

THE STATE OF TEXAS           §  
COUNTY OF ANDERSON       §  
CITY OF PALESTINE           §

The City Council of the City of Palestine, Texas convened in a Regular Meeting on Monday, August 10, 2015 at 5:30 p.m. for the Regular Meeting in the Council Chambers at City Hall, 504 N. Queen Street, Palestine, Texas, with the following people present:

Mayor Bob Herrington; Councilmembers Mitchell Jordan, Vickey L. Chivers, Joseph Thompson, Doug Smith, and Steve Presley; City Manager Wendy Ellis, City Secretary Teresa Herrera, and Attorney Gary Landers.

Other staff present: Development Services Director Jeffrey Lyons, and Public Works Director.

Mayor Pro Tem Adam Harding was absent.

**CALL TO ORDER - REGULAR MEETING**

Mayor Herrington called the Regular Meeting to order at 5:30 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Councilmember Smit, and was followed by Pledge of Allegiance.

**PUBLIC COMMENTS, PUBLIC RECOGNITION, AND ANNOUNCEMENTS**

Dora Russell addressed Council regarding issues with the current trash provider for the City.

Mike Pell addressed Council regarding pay increases for the Fire Department.

**CONFLICT OF INTEREST DISCLOSURES**

No action was taken.

**MAYOR'S REPORT**

Mayor Herrington reported that he has been going through the proposed budget in detail looking for money to allow for pay increases for the Fire Department. In addition, he asked residents to keep elderly in mind during the hot months making sure they have water and air conditioners that work.

**ITEMS FROM COUNCIL**

Councilmember Presley reported on the following activity at the Texas State Railroad:

- Special event on Saturday, September 12<sup>th</sup>, the governor will come ride the train. The event will be Legislative Appreciation Day for State and Local legislatures.

Councilmember Chivers reminds drivers to be extra cautious as children will soon return to school.

Councilmember Smith reported on attendance on Palestine Community Theatre "Mary Poppins" and on Saturday, September 12<sup>th</sup> Meals on Wheels will host a "Keep the Wheels Turning" Dinner Theater Fundraiser at the Palestine Senior Activity Center.

Mayor Herrington informed that BARC, The Humane Society will host Help Clear the Shelter! on Saturday, August 15<sup>th</sup> from 10am-5pm adoption fees waived.

**CITY MANAGER'S REPORT**

City Manager Ellis reported that most of her time has been focused on the annual budget.

Departmental report for Development Services was provided.

Mayor Herrington thanked Development Services for including Health Inspections in the report.

**OPEN RFQ**

**Open Sealed RFQ-2015-04 City Attorney and/or Municipal Prosecutor Services**

Jeffrey Herrington	Palestine, TX	Municipal Prosecutor
Law Office of Jerry Nowlin	Palestine, TX	City Attorney
Potter Minton Law Firm	Tyler, TX	City Attorney and Municipal Prosecutor
Birdsong & Armstrong, P.C.	Tyler, TX	City Attorney and Municipal Prosecutor
Law Offices of Charles W. Nichols	Palestine, TX	City Attorney

**CONSENT AGENDA**

- 1) Consider approval of minutes of the Special Meeting of July 6, 2015
- 2) Consider approval of minutes of the Work Session and Regular Meeting of July 13, 2015
- 3) Consider approval of minutes of the Work Session and Special Meeting of July 20, 2015

Councilmember Presley made a motion, seconded by Councilmember Smith, to approve the Consent Agenda with changes. Upon vote, motion carried unanimously.

**REGULAR AGENDA**

**Consider approval of a request by Danny Slate for a 0.474 acre access easement for the purpose of ingress and egress across property owned by the City of Palestine. The easement is adjacent to Upper Lake Road in the Chas W. Gatewood Survey, Abstract 312 being across a portion of the Eleventh Tract and recorded in Volume 122, Page 557 of the Anderson County Official Public Records.**

Development Services Director Lyons presented request by Danny Slate. Mr. Slate has requested an access easement from the City of Palestine for the purposes of ingress and egress across city-owned property to the east line of a 19.694 acre tract. The easement in question is located adjacent to Upper Lake Road near Lower Lake. Mr. Slate purchased the property earlier in the year. He did not realize that the driveway is located on city-owned property and no access easement was ever established. The 19 acre tract is located outside of the city limits and there are plans to construct a home on the property. Staff met with Mr. Slate and surveyor and Mr. Slate's first request was to purchase the property. Staff suggested that he request an easement to continue to use the driveway. Staff recommends approval of the access easement to allow continued use of the existing driveway. Mr. Slate was in attendance to answer any questions.

