

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, October 12, 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: Library Director Theresa Holden, Fire Chief Alan Wilcher, and Public Works Director Tim Perry.

Others present: Scott Holden, Megan Holden, Will Brule, Isaac Wynn, Cindy Thornton, and Rhoda Herrington.

All Councilmembers were present for the Regular Meeting. Mayor Herrington and Councilmember Chivers were absent during the work session. Councilmember Jordan arrived at 4:39. A quorum was present during the work session.

WORK SESSION

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

Discuss the current policies and procedures for the operation of the City Council.

City Manager Ellis led discussion. Council requested that this item be placed on the work session to address all the special meetings that were called during the summer. The proposed changes would allow the Mayor, Mayor Pro Tem, or City Manager to call for an Emergency Meeting: Section 551.045 Subsection b provides: An emergency or an urgent public necessity exist only if immediate action is required of a governmental body because of: 1) an imminent threat to public health and safety; or 2) a reasonable unforeseeable situation. The public notice of an emergency meeting must be posted at least two hours before the meeting is scheduled to begin. Also, changing the order of business to match with what is currently in place. Councilmember Presley said that a special meeting should only be called if five Councilmembers including Mayor agree to meet.

Some Councilmembers were frustrated with all the additional work sessions and special meetings that were scheduled and cancelled at the last minute. The changes would only affect the way special meetings are called.

Each Councilmember present explained what they think their role is as a Councilmember. City Attorney Stutes read Article III. Legislative Procedure, Section 3.2 General administration of city affairs: the government of the city shall be the council-manager form of government and the city manager shall have control and supervision over all the departments of the city, except as herein otherwise provided, and to that end shall have power to make and enforce such rules and regulations as he may see fit and proper for the organization, management and operation of all departments of the city, and whatever agencies may be created for the administration of its affairs.

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 Pro Tem Harding called the Regular Meeting to order at 5:32 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

Corporals Gary Rayford, Matthew Kerr, and Marcos Lara were recognized and pinned by their spouse for their promotion to Sergeant. Chief Alexander informed that Corporal test will be held on November 9, 2015.

Cindy Thornton addressed Council regarding agenda item Library moved in organizational chart.

Will Brule addressed Council regarding minutes not posted on website.

Evelyn Cupit addressed Council regarding Veterans Breakfast on November 6, 2015 at Civic Center.

James D. Cashion addressed Council regarding need for and benefits of fall baseball and softball year-round. They want baseball and softball tournaments to be hosted here in Palestine. Current circumstances do not allow this with football leasing the entire complex.

Angela Dean addressed Council regarding trash pickup.

James Smith addressed Council regarding City government.

Edwina Miller addressed Council regarding Code Enforcement Officer Patsy Smith.

Mayor Herrington arrived at 6:05 p.m.

Hearing to listen to citizens' comments regarding current trash provider.

The following spoke regarding issues they have had with the current trash provider: Lily Bailey, Bill Murry, Cindy Thornton, Edwina Miller, Joe Mitchell, and Angela Dean. Mark with Progressive addressed some of the citizens' concerns. He informed that Progressive does keep a complaint log and any complaints should be called in at 903-723-4670. Councilmember Presley requested that Council discuss the contract with Progressive at the next work session.

CONFLICT OF INTEREST DISCLOSURES

Mayor Herrington filed affidavit on abstention from voting on Item 6 of the Regular Agenda. Councilmember Presley and Thompson filed affidavit on abstention from voting on Item 4 of the Regular Agenda.

PUBLIC HEARING

Public Hearing for a zoning change to rezone 21± acres on the north side of Murchison Street, approximately 1,100 feet to the west of N. Loop 256 from I-1, Light Industrial to R-2, Single Family Detached, Medium Density District. The 21± acres are part of a 31.60 acre tract recorded in Volume 1674, Page 87 of the Anderson County Deed Records. Applicant Mr. Jeffrey Jon's.

Development Services Director Lyons presented a summary of the request. He informed that seven notices were mailed to property owners within 200-feet of the subject property. One has been returned in favor of the request. None have been returned in opposition. Staff recommends approval of the zoning change. The Planning and Zoning Commission conducted a public hearing and discussed the request during the October 1, 2015 regular meeting and voted unanimously to approve the zoning change as submitted. Mayor Herrington opened the public hearing and asked for anyone speaking for or against the request to do so. Jeffrey Jon spoke in favor and Shawn Montalvo spoke against the request. With no other speakers, Mayor Herrington closed the public hearing.

Public Hearing and 1st reading of a Resolution regarding Palestine Economic Development Corporation (PEDC) and City of Palestine notice of intention to grant \$24,150 to Mollard Properties Ltd.

Mayor Herrington opened the public hearing and asked for anyone speaking for or against the request to do so. Jean Mollard spoke in favor of the request. With no other speakers, Mayor Herrington closed the public hearing and read the 1st reading of the Resolution.

