

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 28, 2015 at 4:30 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: Interim Police Chief Mike Alexander, Development Services Director Jeffrey Lyons, Public Works Director Tim Perry, Fire Chief Alan Wilcher, and Utilities Director Robert Sedgwick.

All Councilmembers were present for the Regular Meeting. Mayor Herrington was absent for the Work Session.

WORK SESSION

Mayor Pro Tem Harding called the work session to order at 4:30 p.m.

Discuss proposed budget for Fiscal Year 2015-2016.

City Manager Ellis led discussion. Total general fund projected revenue for Fiscal Year 2015-2016 is \$14,610,140 which includes: tax revenue, franchise fees, licenses fees, permits fees, fine and warrants, leases and rentals, charges for service, other agencies, and other income. The projected general fund expenditures will be \$14,605,683. Administration (City Council, City Manager, City Secretary, Legal, Human Resources, Accounting, Purchasing, Customer Service, Warehouse, and Interfund Services) will be \$1,932,446. MIS will be \$207,172. Public Safety (Police Administration, Police Patrol, Police CID, Animal Control, Communications, Support Services, Fire Administration, Fire Suppression, Emergency Management, and Municipal Court) will be \$8,050,946. Public Works (Public Works Administration, Street Maintenance, Fleet Maintenance, Airport, and Engineering) will be \$1,596,693. Parks (Parks and Cemetery) will be \$998,211. Facility Maintenance will be \$238,891. Library will be \$713,633. Development Services (Development Services Administration, Health, and Planning) will be \$585,015. Economic Development (PEDC and Main Street) will be \$282,676.

With no other business to come before the Council, the work session was adjourned at 5:27 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

Dawn Mailloux addressed Council regarding Tourism Board Appointment.

Kevin Watts addressed Council regarding Paint Palestine Pink annual walk on October 3, 2015.

James Smith addressed Council regarding City government and its lack of leadership.

Mr. Joe Bruner, CEO of Palestine Chrysler Jeep Dodge and his staff were recognized for their donation of \$9,734.25 for 15 new Taser Body Cameras to the Police Department. Mr. Bruner presented the check to Asst. Police Chief Powell. Mr. Powell informed that each officer will have their body camera thanks to Mr. Bruner.

CONFLICT OF INTEREST DISCLOSURES

Mayor Herrington filed affidavit to abstention from participating on Item 2a of the Public Hearing.

PUBLIC HEARING

Public Hearing regarding an application for a zoning change from RPO, Restricted Professional Office to C-3, General Commercial District located at 1721 S. Sycamore Street being Lots 1A, 1B, and 1C, Block L of Yoakum and Hearne's Addition and generally located at the northwest corner of S. Sycamore Street and W. Gillespie Road. Applicant Jamie F. Meyers.

Development Services Director Lyons presented Council with a summary. He added that eight notices were mailed to property owners within 200-feet of the subject properties. None were returned in favor or in opposition. 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 and 2nd reading of the following Resolutions regarding Palestine Economic Development Corporation and City of Palestine notice of intention to grant:

- a) \$14,250 to Palestine ISD:
Mayor Herrington stepped out at 5:55 p.m. Mayor Pro Tem Harding opened the public hearing and asked for anyone speaking for or against the request to do so. With no one speaking, Mayor Pro Tem Harding closed the public hearing. Mayor Pro Tem Harding read aloud the 2nd reading of the resolution. Mayor Herrington returned at 5:56 p.m.
- b) \$5,000 to Boy Scout Troop 440:
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. Mayor Herrington read aloud the 2nd reading of the resolution.
- c) \$10,850 to Palestine YMCA:
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. Mayor Herrington read aloud the 2nd reading of the resolution.
- d) \$6,900 to Cars 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. Mayor Herrington read aloud the 2nd reading of the resolution.
- e) \$9,500 to the 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. Mayor Herrington read aloud the 2nd reading of the resolution.
- f) \$3,500 to ICEE Foundation. Mary Rum - Curious Museum in favor of request - hands on exhibit opening here in Palestine
Mayor Herrington opened the public hearing and asked for anyone speaking for or against the request to do so. Mary Rum spoke in favor of the request. With no other speakers, Mayor Herrington closed the public hearing. Mayor Herrington read aloud the 2nd reading of the resolution.

