

## City of Pilot Point, Texas

Minutes of the March 11, 2021

### City Council Meeting

The City Council of the City of Pilot Point, Texas met on this date at 6:30pm for a Regular City Council Meeting. City Council members present were Mayor Shea Dane Patterson, Mayor Pro Tem Matt McIlravy, Councilmembers Mario Cisneros, Mary Rawls, and Dean Cordell. City Staff members present were City Manager Britt Lusk, Police Chief Tim Conner, Capital Projects Manager Matt Kaminski, Finance Director Lana Ensminger, and City Secretary Lenette Cox. Brenda McDonald and Melissa Cranford of Messer, Fort, & McDonald Law Firm were also in attendance

### AGENDA

#### A. VIDEO CONFERENCE

1. Please join my meeting from your computer, tablet or smartphone.  
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#### B. ROLL CALL/CALL TO ORDER

Mayor Dane-Patterson called the meeting to order at 6:33pm and conducted roll call.

Place 1 Mario Cisneros – Present

Place 2 Brian Ingram – Absent

Place 3 Mary Rawls – Present

Place 4 Elizabeth Jones – Absent

Place 5 Dean Cordell – Present

Place 6 Matt McIlravy – Present via video conference

Mayor Shae Dane-Patterson - Present

#### C. 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*

#### D. INVOCATION

Police Chief Tim Conner led the invocation.

#### E. ITEMS OF COMMUNITY INTEREST

#### F. 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.)*

Jake Pavelka, CEO of Rhino Removal, introduced himself and stated that Rhino Removal is interested in submitting a proposal for the Waste and Recycle contract. Their company is in its fourth year of business with a fleet age of less than one year. They offer six perimeter cameras on

their trucks, with continuous monitoring as well as microchipped trash carts to allow for scanning and video at each stop.

## **G. CONSENT AGENDA**

- 1. Discuss, consider, and possible approval of the February 25, 2021 City Council Regular Meeting minutes.**
- 2. Discuss, consider, and possible action on approving pay application #5 of the Police Station Project.**
- 3. Discuss, consider, and possible action on approving Change Order #4 of the Fire Station Project for special testing and inspections of the Safe Room.**

Councilmember Cordell moved to approve the Consent Agenda. Councilmember Rawls seconded the motion. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem McIlravy, Councilmembers Cisneros, Rawls, and Cordell

Absent: Councilmembers Ingram and Jones

## **H. REGULAR AGENDA**

- 1. Authorization for the City Manager to approve the yearly contract renewal to Core & Main for the meter reading software. This will be an upgrade in software, due to flash player not being supported due to age of current software.**

City Manager Lusk stated this is an upgrade to our current software because the Adobe Flash Player software is no longer supported.

Mayor Pro Tem McIlravy moved to approve the renewal. Councilmember Cordell seconded the motion. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem McIlravy, Councilmembers Cisneros, Rawls, and Cordell

Absent: Councilmembers Ingram and Jones

- 2. Discuss, consider, and possible action on offering water usage rebates due to inclement weather in February.**

Mayor Dane-Patterson stated this had been requested to be on the agenda because other cities around us were doing rebates due to the winter storm in February. City Manager Lusk stated Finance Director Ensminger had run a usage report of the 1,879 water accounts we currently have and approximately one million more gallons than usual were used from February 14-20, 2021. She also provided options of possible rebates for Council to review:

Option A is a flat \$20.00 rebate which would cost the City \$37,580 in revenue.

Option B is a flat \$15.00 rebate which would cost the City \$28,185 in revenue.

Option C is a flat \$10.00 rebate which would cost the City \$18,790 in revenue.

Option D is a 2,000 gallon rebate which would cost the City \$31,529.62 in revenue.

Option E is a 1,500 gallon rebate which would cost the City \$15,838.91 in revenue.

Option F is a 1,000 gallon rebate which would cost the City \$15,764.81 in revenue.

The savings to the resident would be between \$8-\$15 for each option.

City Manager Lusk pointed out that the City has been waiving late fees since the beginning of the Covid pandemic which has resulted in a loss of \$33,000 of budgeted revenue. He also stated there is currently a Water Adjustment Application which residents may use once every 2 years due to an excessive loss of water because of an excusable defect. This does not apply to loss due to negligence.

Councilmember Cordell stated he had asked for this item to be placed on the agenda because the loss of water was not the citizens fault and he felt we needed to give back to the citizens.

Mayor Dane-Patterson stated the rebate should only be used if someone had water issues and suggested a temporary application with a variance for excessive usage during that week. Our current software allows customers to see their exact usage at any given time period.

Finance Director Ensminger asked for specific wording to be used on the application and not have the general wording "excessive usage" as the guideline since that is subjective. She suggested going back 6 months for an average because it would not include summer

irrigation. John Atkins of Kimley-Horn suggested using a 2-year average that does not include sewer to get an average daily usage.

Mayor Dane-Patterson asked Staff to research the existing Resolution, draw up an amendment allowing a temporary rebate and how to process the application and bring it back to the March 25, 2021 City Council meeting.