MAYOR'S REPORT

Mayor Herrington expressed that he had received positive feedback on facebook and phone calls regarding the community garden and ICEE Success Foundation.

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.
- Fall Foliage Brunch Train, Sunday, November 8, 2015 at 10:15 a.m. last blast for the regular season. This train is designed to give nature lovers the best opportunity to view this annual show close-up. The train departs from the Palestine Depot.
- The Polar Express Train Ride with early dates in November and select dates in December. Additional cast members are needed for the event, if interested call 903-683-3093.

Councilmember Smith reported that the Texas Theatre had completed a successful production and auditions for Christmas production Fruitcakes will be held this weekend.

Councilmember Thompson provided information regarding the 5th Annual Fright Night Haunted House.

Mayor Pro Tem Harding informed that thanks to Heather Hrebec they were able to reunite a lost dog with its owners.

Councilmember Jordan informed that McLarty Toyota grand opening will be October 23, 2015.

Councilmember Chivers reported that National Night Out at the Mall and Larry Street had great attendance. Also, she provided information regarding a banquet on October 10, 2015 hosted by The Concerned Citizens Action Group of Anderson County, Inc.

Mayor Herrington informed that a public hearing to listen to citizens' comments regarding utility meters and billing issues would take place at the next regular council meeting.

CITY MANAGER'S REPORT

City Manager Ellis reported on the following:

- October 17th City Wide Cleanup
- October 24th Hot Pepper Festival
- October 15th TML Regional Meeting

Departmental reports for Development Services, Library, and Public Works were provided.

CONSENT AGENDA

- 1) Consider approval of minutes of the Work Session for September 8, 2015.
- 2) Consider approval of minutes of the Work Session and Regular Meeting of September 14, 2015.
- 3) Consider approval of minutes of the Work Session and Special Meeting of September 15, 2015.

Councilmember Smith made a motion, seconded by Councilmember Thompson, to approve the Consent Agenda as presented. Upon vote, motion carried 6-1 with Mayor Pro Tem Harding voting nay.

REGULAR AGENDA

Consider an Ordinance for a Budget Amendment for Fiscal Year 2014-2015:

- a. Legal Services in the amount of \$10,000. and

Councilmember Presley made a motion, seconded by Councilmember Thompson, to approve **Ordinance No. 0-39-15**, as presented. Upon vote, motion carried 4-3 with Mayor Herrington, Mayor Pro Tem Harding, Councilmembers Jordan and Chivers voting nay.

- b. Customer Service in the amount of \$50,000.

Councilmember Presley made a motion, seconded by Councilmember Smith, to postpone this item until the next Council meeting. Upon vote, motion carried unanimously.

Consider allowing Keep Palestine Beautiful to plant a community garden on City owned property located at the corner of M.L. Cary Street and Reagan Street.

No action taken.

Consider a Resolution authorizing the submission of a 2015 HOME-(HRA) Homeowner Rehabilitation Application and (RSP) Reservation System Participation to Texas Department of Housing and Community Affairs.

Councilmember Jordan made a motion, seconded by Councilmember Chivers, to approve **Resolution No. R-13-15**, as presented. Discussion was held. Upon vote, motion carried 6-2 with Mayor Pro Tem Harding and Councilmember Thompson voting nay.

Consider approval of Hotel Occupancy Tax Funding application by Palestine Tomorrow, Inc. in the amount of \$9,500.

Councilmember Presley stepped out at 7:55 p.m. Councilmember Thompson stepped out at 7:59 p.m. Mayor Pro Tem Harding made a motion, seconded by Councilmember Smith, to approve the Hotel Occupancy Tax Funding application by Palestine Tomorrow, Inc. in the amount of \$9,500. Discussion was held. Upon vote, motion carried unanimously. Councilmember Presley and Thompson returned at 8:01 p.m.

Consider approval of Hotel Occupancy Tax Funding application by Palestine Youth Athletic Association (PYAA) in the amount of \$10,000.

Mayor Pro Tem Harding made a motion, seconded by Councilmember Thompson, to approve Hotel Occupancy Tax Funding application by Palestine Youth Athletic Association (PYAA) in the amount of \$10,000. Discussion was held. Upon vote, motion carried unanimously.

Consider a Resolution authorizing expenditure by PEDC to grant funds to Palestine ISD in the amount of \$14,250.

Mayor Herrington stepped out at 8:03 p.m. Councilmember Presley made a motion, seconded by Councilmember Thompson, to approve **Resolution No. R-14-15**, as presented. Upon vote, motion carried unanimously. Mayor Herrington returned at 8:04 p.m.

Consider a Resolution authorizing expenditure by PEDC to grant funds to Boy Scout Troop 440 in the amount of \$5,000.