MAYOR'S REPORT

Mayor Herrington thanked all members of Council and City Staff for all the hard work and efforts put into the budget.

ITEMS FROM COUNCIL

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

- Pumpkin Patch Express every Saturday and Sunday from the Rusk Depot during the month of October 2015.

- The Polar Express starting during the month of November 2015 from the Palestine Depot.
- Also, reminded everyone that flu shots are now available at their doctors' office or pharmacy.

Mayor Pro Tem Harding informed that State Rep. Byron Cook was in Wal-Mart to recognize and honor Councilmember Steve Presley for all his does in the community as a pharmacist, member of Council, and the Texas State Railroad.

Councilmember Smith informed that the Resource Center on Avenue A has flu shots available at no cost; you must call them in advance. Also, he informed that tickets are on sale for the Dixie Swim Club performance at the Texas Theatre.

Councilmember Jordan informed that The Concerned Citizens Action Group of Anderson County, Inc. will hold its 2nd Annual Banquet at Ben E. Keith on October 10th at 6:00 p.m. guest speakers is Councilmember Darryl Bowdre from Tyler, TX. Also, Dogwood Youth Sports will have its registration at Wendy's on October 3rd at 9:00 a.m. This program helps children with juvenile diabetes or other major health problems.

Mayor Herrington informed that Court Drive Church will host Red Roots Concert on October 4th.

CITY MANAGER'S REPORT

City Manager Ellis informed that she and Councilmembers had attended TML Annual Conference.

Departmental report for Facility & Mall was presented. Also, Council received City Attorney Fees report.

BOARD APPOINTMENTS

Consider Board Reappointments with term to expire on September 30, 2017

- Ronald Jarrett to Place 1, Elton Haynes to Place 2, Jerry Bell to Place 3, and Steve Brannon to Place 4 to the Airport Advisory Board;
- ~~Beckie Gilbert to Place 3 to the Civil Service Commission;~~
- Ira Morel to Place 1, Mark Henderson to Place 2, Mark Thomas to Place 3, and Kurt Herrington to Place 4 to the Building Standards Commission;
- Mary Jean Mollard to Place 1, Vicki Hills to Place 2, William Young to Place 3, and Dana Mathews to Place 4 to the Main Street Advisory Board;
- Richard Farris, Jr. to Place 2, Mary Cox to Place 3, and Bob Snow to Place 4 to the Planning and Zoning Commission;
- Alex Patel to Place 1 and Dana Goolsby to Place 3, to the Tourism Advisory Board; and
- Mike Davis to Place 2 and Brick Parsons to Place 4 to the Zoning Board of Adjustments and Appeal.

City Attorney Stutes informed that reappointment of Beckie Gilbert to Place 3 to the Civil Service Commission needed to be pulled because the City Manager makes the appointments to Civic Service Commission.

Councilmember Smith made a motion, seconded by Mayor Pro Tem Harding, to reappoint all the applicants as presented. Upon vote, motion carried unanimously.

Consider board appointments of Mendi Perry to Place 2 replacing Jackson Hanks and Sameer Bhatt to Place 4 replacing Dawn Maillox with term to expire September 30, 2017.

Councilmember Smith made a motion, seconded by Mayor Pro Tem Harding, to appoint Mendi Perry to Place 2 replacing Jackson Hanks and Sameer Bhatt to Place 4 replacing Dawn Maillox with term to expire September 30, 2017. Discussion was held. Councilmember Smith withdrew the motion; Mayor Pro Tem Harding withdrew seconded to motion. Council will look into the appointments and will be on a future agenda. Members will serve until replaced by Council.

Consider Library Board Appointments of Portia Rodgers to Place 3 replacing Robert R. Weilacher with term to expire September 30, 2017; and Theresa Y. Hamilton-Roberts to Place 6 replacing Bonnie Woolverton with term to expire September 30, 2016.

