

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 26, 2015 at 4:00 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 Vickey L. Chivers, Joseph Thompson, Doug Smith, and Steve Presley; Interim City Manager Mike Alexander, City Secretary Teresa Herrera, and City Attorney Ronald Stutes.

Other staff present: Development Services Director Jeffrey Lyons, Public Works Director Tim Perry, Fire Chief Alan Wilcher, and Library Director Theresa Holden.

Others present: Isaac Wynn, Preston Brown, Jack Coleman, Robert L. Meyers, Jo Wiggins, Martha Thompson, Mark Fenske, and Randy Platt.

Councilmember Mitchell Jordan was absent for the work session and regular meeting.

WORK SESSION

Mayor Herrington called the work session to order at 4:02 p.m.

Discuss Annual Delinquent Tax Report from McCreary, Veselka, Bragg & Allen.

Interim City Manager Alexander informed that Robert Meyers, Martha Thompson, and Jo Wiggins were in attendance to present the Annual Delinquent Tax Report. Robert Meyers led the discussion. The report presented details MVBA's activities undertaken to collect the delinquent taxes due to the City of Palestine. The report explains the procedures followed to insure that each property owner is notified of their tax delinquency, and the legal steps that are taken when prompt payment of the taxes are not made. MVBA's collection procedures provide the City with maximum recovery of its delinquent taxes in the shortest period of time possible. In addition to the collection activities, MVBA will advise the City on any ad valorem tax matter. MVBA's goal of their tax collection program is to collect the greatest amount of tax in the shortest period of time. He informed that in the last four years, the City's total annual tax collections actually exceeded the amount of taxes that were levied. The City has collected 100% of the taxes levied in the last four years. MVBA provides all legal representation for a contingent fee of the delinquent taxes, penalties and interest collected. The attorney fees are paid entirely by the delinquent property owners upon payment of the delinquent taxes as an additional penalty pursuant to the Texas Tax Code.

Discuss Progressive's contract and options for our citizens.

Public Works Director Perry informed that Randy Platt and Mark Fenske were present to discuss options for trash collection services. They talked about providing one 96 gallon poly cart for trash and one 96 gallon poly cart for recycling and changing the service times to one time per week on trash and one time per week on recycling instead of twice a week. Progressive would provide the poly carts for all residential and commercial accounts. The change was suggested to increase recycling. Council reminded Progressive that trash pickup does not need to start before 7:00 a.m. The contract will be discussed at a later date.

Discuss Council's participation in the Texas Comptroller's Leadership Circle Financial Transparency Program.

Mayor Herrington led discussion. The Comptroller of Public Accounts launched the Texas Comptroller Leadership Circle program in December 2009 to encourage local government to meet a standard for financial transparency online. Currently the program is being reshaped to better recognize those that are reaching enhanced transparency by providing detailed information in finances. He added that Anderson County is already part of this program. Council agreed that the program would be of benefit for the City. Council will take action on this item during the regular meeting.

With no other business to come before the Council, the work session was adjourned at 5:11 p.m.

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 Tech Specialist and District Webmaster for PISD Pastor Craig Harris, and was followed by Pledge of Allegiance.

PUBLIC COMMENTS, PUBLIC RECOGNITION, AND ANNOUNCEMENTS

Mary Raum addressed Council regarding responsibility of Council to challenge.

Christian Mailloux addressed Council regarding Mayoral behavior during public comments from September 28, 2015.

Alex Patel addressed Council regarding introduction and update on Tourism Board.

Tom Thorsen addressed Council regarding government and law.

Cindy Thornton addressed Council regarding Library's status on city organizational chart.

Angel Travioli addressed Council regarding outrageous water bills in May 2015 in the amount of \$745.00 for 153,000 gallons of water.

Chief Wilcher introduced new Firefighters Dillon Kennimer and Lucas Minyard. He added that entry level fire test will be given on November 7, 2015.

Court Administrator Acklin introduced new Customer Service Clerk Carolyn Garcia.

Interim City Manager Alexander gave a brief background and recognized Municipal Court Administrator Courtney Acklin for a job well done.

CONFLICT OF INTEREST DISCLOSURES

No action was taken.

PUBLIC HEARING

Public Hearing to listen to citizens' comments regarding water utility meter and billing issues.

Mayor Herrington opened the public hearing and the following citizens spoke regarding billing issues: Angela Davis, Alicia Laverty, Devin Jackson, Angel Travioli, Joe Watlington, Daniel Guajardo, and Mayor Herrington read aloud a letter from Mark Brown.

Public Hearing and 2nd 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 the request to do so. Mary Mollard and PEDC Asst. Director Greg Laudadio spoke in favor. Mayor Herrington asked for anyone to speak against the request to do so. With no one speaking against the request, Mayor Herrington closed the public hearing and read the 2nd reading of the Resolution.

MAYOR'S REPORT

Mayor Herrington thanked Staff, committee members, and volunteers who helped with Hot Pepper Festival preparations. He added that he would like to call a special work session for all boards and commissions to hear presentation by Interim City Manager Alexander regarding the Mission Statement for the City of Palestine. Also, City Secretary Herrera gave a brief summary of her mission trip to Ethiopia.