Councilmember Smith made a motion, seconded by Councilmember Jordan, to approve **Resolution No. R-15-15**, including Boy Scout Troop 440 in the amount of \$5,000; Palestine YMCA in the amount of \$10,850; Cars of Palestine in the amount of \$6,900; City of Palestine in the amount of \$9,500; and ICEE Foundation in the amount of \$3,500. Upon vote, motion carried unanimously.

Consider a Resolution authorizing expenditure by PEDC to grant funds to Palestine YMCA in the amount of \$10,850.

Consider a Resolution authorizing expenditure by PEDC to grant funds to Cars of Palestine in the amount of \$6,900.

Consider a Resolution authorizing expenditure by PEDC to grant funds to the City of Palestine in the amount of \$9,500.

Consider a Resolution authorizing expenditure by PEDC to grant funds to ICEE Foundation in the amount of \$3,500.

Consider authorizing request to carry over funds from Fiscal Year 2014-2015 to Fiscal Year 2015-2016 in the Marketing Budget (HOT Funds) line item for the Event Tourism Committee in the amount of \$8,800.

Councilmember Jordan made a motion, seconded by Councilmember Thompson, to authorize the request as presented. Discussion was held. Upon vote, motion carried unanimously.

Consider authorizing request to carry over funds from Fiscal Year 2014-2015 to Fiscal Year 2015-2016 in the Development Services Budget in the amount of \$5,000 to participate in the cost of new air conditioning units for the Carnegie Library.

Councilmember Chivers made a motion, seconded by Councilmember Smith, to authorize the request as presented. Upon vote, motion carried unanimously.

Consider an ordinance for zoning change rezoning 21± acres on the north side of Murchison Street, approximately 1,100 feet to the west of N. Loop 256 from I-1, Light Industrial to R-2, Single Family Detached, Medium Density District. The 21± acres are part of a 31.60 acre tract recorded in Volume 1674, Page 87 of the Anderson County Deed Records. Applicant Mr. Jeffrey Jon's.

Councilmember Smith made a motion, seconded by Councilmember Jordan, to approve **Ordinance No. O-40-15**, as presented. Discussion was held. Upon vote, motion carried unanimously.

Consider a resolution amending Resolution No. R-14-05, adopting policies and procedures for the operation of the City Council.

Councilmember Presley made a motion, seconded by Mayor Pro Tem Harding, to approve a resolution amending policies and procedures for the operation of the City Council. Discussion was held. Upon vote, motion failed 3-4 with Mayor Herrington, Councilmember Chivers, Jordan, and Smith voting nay.

Councilmember Presley made a motion, seconded by Councilmember Smith, to approve **Resolution No. R-16-15**, amending order of business on the agenda. Upon vote, motion carried unanimously.

Consider amending the Organizational Chart – Retail Operations and Facility Maintenance.

No action taken. Item will be reposted and considered at the next work session and regular meeting.

Consider amending the Organizational Chart – Library.

No action taken. Item will be reposted and considered at the next work session and regular meeting.

Discussion and possible action on the proper and permissible role of individual councilmembers and the Mayor regarding personnel issues and direct interactions with City employees under the City Charter and the Council-Manager form of government.

No action taken. Discussion only. City Attorney Stutes read Article III. Legislative Procedure, Section 3.2 General administration of city affairs: the government of the city shall be the council-manager form of government and the city manager shall have control and supervision over all the departments of the city, except as herein otherwise provided, and to that end shall have power to make and enforce such rules and regulations as he may see fit and proper for the organization, management and operation of all departments of the city, and whatever agencies may be created for the administration of its affairs.

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 8:44 p.m.

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

RECONVENE IN REGULAR SESSION

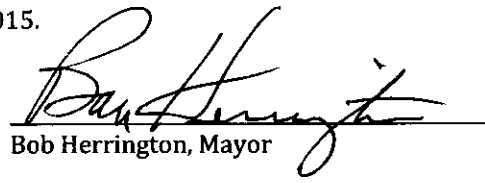
Mayor Herrington reconvened the Council into open session at 10:16 p.m.

Mayor Pro Tem Harding made a motion, seconded by Councilmember Chivers, to place City Manager Wendy Ellis on administrative leave with pay and to appoint Mike Alexander as Interim City Manager. Upon vote, motion carried 5-2 with Councilmembers Thompson and Presley voting nay.

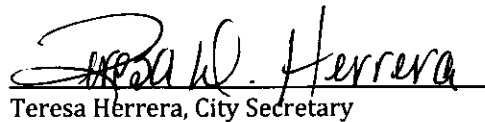
ADIURN

With no other business to come before the Council, the meeting was adjourned at 10:16 p.m.

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


Bob Herrington, Mayor

ATTEST:


Teresa Herrera, City Secretary

