

Larissa R. Loveless, Council District #1  
Mitchell Jordan, Council District #2  
Vickey L. Chivers, Council District #3  
Joe Baxter, Council District #4  
Dana Goolsby, Council District #5  
Ann Connor, Council District #6



Michael Hornes, City Manager  
Teresa Herrera, City Secretary  
Ronald D. Stutes, City Attorney

Steve Presley, Mayor

**NOTICE OF MEETING**  
**CITY COUNCIL AGENDA**  
**Tuesday, November 13, 2018**  
**Work Session @ 4:00 p.m., City Hall Conference Room**  
**Regular Meeting @ 5:30 p.m., City Council Chambers**  
**504 N. Queen Street**  
**Palestine, Texas**

The City Council may meet in Closed Session regarding any item on this agenda if necessary, as permitted by Subchapter D of Chapter 551 of the Texas Government Code.

**WORK SESSION**

- 1) Discuss Enterprise Fleet Management's proposal for the City of Palestine. City Manager Michael Hornes
- 2) Discuss illegal dumping within the City. Mayor Pro Tem Mitchell Jordan
- 3) Discuss Utility billing amendments. Interim Finance Director Carl Currie

**REGULAR MEETING**

**A. CALL TO ORDER**

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

Invocation followed by Pledge of Allegiance

**C. PROPOSED CHANGES OF AGENDA ITEMS**

**D. PUBLIC COMMENTS, PUBLIC RECOGNITION, AND ANNOUNCEMENTS**

**E. CONFLICT OF INTEREST DISCLOSURES**

**F. PUBLIC HEARINGS**

- 1) Public hearing regarding a request for a zoning change of six parcels in the 1800 Block of Murchison Street, from R-2 Residential Medium Density to R-3 Residential High Density Zoning District. Applicant, Jeffrey Johns. Building Official Mark Miears
- 2) Public hearing regarding a specific use permit to allow a double-wide mobile home at 519 Future Street. Applicant, Crystal Roberts. Building Official Mark Miears

**G. MAYOR'S REPORT**

**H. ITEMS FROM COUNCIL**

- 1) Recognition by Council
- 2) Update on community events
- 3) Items for next meeting

**I. CITY MANAGER'S REPORT**

- 1) Discuss Enterprise Fleet Management's proposal for the City of Palestine.
- 2) Discuss the health permitting process.
- 3) Discuss the City's credit card policy.
- 4) Departmental Report
  - a) Community Services
  - b) Development Services
  - c) Library
  - d) Tourism
  - e) Municipal Court

f) Fire

**J. BOARD APPOINTMENTS**

- 1) Consider appointments with term to expire September 30, 2020:
  - a. Johnny Haley to Place 5, Airport Advisory Board replacing Timothy Triplett;
  - b. Mark D. McEachran to Place 2, Historic Landmarks Commission replacing Robb Stewart;  
and
  - c. Richard Bishop to Place 5, Parks Advisory Board replacing Anne Coleman.

**K. CONSENT AGENDA**

*The following items may be acted upon in one motion. No separate discussion or action is necessary unless requested by the Mayor or a Councilmember, in which event those items will be pulled for separate consideration. Approval of the consent agenda authorizes the City Manager to implement each item in accordance with staff recommendations.*

- 1) Consider approval of minutes of the Work Session and Regular Meeting of August 27, 2018.
- 2) Consider approval of minutes of the Work Session and Special Meeting of September 4, 2018.
- 3) Consider approval of minutes of the Work Session and Regular Meeting of September 10, 2018.
- 4) Consider approval of minutes of the Work Session and Regular Meeting of September 24, 2018.
- 5) Consider approval of invoices over \$25,000. Senior Accountant Jim Mahoney
- 6) Consider authorizing the City Manager to enter into a contract with UniFirst for mats for City facilities. Senior Accountant Jim Mahoney
- 7) Consider authorizing the City Manager to enter into a contract with CenturyLink for internet service. City Manager Michael Hornes

**L. REGULAR AGENDA**

- 1) Consider an ordinance a request for a zoning change of six parcels in the 1800 Block of Murchison Street, from R-2 Residential Medium Density to R-3 Residential High Density Zoning District. Applicant, Jeffrey Johns. Building Official Mark Mears
- 2) Consider an ordinance for a specific use permit to allow a double-wide mobile home at 519 Future Street. Applicant, Crystal Roberts. Building Official Mark Mears

**M. CLOSED SESSION**

Council will go into Closed Session pursuant to Section 551.072 deliberation regarding real property and Section 551.074 regarding personnel matters.

- 1) Discuss J.C. Penny Company, Inc. lease at Palestine Mall.
- 2) Discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of City employees; specifically the Finance Director.

**N. RECONVENE IN REGULAR SESSION**

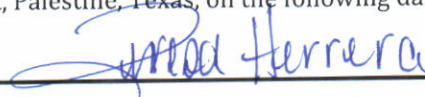
- 1) Take any action necessary regarding J.C. Penny Company, Inc. lease at Palestine Mall.
- 2) Take any action necessary regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of City employees; specially the Finance Director.

**O. ADJOURN**

**CERTIFICATION**

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the outdoor bulletin board at the main entrance to City Hall, 504 N. Queen Street, Palestine, Texas, on the following date and time:

Thursday, November 08, 2018 at 4:00 p.m.