Councilmember Presley expressed his concerns with granting an access easement. In the past there has been conversions regarding the development of Upper and Lower Lake to commercial RV parks. Allowing travelers to use the locations and if the City freely offered easements across the tract to other properties that would lessen attraction to travelers to use the facility because travelers need security. Councilmember Presley stated that he was unsure of granting an access easement. Mayor Herrington added that he would prefer to have these types of requests on work session to work out all the details prior to approval. Mayor Herrington would like more detailed information on this request before he can vote on the item. It would allow the Mayor to make a proper decision without any regrets in the future.

Mr. Slate informed that when he purchased the property he did not have the survey on it. He thought that he owned the driveway and he has been maintaining the driveway. He had a survey done on the property because he plans to construct a house on the tract and the surveyor informed him that he did not own the driveway. His property ends where the road is located. He has the builder and plans for the house and he is just waiting on an easement or permission to use the driveway/road.

Councilmember Thompson states that the access easement Mr. Slate is requesting is outside any developing opportunities for the City, in his opinion and his concern or question is if the City allows the easement would the driveway construction have to adhere to the guidelines of the City. Public Works Director Perry answered yes; Mr. Slate would have to construct the driveway according to regulations by the City.

Mayor Herrington advised Mr. Slate that in the future to survey the property prior to purchase. Public Works Director Perry informed that the fence dividing the tracts is located on the city property line. Councilmember Thompson made a motion, seconded by Councilmember Smith, to approve request by Danny Slate for a 0.474

acre access easement. Mayor Herrington asked if there were any requirements the City would have with pavement. Public Works Director Perry answered yes; Mr. Slate would have to pave through street where he connects to the right-of-way. Mayor Herrington asked if there was a fee involved or was it something that was free. City Manager Ellis answered that currently the City does not have a standard fee on granting an easement. There may be considerations that may need to be included in the easement that city standards will be met at access point through the right-of-way. Councilmember Thompson states that there needs to be an agreement between the City and Mr. Slate regarding the fence because of adverse possession laws. Attorney Landers recommends that if Council wants to take action they may want to take the vote subject to the easement document being amended to include all the things that have been discussed. Councilmember Jordan expressed that he is not familiar with the area and would like the opportunity to see the property being discussed.

Councilmember Thompson withdrew the motion and Councilmember Smith withdrew the second. Councilmember Jordan made a motion, seconded by Councilmember Chivers, to postpone this item to the next meeting. Upon vote, motion carried unanimously.

Consider adopting the proposed Tax Rate for Fiscal Year 2015-2016 and schedule Public Hearings on proposed Tax Rate.

City Manager Ellis states the City's current tax rate was 0.64889 per one hundred dollar (\$100) of valuation. Certified tax value for 2014 was \$926,504,849 and certified tax value for 2015 is \$977,800,461. City Manager Ellis informed that if Council plans to set a proposed tax rate that exceeds the effective tax rate then Council will need to schedule two public hearings. She added that because of the increase in property tax value the effective tax rate of 0.622715 is lower than the existing tax rate of 0.64889 and a draft budget has not been filed as this point. City Manager states that when the proposed tax rate is agreed on it is not set in stone, if Council wishes they may reduce from what is set during the meeting but Council cannot exceed the tax rate that is set today.

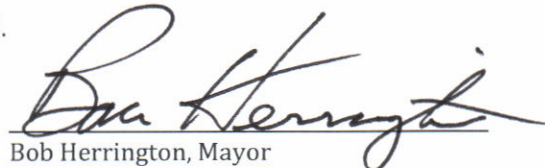
Mayor Herrington pointed out that if Council went with the effective tax rate of 0.622715 it would generate a little more than \$100,000. Mayor Herrington asked which tax rate was favored by Staff. City Manager Ellis answered that Staff has been working with revenue assumptions that the rate would stay at 0.64889 which will generate a little more than \$300,000 in revenue. Certified tax value is greater because of new appraisals and commercial growth. Mayor Herrington suggested doing a five year average on line items in the budget to free up money to take care of other areas of concern and allow giving firefighters pay increases. Councilmember Presley made a motion, seconded by Councilmember Chivers, to adopt tax rate of 0.64889. Upon vote, motion carried unanimously.

Councilmember Thompson made a motion, seconded by Councilmember Chivers, to schedule public hearings on proposed tax rate for Monday, August 24, 2015 and Monday, September 14, 2015. Upon vote, motion carried unanimously.

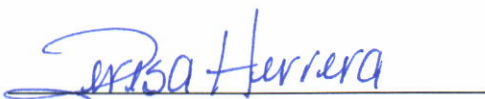
**ADJOURN**

With no other business to come before the Council, the meeting was adjourned at 6:44 p.m.

PASSED AND APPROVED THIS 24<sup>th</sup> DAY OF AUGUST, 2015.

  
Bob Herrington, Mayor

ATTEST:

  
Teresa Herrera, City Secretary