**3. Discuss, consider, and possible action on rescheduling and/or approval of the remaining 2021 City Council Regular Meeting dates and the 2021 City of Pilot Point Holiday Schedule.**

City Secretary Cox stated there is a conflict for the regularly scheduled November meetings due to Veteran's Day and Thanksgiving Day and there are currently two meetings scheduled for December. She also noted That City of Pilot Point holidays follow the practice that if a holiday occurs on a Saturday, City offices are closed the Friday before and if the holiday occurs on a Sunday, City offices are closed the Monday afterwards. Christmas Day will occur on a Saturday in 2021 and the offices are already closed on Friday for Christmas Eve. She recommended taking Friday, December 31, 2021 as the holiday. Mayor Dane-Patterson motioned to have one meeting in November on the 18<sup>th</sup> and one meeting in December on the 9<sup>th</sup> noting a special meeting could be called if needed and for Friday, December 31<sup>st</sup> to be scheduled as the last holiday of the year. Councilmember Cordell seconded the motion. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem McIlravy, Councilmembers Cisneros, Rawls, and Cordell

Absent: Councilmembers Ingram and Jones

**4. Discuss, consider, and possible action on appointing two new members to the Main Street Advisory Board.**

Main Street Director Haun stated she would like to have two of the former Historic Review Board members appointed to the Main Street Advisory Board. She has spoken with Deb McEwen and Chris Aquinaldo and they have both expressed an interest in joining the Board. Mayor Dane-Patterson moved to appoint Deb McEwen and Chris Aquinaldo to the Main Street Advisory Board. Councilmember Rawls seconded the motion. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem McIlravy, Councilmembers Cisneros, Rawls, and Cordell

Absent: Councilmembers Ingram and Jones

**5. Discussion of 2021 Main Street Events.**

Main Street Director Haun reported the next Main Street event is scheduled for March 27, 2021 from 10:00am to 2:00pm. There is an Easter Egg Hunt and Flower Festival planned for the day. She also announced the Farmers Market would return in April and run through July on the last Saturday of each month. She reported there has been a positive response from vendors. She stated the Main Street Advisory Board is also looking into possible future events such as summer concerts, an event for Memorial Day weekend, helping the Nazarene Church with their ChromeFest Car Show, Bonnie and Clyde Days, and Christmas on the Square.

Mayor Dane-Patterson asked if they planned to continue with the Christmas Whoville theme? Director Haun stated that yes, the merchants are invested in the theme and they plan to continue using it. Mayor Dane-Patterson also stated we should be encouraging vendors to continue safe and sanitary practices such as using hand sanitizer at their stations.

**6. Discuss, consider, and possible action authorizing closure of Liberty St. between Business Hwy. 377 (Washington St.) and Tucker Alley on March 20, 2021.**

Main Street Director Haun reported Lowbrow's is wanting to close the street for their upcoming Crawfish Boil which would be an all-day event with live music. She stated they would need the approval of Council to close the street. They are aware there can be no amplified music past 10:00pm and they have off-duty police hired for security purposes. Councilmember Cordell moved to authorize the closure of the Liberty St. Councilmember Cisneros seconded the motion. The motion passed.

Ayes: Mayor Dane-Patterson, Mayor Pro Tem McIlravy, Councilmembers Cisneros, Rawls, and Cordell

Absent: Councilmembers Ingram and Jones

- 7. Hold a public hearing to consider the Land Use assumptions and Capital Improvements Plan under which a roadway, water, and wastewater impact fee may be imposed.**

Mayor Dane-Patterson opened the public hearing at 7:26 pm.

Mayor Dane-Patterson closed the public hearing at 7:26pm.

- 8. Discuss consider and possible action on the Resolution approving the Land Use Assumptions and Capital Improvement Plan which roadway, water, and wastewater impact fees may be imposed.**

**ASSIGNED RESOLUTION 2021-06-497**

John Atkins of Kimley Horn summarized the Lane Use Assumptions and Capital Improvement Plan and defined the service area. Mayor Dane-Patterson stated the maps would need to be amended to show the CCN (Certificate of Convenience and Necessity) correctly. Mr. Atkins stated the changes would be made.

Mayor Dane-Patterson moved to approve the Resolution with the exception the changes be made to the maps. Councilmember Cisneros seconded the motion. The motion passed. Ayes: Mayor Dane-Patterson, Mayor Pro Tem McIlravy, Councilmembers Cisneros, Rawls, and Cordell

Absent: Councilmembers Ingram and Jones

## **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. 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 clearing conflicts with this chapter regarding:
  1. Rural Water Lines
  2. City of Celina Boundary Agreement
  3. Roles of Mayor, City Manager and Councilmembers

The City Council recessed into Executive Session at 7:34pm.

## **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.

The City Council reconvened into Regular Session at 8:46pm. Mayor Dane-Patterson stated there was no action to be taken.

## **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.*

**L. ADJOURN**

Mayor Dane-Patterson stated the agenda had been exhausted and adjourned the meeting at 8:47pm.

  
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Shea Dane-Patterson, Mayor

**ATTEST:**

  
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Lenette Cox, City Secretary