

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, September 14, 2015 at 3:30 p.m. for the Work Session in the City Hall Conference Room, and 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; Mayor Pro Tem Adam Harding; Councilmembers Mitchell Jordan, Vickey L. Chivers, Joseph Thompson, Doug Smith, and Steve Presley; City Manager Wendy Ellis, City Secretary Teresa Herrera, and City Attorney Ronald Stutes.

Other staff present: Utilities Director Robert Sedgwick, Public Works Director Tim Perry, Development Services Director Jeffrey Lyons, and Admin. Assistant Nan Brock.

All Councilmembers were present for the Work Session and Regular Meeting. Mayor Pro Tem Harding arrived at 3:57 p.m.

WORK SESSION

Mayor Herrington called the work session to order at 3:35 p.m.

Discuss Utilities Code Amendment

Utilities Director Sedgwick informed Council that the Utilities Code did not provide an option to vary from the requirement of connecting to a city-owned sewer line if the line is located on a property being developed. Staff prepared an ordinance that provides a developer or property owner an option to apply for a variance through Chapter 98, Utilities not to connect to a city-owned sewer line that is on the property or directly across an adjacent street right-of-way if the cost of installing an alternative sewage treatment facility is significantly less than the cost of sanitary sewer line tap installation, and the cost of sanitary sewer line tap installation is significantly greater than the typical cost faced by a property owner due to conditions specific to the property or the proposed use of the property; and site conditions such as distance from nearest city-owned sewer line, topography of the site, the type of development that the alternative sewage treatment facility would serve, and any other condition that makes connecting to a city-owned sewer line technically not feasible. The proposed amendment was initiated by Staff based on a request by PISD to install an onsite septic system for the new Wildcat Golf Pro Shop on Country Club Road.

Discuss Budget Amendment for the City Council

City Manager Ellis explained that this time there were two TML Conferences in the same fiscal year. There were two new members on Council that attended Newly Elected Officials' Orientation in San Antonio. Councilwoman Chivers is a delegate for LEO and she attended the NBC-LEO Summer Conference in Fort Lauderdale, FL. Also, she will attend NLC in Nashville, TN.

Discuss upcoming schedule of Council meetings

Councilman Presley asked that scheduling of special work sessions or meetings should be coordinated in a better matter. Councilman Thompson expressed concerned with conflicts in scheduling with meetings at work. Council requested that this needs to be an action item at a future meeting.

Discuss policy and procedures for donation and purchase of property

Council only wants to be notified of property that the Real Estate Committee thinks will be a good acquisition for the City.

Discuss proposed budget for Fiscal Year 2015-2016.

City Manager Ellis informed Council that they should have received a revised proposed budget prior to the meeting. Lengthy discussion was held regarding Special Events budget and Hot Pepper Festival. Health Insurance was questioned and Council directed the City Manager to schedule a meeting with Jerry Guy.

With no other business to come before the Council, the work session was adjourned at 5:29 p.m.

CALL TO ORDER – REGULAR MEETING

Mayor Herrington called the Regular Meeting to order at 5:33 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Mayor Pro Tem Harding, and was followed by Pledge of Allegiance.

PUBLIC COMMENTS, PUBLIC RECOGNITION, AND ANNOUNCEMENTS

Jenny McDonald addressed Council regarding time capsule buried at Carnegie Building and extends an invitation to Council and public.

Michelle Holley addressed Council regarding a Chili Cook Off to support homeless assistance program.

James Smith addressed Council regarding City government.

April Gonzales read a letter on behalf of Misty Wilcher regarding Firefighter pay.

Kaylon Wade addressed Council regarding Fire Department.

Police Chief Alexander explained that Corporal Rayford was never pinned when he was promoted to Corporal seven years ago. Detective Corporal Gary Rayford was pinned for his promotion to Corporal by his sons.

CONFLICT OF INTEREST DISCLOSURES

Mayor Herrington filed affidavit on abstention from voting on Item 10 of the Regular Agenda and from participating in Item 4a of the Public Hearing.

PUBLIC HEARING

Public Hearing regarding the proposed Tax Rate of \$0.648890 per \$100 valuation by the governing body of City of Palestine.

Mayor Herrington opened the public hearing and asked for anyone speaking for or against the request to do so. With no one speaking, Mayor Herrington closed the public hearing.

Public Hearing regarding the proposed Budget for Fiscal Year 2015-2016.

Mayor Herrington opened the public hearing and asked for anyone speaking for or against the request to do so. Marilyn Helm, Isaac Wynn, and James Smith spoke regarding the proposed budget. With no other speakers, Mayor Herrington closed the public hearing.

Public Hearing regarding a variance to the requirement to provide city owned water and sewer facilities to a 5.30 acre tract out of Block 3 of the Norwood Heights Addition recorded in Volume 1171, Page 688 of the Deed Records of Anderson County. The property is generally located on the east side of State Highway 155, directly across from the northernmost intersection of Gardner Drive and State Highway 155. Applicable code section: Chapter 40 Development, Article VIII, Section 40-208, (b). Applicant Jeff Croft on behalf of Anderson County Farm Bureau.

