Clarification that the setback for accessory structures is five feet from rear or side property lines except carports or detached garages the setback is eight feet from side or rear property lines. Old ordinance stated this and that they had to meet the setbacks of the primary structure.

i. Steel Shipping or Cargo containers are not addressed in the current ordinance. A new section has been added. Shipping containers are not allowed as accessory structures in residential districts. And they are only allowed in nonresidential districts with the following conditions:

- a. are screened from view of any right-of-way or adjacent property with an approved fence
- b. are painted to match the primary structure
- c. are maintained to be free from rust.
- d. meet all accessory structure setbacks
- e. secured to the ground
- f. are not stacked

j. Any existing Shipping or Cargo Container in the city prior to the date of this ordinance must be removed or brought up to this code within 12 months of the adoption of this ordinance.

Barn size was increased from 1000 sq. ft. for lots less than three acres to 2,000 sq. ft, times the number of acres.

No comments from the public.

Mayor Dane-Patterson closed the public hearing at 9:44 p.m.

5. Discuss, consider and possible action on an ordinance amendment to Chapter 14: Zoning regarding Section 14.02.107 Accessory Building and Use Regulations, of the Code of Ordinances of the City of Pilot Point, Denton County, Texas.

Mayor Dane-Patterson moved to approve with item J/6D removed and ask the EDC Executive Director to research the information in that item. Councilmember Cordell seconded the motion. The motion passed unanimously.

6. Discuss, consider and possible action on the award of bid to JD Utilities of Aubrey, Texas for the pipe bursting sewer project on White Street in the amount of \$177,750.

Councilmember Singleton moved to Motion to award bid to JD Utilities of Aubrey in the amount of \$177,750. Councilmember Cordell seconded the motion. The motion passed unanimously.

7. Discussion and receive update on the Bloomfield School.

City Manager Guard stated that the City received an email from the Texas Historic Commission stating that the Bloomfield School Building don't meet the criteria consideration and they will not be nominating it to the National Register.

Mayor Dane-Patterson asked City Manager Guard if the City applied for a CoServ grant as previously discussed. City Manager Guard stated that he talked to CoServ and we missed the application date. Mayor Dane-Patterson asked if there are grants available to help with the building.

City Secretary Holloway stated that she has not filed a grant application with CoServ and would like clear direction if council wants her to move forward. The council gave direction to move forward with any grant available for the building.

Mr. Howard Kimble showed a wood demonstration stating that he believes the Bloomfield School Building needs work, but is safe.

The Council gave direction for the building inspector, Howard Kimble, and Councilmember Cordell to meet at Bloomfield School and evaluate the building and report back to council.

8. Discuss, consider, and possible action on board appointments.

City Secretary Alice Holloway stated that there are three applications in the packet. Each applicant is requesting to be appointed to the Parks Board. Mayor Dane-Patterson moved to appoint all applicants to the Parks Board as presented. Councilmember Porter seconded the motion. The motion passed unanimously.

9. Discuss, consider, and possible action on a calendar of City Council Meetings and event for the remainder of 2019.

Councilmember Porter moved to Motion to approve. Councilmember Petty seconded the motion. The motion passed unanimously.

10. Discuss, consider, and possible action on the March 30, 2019 "It's Your Park Day" event.

Mayor Dane-Patterson moved to table this item until later date. Councilmember Cordell seconded the motion. The motion tabled.

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

Mayor Dane-Patterson moved to table this item until a later date. Councilmember Cordell 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:

1. In accordance with Texas Government Code, Section 551.001, et seq., the City Council will recess into Executive Session (closed meeting) to discuss the following:

a) §551.071: Consultation with Attorney regarding pending litigation – *Cause No. 19-2802-362, SNAG Investments, LLC v. City of Pilot Point and Iron Horse Development, LLC, et al.*;

b) §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 the Texas Open Meetings Act re: receive legal advice regarding the Roles of Mayor, City Manager and Councilmembers; Yarbrough Farms; City Manager; and

c) 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 1A and Council convened into Executive Session at 6:45 PM.

Mayor Dane-Patterson read the purpose of the executive session 1B and 1C and Council convened into Executive Session at 10:22 PM.

I. RECONVENE INTO REGULAR SESSION

The City Council of the City of Pilot Point will reconvene into Executive Session (Closed 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 from item 1A at 8:14 p.m.

Councilmember Delcourt left during executive session.

Councilmember Porter moved to call a special meeting on April 29, 2019 at 7:00 p.m.
Councilmember Singleton Seconded the motion. The motion passed unanimously.

Mayor Dane-Patterson announced the meeting is back in regular session from item 1B
and 1C at 11:04 p.m.

No action as a result of executive session.

J. FUTURE AGENDA ITEMS/REQUESTS BY COUNCILMEMBERS TO BE ON NEXT AGENDA

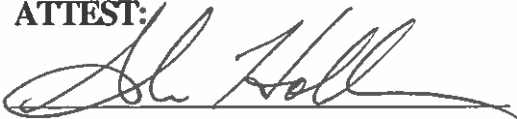
Councilmembers shall not comment upon, deliberate, or discuss any item that is not on the agenda. Councilmembers shall not make routine inquiries about operations or project status on an item that is not posted. Any Councilmember may, however, state an issue and a request that this issue be placed on a future agenda.

K. ADJOURN



Shea Dane-Patterson, Mayor

ATTEST:


Alice Holloway, City Secretary