Mayor Pro Tem Harding made a motion, seconded by Councilmember Smith, to appoint Portia Rodgers to Place 3 replacing Robert R. Weilacher with term to expire September 30, 2017; and Theresa Y. Hamilton-Roberts to Place 6 replacing Bonnie Woolverton with term to expire September 30, 2016. Upon vote, motion carried unanimously.

Consider Library Board Reappointments of Cynthia Thornton to Place 4 and Rhonda Herrington to Place 5 to the Library Board with term to expire on September 30, 2018.

Councilmember Presley made a motion, seconded by Mayor Pro Tem Harding, to reappoint Cynthia Thornton to Place 4 and Rhonda Herrington to Place 5 to the Library Board with term to expire on September 30, 2018. Upon vote, motion carried unanimously.

CONSENT AGENDA

1. Consider minutes of the Work Session and Regular Meeting of August 24, 2015.

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

REGULAR AGENDA

Consider a resolution authorizing the city manager to execute an agreement with Texas Department of Transportation for the temporary closure of State Right-of-Way on October 24, 2015.

Community Services Director Crouch presented Council with a summary. Councilmember Presley made a motion, seconded by Councilmember Jordan, to approve **Resolution No. R-12-15**, as presented. Upon vote, motion carried unanimously.

Consider a resolution amending Resolution No. R-13-05, adopting policies and procedures for the operation of the City Council.

Item was postponed. This item will be added to the next work session and regular meeting to be considered.

Consider an ordinance for a zoning change from RPO, Restricted Professional Office to C-3, General Commercial District located at 1721 S. Sycamore Street being Lots 1A, 1B, and 1C, Block L of Yoakum and Hearne's Addition and generally located at the northwest corner of S. Sycamore Street and W. Gillespie Road. Applicant Jamie F. Meyers.

Development Services Director Lyons presented Council with a summary. He informed that the Planning and Zoning Commission recommended the more restrictive zoning to C-2, Local Retail Commercial. Mayor Pro Tem Harding made a motion, seconded by Councilmember Smith, to approve **Ordinance No. O-35-15**, as presented. Discussion was held. Upon vote, motion carried 6-1 with Councilmember Thompson voting nay.

Consider an ordinance permanently closing and abandoning a portion of W. Georgia Street between Missouri Street and Texas Street. The portion to be abandoned is adjacent to Lots 1 & 2, Block O and Lots 5 & 6, Block P of the Burkitt, Bourdeaux & Wright Addition to the City of Palestine, Texas, being a strip of land 329.89-feet in length x 50-foot in width. Applicant H.P. Riley Properties, L.P.

Development Services Director Lyons presented Council with a summary. This is an undeveloped road. City wants to keep a utility easement on this property because there is a water line and other utilities at the location. All lots are owned by different owners and all owners were notified. Councilmember Presley made a motion, seconded by Councilmember Smith, to approve **Ordinance No. O-36-15**, as presented, subject to easement and surface damage waiver. Discussion was held. Upon vote, motion carried unanimously.

Consider amending the Organizational Chart - Retail Operations, Facility Maintenance, and Library.

City Manager Ellis informed that as discussed in a previous work session, to move retail operations and facility maintenance as a direct report to the Public Works Director and to move the Library as a stand-alone department reporting directly to the City Manager. This would provide better staff utilization. Allowing the Community Services Director to focus more on special events and creating recreational opportunities for the community. The changes will not impact the budget. Councilmember Presley made a motion, seconded by Mayor Pro Tem Harding, to amend the organizational chart, as presented. Community Services Director Crouch does not agree to the changes being proposed. He feels the changes are not necessary. He said that he

would like to see the Library as a stand-alone in the future but he said that the Library was not ready to be a stand-alone department now. City Manager Ellis informed that the Library Board has requested to change the Library as a stand-alone department. Public Works Director Perry added that the reason for the change would be to allow Community Services Director Crouch more time for additional community events. Library Director Holden states that she does not agree with Community Services Director Crouch's assessment. She added that she would like to see the Library as a stand-alone department. Mall Manager Conaway states that either way he is willing to do his job. Upon vote, motion failed 3-4 with Mayor Herrington, Councilmembers Jordan, Chivers, and Smith voting nay.