Development Services Director Lyons provided Council with a summary of the request. Mayor Herrington opened the public hearing and asked for anyone speaking for or against the request to do so. Jeff Croft spoke in favor of the request. With no other speakers, Mayor Herrington closed the public hearing.

Public Hearing and 1st reading of the following Resolutions regarding Palestine Economic Development Corporation and City of Palestine notice of intention to grant:

\$14,250 to Palestine ISD:

Mayor Herrington stepped out at 6:13 p.m. PEDC Asst. Director Laudadio provided Council with a summary of the request. Mayor Pro Tem Harding read aloud the resolution and opened the public hearing and asked for anyone speaking for or against the request to do so. Chris Kiser spoke in favor of the request. With no other speakers, Mayor Pro Tem Harding closed the public hearing. Mayor Herrington returned at 6:17 p.m.

\$5,000 to Boy Scout Troop 440:

PEDC Asst. Director Laudadio provided Council with a summary of the request. Mayor Herrington read aloud the resolution and opened the public hearing and asked for anyone speaking for or against the request to do so. Hugh Summers spoke in favor of the request. With no other speakers, Mayor Herrington closed the public hearing.

\$10,850 to Palestine YMCA:

PEDC Asst. Director Laudadio provided Council with a summary of the request. Mayor Herrington read aloud the resolution and opened the public hearing and asked for anyone speaking for or against the request to do so. With no one speaking, Mayor Herrington closed the public hearing.

\$6,900 to Cars of Palestine:

PEDC Asst. Director Laudadio provided Council with a summary of the request. Mayor Herrington read aloud the resolution and opened the public hearing and asked for anyone speaking for or against the request to do so. With no one speaking, Mayor Herrington closed the public hearing.

\$9,500 to the City of Palestine; and

PEDC Asst. Director Laudadio provided Council with a summary of the request. Mayor Herrington read aloud the resolution and opened the public hearing and asked for anyone speaking for or against the request to do so. With no one speaking, Mayor Herrington closed the public hearing.

\$3,500 to ICEE Foundation.

PEDC Asst. Director Laudadio provided Council with a summary of the request. Mayor Herrington read aloud the resolution and opened the public hearing and asked for anyone speaking for or against the request to do so. With no one speaking, Mayor Herrington closed the public hearing.

MAYOR'S REPORT

Mayor Herrington informed that the Texas Department of Agriculture approved the Community Development Block Grant to the City of Palestine in the amount of \$275,000 for water, sewer, and streets improvements.

ITEMS FROM COUNCIL

Councilman Presley reported that the Texas State Railroad held a special event on Saturday, September 12, 2015. Texas Gov. Greg Abbott continued the tradition since 1976 that the governor rides the train during the first term. The event was well attended.

Councilwoman Chivers thanked all who participated in #AllLivesMatter event and reminded everyone of Coffee with a Cop on September 16, 2015 at Jack-In-The-Box.

Councilman Smith informed that The Dixie Swim Club would be the next performance of the Palestine Community Theater in October 2015.

CITY MANAGER'S REPORT

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

Departmental reports for Municipal Court and Development Services were provided.

CONSENT AGENDA

- 1) Consider approval of minutes of the Special Meeting and Work Session of August 21, 2015.
- 2) Consider approval of minutes of the Special Meeting of August 26, 2015.
- 3) Consider approval of minutes of the Special Meeting of August 27, 2015.
- 4) Consider approval of minutes of the Special Meeting of September 1, 2015.

Councilman Smith made a motion, seconded by Mayor Pro Tem Harding, to approve the Consent Agenda as presented. Upon vote, motion carried unanimously.

Councilman Jordan left at 6:13 p.m. and returned at 6:41 p.m.

REGULAR AGENDA

Consider the issuance of a "Request for Qualifications" to provide Real Estate Broker Services to the City of Palestine.

PEDC Director Manskey provided a summary. Real Estate Committee recommends approval of RFQ. Councilman Presley made a motion, seconded by Councilman Thompson, to approve "RFQ" to provide Real Estate Broker Services to the City of Palestine. Discussion was held. Upon vote, motion carried unanimously.

Consider approval of 12 month lease for Suite. #46 at the Palestine Mall for Alice Alvey's Insurance.

City Manager Ellis provided a summary. Councilman Presley made a motion, seconded by Councilwoman Chivers, to approve lease agreement with Alice Avery's Insurance. Discussion was held. Upon vote, motion carried unanimously.

Consider approval of 12 month lease for a Kiosk at the Palestine Mall for Bernard Becker DBA Teamer.

City Manager Ellis provided a summary. Councilman Presley made a motion, seconded by Councilman Thompson, to approve lease agreement with Bernard Becker DBA Teamer. Discussion was held. Upon vote, motion carried unanimously.