Teresa Herrera, City Secretary

**In compliance with the Americans with Disabilities Act, the City of Palestine will provide for reasonable accommodations for persons attending City Council meetings. Requests for accommodations or interpretive services must be made 48 hours prior to the meetings. Please contact the City Secretary's office for further information at 903-731-8414.**

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF PALESTINE, TEXAS, ADDING A NEW SECTION 98-91, RENUMBERING SECTIONS 98-92 THROUGH 98-94 TO 98-93 TO 98-95, AMENDING SECTION 98-86, 98-90, AND 98-95 TO ADJUST FEES FOR TAMPERING WITH A METER, LATE PAYMENT OF BILLS, SUBMISSION OF AN NSF CHECK, AND DISCONNECTION OF SERVICE FOR NONPAYMENT.**

**WHEREAS**, the occurrence of leaks on privately-owned portions of the water distribution system is the source of inordinately high water and wastewater bills; and

**WHEREAS**, the current practice of the City of Palestine is to calculate refunds of water and tampering with meters, wastewater charges based on leaks in the underground pipeline between the City's meter and the house on an ad hoc basis; and

**WHEREAS**, it is the intent of the City Council to provide that customers who promptly report problems with leaks are entitled to a refund of the additional cost of the water and wastewater service; and

**WHEREAS**, the system of estimating the likely usage of the customer and charging a portion of the difference between the recorded usage and the likely actual usage; and

**WHEREAS**, the fee for tampering with a meter is unnecessarily large; and

**WHEREAS**, the fee for a late charge is unnecessarily small; and

**WHEREAS**, the fee for the disconnection of service for nonpayment is unnecessarily small; and

**WHEREAS**, the fee for the submission of an NSF check is not provided for in the ordinance; and

**WHEREAS**, the adjusted fees for tampering with a meter, late payment of bills, and disconnection of water service are in the public interest and will discourage the bad behavior.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALESTINE:**

**I.**

That Section 98-92, 98-93, and 98-94 of the Code of Ordinances of the City of Palestine be amended by renumbering the sections 98-93, 98-94, and 98-95.

## II.

Section 98-92 is hereby adopted to read as follows:

### **Section 98-92- Adjustments for leaks**

- (a) An adjustment reducing the water bill of a customer based on a water leak may be considered when a written statement is filed with the utility billing department requesting an adjustment for excessive water consumption. In addition, the customer must provide proof of the leak repair, such as a plumber's statement or other repair statement, to substantiate the request.
- (b) Upon satisfactory proof of the leak repair, the customer service supervisor may adjust the customer's bill as follows:
- (1) The highest consumption months in the period the leak occurred or prior years' relevant use for seasonality, will be used for consideration of an adjustment. No more than three consecutive billing periods will be used for an adjustment calculation.
  - (2) The difference between the consumption for the months in which the leak occurred and the average consumption for the previous 6 months prior to the leak will be adjusted and reduced by 60% of the rates prescribed in Sec. 98-90.
  - (3) The difference between amount calculated in paragraph (2) and the amount originally billed will be adjusted on the customer's account. The adjustment will be applied as a credit on the account.
- (c) The waste water and sewer surcharge on a residential account shall be recalculated if the leak occurred for more than two consecutive months during the winter averaging period, (December, January February and March).
- (d) The waste water and surcharge on a commercial account will be will be adjusted and reduced by 60% of the rates prescribed in Sec. 98-91. The adjustment will be applied as a credit on the account.
- (e) No more than one leak adjustment may be given to a customer within a 12-month period.

### III.

Section 98-86 is amended to read as follows:

#### **Sec. 98-86. - Tampering with meters.**

It shall be unlawful for any person, other than a duly authorized employee of the city, to tamper with any meter or to in any manner injure any meter or to manipulate or attempt to manipulate any meter in any manner so as to affect its registration or measurement of the metered utility service. Any person tampering with any meter will be assessed a meter tampering fee of ~~\$150.00~~ 50.00. Should the tampering result in damage to the meter or meter transponder, the person will be assessed an additional fee, not to exceed the replacement cost of the meter and/or its parts.

### IV.

Paragraph (10) of Section 98-90 is amended to read as follows:

(10) A late charge of ~~three~~ ten percent will be assessed for an account that has not been paid in full within 20 days from the billing date.

### V.

A new paragraph (11) of Section 98-90 is added to read as follows:

(11) A charge of \$35.00 will be assessed for the submission for payment of an account through an NSF check.

### VI.

Newly designated Section 98-95 is amended to read as follows:

#### **Sec. 98-95. - Disconnection of service for nonpayment.**

~~(a)~~ *Disconnection charges.* If any consumer of utility services furnished by the city does not pay the rates and charges within 20 days following the billing date, the city shall have the authority to disconnect or terminate or cause to be disconnected or terminated all utility services furnished such consumer. A disconnection fee of ~~\$25.00~~ 50.00 shall be assessed on the consumer, in addition to all charges that remain due and payable.

~~(b)~~ *Reconnection charges.* ~~A customer whose utility services have been disconnected for nonpayment must pay a \$25.00 reconnect fee prior to the reconnection of the utility services.~~

### VII.

All other laws, ordinances, or resolutions, or parts of the same, that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**VIII.**

In the event any part of this ordinance is declared to be invalid or unconstitutional, such declaration shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared invalid or unconstitutional was not originally a part of the ordinance.

**PASSED, APPROVED, and ADOPTED** by the City Council of the City of Palestine, Texas, at a regular meeting held on this the 13th day of November, 2018.

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STEVE PRESLEY, MAYOR

ATTEST:

APPROVED AS TO FORM:

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TERESA HERRERA, CITY SECRETARY

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RONALD D. STUTES, CITY ATTORNEY