ITEMS FROM COUNCIL

Councilmember Presley reported on the The Polar Express in November and December 2015 at the Texas State Railroad. He added that he would like to see a different committee or volunteer recognized at every

Council meeting.

Councilmember Chivers thanked sponsors, festival committee, city employees, and volunteers that help coordinate the Hot Pepper Festival event. Also, reminded everyone to watch out for children trick or treating on Halloween.

Councilmember Thompson reminder everyone to vote on the Constitutional Amendment Election Ballot either by early voting this week or on Tuesday, November 3rd Election Day.

Councilmember Smith thanked the Fire Department for a job well done with the Fire Prevention Program. Also, he thanked the Citizens on Patrol for raising \$2,500 to be donated to the Police Department to purchase additional equipment for the department.

CITY MANAGER'S REPORT

Robert Meyers with McCreary, Veselka, Bragg & Allen gave a brief summary of the annual delinquent tax report for the City of Palestine. He informed that in the last four years, the City's total annual tax collections actually exceeded the amount of taxes that were levied. The City has collected 100% of the taxes levied in the last four years.

City attorney fees and departmental reports for Utilities and Municipal Court were provided.

REGULAR AGENDA

Reconsider rejection of an amendment to the Organizational Chart – Library.

Mayor Pro Tem Harding made a motion, seconded by Councilmember Thompson, to reconsider rejection of an amendment to the Organizational Chart – Library. Upon vote, motion carried 5-1 with Councilmember Chivers voting nay.

Discuss and consider amending the Organizational Chart – Library.

Councilmember Presley made a motion, seconded by Councilmember Smith, to amend the Organizational Chart moving the Library to a stand-alone department reporting directly to the City Manager. Discussion was held. Upon vote, motion carried unanimously.

Consider an Ordinance for Budget Amendments for Fiscal Year 2014-2015:

- a. **Customer Service in the amount of \$50,000, and**
Mayor Pro Tem Harding made a motion, seconded by Councilmember Smith, to approve **Ordinance No. O-41-15**, as presented. Discussion was held. Upon vote, motion carried unanimously.
- b. **Development Services in the amount of \$5,000 transferred from fiscal year 2014-2015 to fiscal year 2015-2016 to assist with costs associated with the installation of new air conditioning units for the Carnegie Library building.**
Councilmember Smith made a motion, seconded by Councilmember Chivers, to approve **Ordinance No. O-42-15**, as presented. Upon vote, motion carried unanimously.

Consider authorizing request to carry over funds from Fiscal Year 2014-2015 to Fiscal Year 2015-2016 in the Fire Suppression Budget in the amount of \$16,000 to purchase Fire Suppression Gear, Fire Hose and Fire Attack Nozzles.

Councilmember Presley made a motion, seconded by Councilmember Thompson, to approve request to carry over funds in the Fire Suppression budget in the amount of \$16,000. Upon vote, motion carried unanimously.

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

Councilmember Chivers made a motion, seconded by Councilmember Smith, to allow volunteers to plant a community garden on City owned property located at the corner of M.L. Cary Street and Reagan Street. Lengthy discussion was held. Council had concerns regarding liability for the use of the property.

Councilmember Chivers withdrew the motion; Councilmember Smith withdrew the second to the motion. Upon vote, motion carried unanimously. Council tabled this item until the next Council meeting.

Consider approval by PEDC to fund the Façade Improvement Project for Mollard Properties Ltd. for the 2015 FIP Grant in the amount of \$24,150.

Councilmember Smith made a motion, seconded by Mayor Pro Tem Harding, to approve **Resolution No. R-17-15**, as presented. Discussion was held. Upon vote, motion carried unanimously.

Consider adopting the Texas Comptroller's Leadership Circle Financial Transparency Program.

Mayor Pro Tem Harding made a motion, seconded by Councilmember Thompson, to adopt the Texas Comptroller's Leadership Circle Financial Transparency Program. Discussion was held. Upon vote, motion carried unanimously.

Consider setting City Council dates for the remainder of the year.

Councilmember Presley made a motion, seconded by Councilmember Chivers, to cancel the second regular meeting in December (December 28, 2015). Upon vote, motion carried unanimously.

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 7:12 p.m.

- 1) Discussion regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the city manager.
- 2) Discussion regarding the release and settlement of employment status of the city manager.

RECONVENE IN REGULAR SESSION

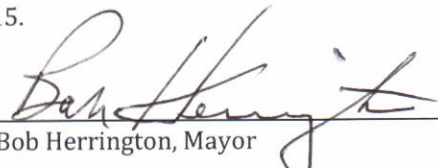
Mayor Herrington reconvened the Council into open session at 7:55 p.m.

Councilman Smith made a motion, seconded by Councilwoman Chivers, to direct the city attorney to finalize a separation agreement and release with Wendy Ellis and to prepare in conjunction with the attorney of Wendy Ellis a public statement. Upon vote, motion carried 4-2 with Councilman Thompson and Presley voting nay.

ADJOURN

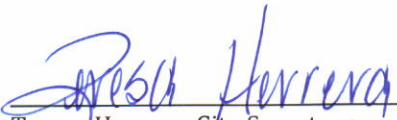
With no other business to come before the Council, the meeting was adjourned at 7:55 p.m.

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



Bob Herrington, Mayor

ATTEST:



Teresa Herrera, City Secretary