Reconsider denial of a variance to allow an Alcoholic Beverage Permit to be issued at 2430 State Highway 155 North.

Councilman Thompson made a motion, seconded by Councilman Smith, to reconsider denial of a variance to allow an Alcoholic Beverage Permit. Upon vote, motion carried 5-2 with Councilman Jordan and Councilwoman Chivers voting nay.

Consider a variance to allow an Alcoholic Beverage Permit to be issued at 2430 State Highway 155 North.

Councilman Thompson made a motion, seconded by Councilman Smith, to approve the variance request. A lengthy discussion was held. Upon vote, motion carried 5-2 with Councilman Jordan and Councilwoman Chivers voting nay.

Consider a resolution of support for an application to the Texas Department of Housing and Community Affairs to rehabilitate and preserve the Woodside Village Multifamily complex located at 2020 Martin Luther King, Jr. Blvd.

Development Services Director Lyons provided a summary. Councilman Presley made a motion, seconded by Mayor Pro Tem Harding, to approve **Resolution No. R-11-15**, as presented. Discussion was held. Upon vote, motion carried unanimously.

Consider a variance to the requirement to provide city owned water and sewer facilities to a 5.30 acre tract out of Block 3 of the Norwood Heights Addition recorded in Volume 1171, Page 688 of the Deed Records of Anderson County. The property is generally located on the east side of State Highway 155, directly across from the northernmost intersection of Gardner Drive and State Highway 155. Applicable code section: Chapter 40 Development, Article VIII, Section 40-208. (b). Applicant Jeff Croft on behalf of Anderson County Farm Bureau.

Development Services Director Lyons provided a summary. Mayor Pro Tem Harding made a motion, seconded by Councilman Thompson, to approve variance request. Discussion was held. Upon vote, motion carried unanimously.

Consider a replat of 5.30 acres out of Block 3 of the Norwood Heights Addition creating Lot 1-R of Block 3 of the Norwood Height Subdivision generally located on the east side of State Highway 155, directly across from the northernmost intersection of Gardner Drive and State Highway 155. Applicant Jeff Croft on behalf of Anderson County Farm Bureau.

Development Services Director Lyons provided a summary. Councilman Thompson made a motion, seconded by Councilwoman Chivers, to approve replat as requested. Discussion was held. Upon vote, motion carried unanimously.

Consider an ordinance amending the Palestine Code of Ordinances Chapter 98 Utilities and providing a variance allowing the installation of an alternative sewage treatment facility for any structure owned by a non-profit entity that will be located on a property that is currently served by city-owned sanitary sewer lines.

Development Services Director Lyons provided a summary. Councilman Presley made a motion, seconded by Councilman Thompson, to approve **Ordinance No. O-33-15**, as presented. Discussion was held. Upon vote, motion carried unanimously.

Consider a variance request to Chapter 98 Utilities, Section 98.1 to allow an alternative sewage treatment system at 2230 Country Club Road.

Mayor Herrington stepped out at 7:17 p.m. Development Services Director Lyons provided a summary. Councilman Smith made a motion, seconded by Councilwoman Chivers, to approve variance request. Discussion was held. Upon vote, motion carried unanimously 6-0. Mayor Herrington returned at 7:20 p.m.

Consider an ordinance for a Budget Amendment for Fiscal Year 2014-2015 for City Council.

City Manager Ellis provided a summary. Mayor Pro Tem Harding made a motion, seconded by Councilman Smith, to approve **Ordinance No. O-34-15**, as presented. Upon vote, motion carried unanimously.

CLOSED SESSION

Mayor Herrington announced that Council would go into Closed Session pursuant to Section 551.072 regarding deliberations about real property matters, Section 551.071 regarding consultation with attorney, pending or contemplated litigation, and Section 551.074 regarding personnel matters. The time was 7:24 p.m.

- 1) Discussion regarding Palestine Mall Pad Sites.
- 2) Discussion regarding the appointment, employment, or duties of the Finance Director.

Mayor Herrington left at 7:24 p.m.

RECONVENE IN REGULAR SESSION

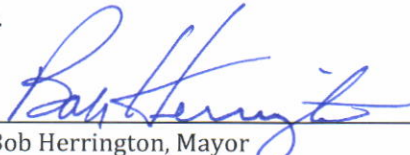
Mayor Pro Harding reconvened the Council into open session at 8:27 p.m.

No action taken.

ADIURN

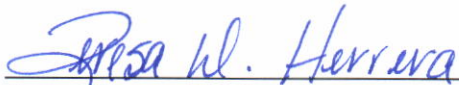
With no other business to come before the Council, the meeting was adjourned at 8:27 p.m.

PASSED AND APPROVED THIS 12th DAY OF OCTOBER, 2015.



Bob Herrington, Mayor

ATTEST:



Teresa Herrera, City Secretary