Consider an Ordinance adopting the Fiscal Year 2015-2016 Annual Budget. (record vote)

City Manager Ellis presented summary of proposed budget. Mayor Herrington asked if the budget included a 10% pay increase for the Fire Department. City Manager Ellis answered that Council did not give her that directive and a 6% pay increase is included in the budget for the Fire Department. Mayor Herrington informed that he would like to see a more detailed budget ordinance for future years.

Councilmember Smith made a motion, seconded by Mayor Pro Tem Harding, to approve **Ordinance No. O-37-15**, adopting the Budget for Fiscal Year 2015-2016. Upon a roll call vote, motion carried 4-3, as follows:

Mayor Herrington	Nay
Mayor Pro Tem Harding	Aye
Councilman Jordan	Nay
Councilwoman Chivers	Nay
Councilman Thompson	Aye
Councilman Smith	Aye
Councilman Presley	Aye

Consider an Ordinance providing for the assessment, levy, and collection of Ad Valorem Taxes for 2015-2016.

- a) For the maintenance and support of general government (General Fund)
- b) For the payment of accruing interest and providing for debt service of bonded indebtedness
- c) To adopt a maintenance and operations rate of \$0.55976/\$100
Councilmember Presley made a motion, seconded by Councilmember Smith, to approve maintenance and operations rate of \$0.55976/\$100. Upon vote, motion carried unanimously.
- d) To adopt a debt service rate of \$0.08913/\$100
Councilmember Presley made a motion, seconded by Councilmember Thompson, to approve a debt service rate of \$0.08913/\$100. Upon vote, motion carried unanimously.
- e) To adopt the proposed tax rate of \$0.64889/\$100 (record vote)
Councilmember Presley made a motion, seconded by Councilmember Thompson, to approve **Ordinance No. 38-15** as presented. Upon a roll call vote, motion carried 7-0, as follows:

Mayor Herrington	Aye
Mayor Pro Tem Harding	Aye
Councilman Jordan	Aye
Councilwoman Chivers	Aye
Councilman Thompson	Aye
Councilman Smith	Aye
Councilman Presley	Aye

Mayor Herrington informed that he did not want to participate on the closed session regarding the appointment, employment, or duties of the Finance Director.

CLOSED SESSION

Mayor Pro Tem Harding announced that Council would go into Closed Session pursuant to Section 551.071 regarding consultation with attorney, pending or contemplated litigation, and Section 551.074 regarding personnel matters. The time was 8:01 p.m.

- 1) Discussion regarding the appointment, employment, or duties of the Finance Director.

RECONVENE IN REGULAR SESSION

Mayor Pro Tem Harding reconvened the Council into open session at 9:15 p.m.

No action taken.

CLOSED SESSION

Mayor Herrington announced that Council would go into Closed Session pursuant to Section 551.071 regarding consultation with attorney, pending or contemplated litigation, and Section 551.074 regarding personnel matters. The time was 9:16 p.m.

- 2) Discussion regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the city manager.

RECONVENE IN REGULAR SESSION

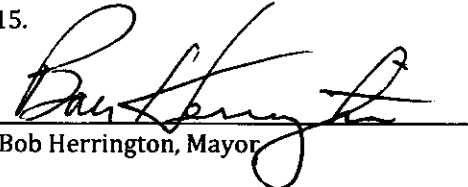
Mayor Herrington reconvened the Council into open session at 10:11 p.m.

Councilmember Smith made a motion, seconded by Councilmember Presley, to authorize Mayor Pro Tem Adam Harding to work with the Human Resources Department to formulate a Performance Improvement Plan for the City Manager, adding that Council would like to have the plan before the end of the week. Upon vote, motion carried unanimously.

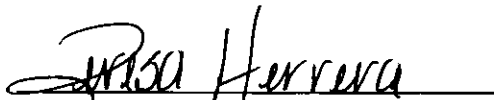
ADJOURN

With no other business to come before the Council, the meeting was adjourned at 10:11 p.m.

PASSED AND APPROVED THIS 9TH DAY OF NOVEMBER, 2015.


Bob Herrington, Mayor

ATTEST:


Teresa Herrera, City Secretary

