

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, November 9, 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: Utilities Director Robert Sedgwick, Community Services Director Roy Crouch, and Interim Finance Director Becky Roseberry.

Others present: Jennifer Sheridan, Chuck Conner, Brett Austin, Will Brule, John McDonald, Isaac Wynn, and Chad Nobles.

Mayor Pro Tem Harding was absent for the work session Councilmember Mitchell Jordan was absent for the work session and regular meeting.

WORK SESSION

Mayor Herrington called the work session to order at 4:04 p.m.

Discuss the condition of the restrooms at the Athletic Complex.

Community Services Director Crouch presented Council the restroom renovation proposal for the Athletic Complex. He proposes that the existing storage area, men's and women's restrooms be demolished. The remodel would be a 32' x 22'. The women's room having seven toilets with partition stalls one being ADA compliant, three faucet trough sink ADA compliant, two electric hand dryers, and toilet paper holders. The men's room having three toilets with partition stalls one being ADA compliant, three faucet trough sink ADA compliant, two urinal trough, two electric hand dryers, and toilet paper holders. Paint the interior with grade A paint. The toilets, sinks, and urinals will be stainless steel. The estimate for the cost will be \$86,500. Council directed Staff to obtain additional bids and to obtain bids on less expensive material.

Discuss of options for improving water infrastructure, metering, and related equipment, water conservation equipment, fixtures, or practices for city facilities, and funding options for such projects.

Utilities Director Sedgwick led discussion. The meters need to be replaced soon. He added that last fiscal year \$75,000 were spent on new meters and they have already spent half of the amount that was budgeted for this fiscal year. Meter Readers are reading 75% of the meters with the handheld only 25% are being read by the drive-by system. Staff recommends that the City partner with Siemens for the needed water infrastructure improvements. Chad Nobles with Siemens was present to address Council's concerns. Siemens proposes reduction in operational cost, eliminate the need to manually read meters, reduce errors in the billing information, provide greater accuracy, and quicker response to citizens' inquiries.

Discuss forming a task force to help educate the community regarding water meters and to handle complaints.

Mayor Herrington informed that it would of benefit to the City to form a task force with a representative from each district. The community needs to understand the issues and offer solutions.

With no other business to come before the Council, the work session was adjourned at 5:28 p.m.

CALL TO ORDER – REGULAR MEETING

Mayor Herrington called the Regular Meeting to order at 5:35 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

Mendi Chambers was recognized for her promotion to Dispatch Supervisor by Captain Muniz.

Police Officers Robert Hayes and Aston Rodriquez were introduced by Asst. Chief Powell and they were pinned by a family member.

CONFLICT OF INTEREST DISCLOSURES

No action was taken.

MAYOR'S REPORT

Mayor Herrington informed that Westwood Panthers had made the playoffs. The game is scheduled for Thursday, November 12th in New Caney against East Chambers Buccaneers.

ITEMS FROM COUNCIL

Update on Attendance, Upcoming Activities, and Future Development at the Texas State Railroad

Councilmember Presley informed that The Polar Express Train Ride starts on Friday, November 20th and encourages everyone to make all the visitors feel welcome.

Update on Community Events

Councilmember Chivers informed that Christmas Parade will take place on Saturday, December 5th. Also, an exercise program will be held every Tuesday from 6:30 p.m. – 7:30 p.m. at Washington Early Childhood Center cafeteria for the community.

Councilmember Smith informed that the Anderson County Community Chorus will perform at the Palestine High School Auditorium on Sunday, December 6th at 2:00 p.m. Also, Texas Theatre production FrUiTcAkEs will take place one weekend only December 10, 11, 12, & 13, 2015.

Mayor Pro Tem Harding thanked all the volunteers, City Staff, and Walmart Associates for helping at the Veterans Breakfast on Friday, November 6th. The event was well attended. He added that Walmart will have Veterans recognition on Wednesday, November 11th.

Mayor Herrington encouraged everyone to visit the City's web page for information and upcoming events. Also, he recognized the Veterans in attendance at the meeting.

Update on Youth Advisory Board

Councilmember Chivers informed that Council is in the process of working on the Youth Advisory Board, encouraging young people of Palestine and Westwood to get involved in local government. The committee members will shadow Councilmembers.

CITY MANAGER'S REPORT

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

Interim City Manager Alexander informed that department directors were present to answer any questions.

Councilmember Presley asked if it is possible to bill insurance companies when Fire Department has to conduct an environmental clean-up to non-city residents. Fire Chief Wilcher answered no but he will look into it. Interim City Manager Alexander answered that they are in preliminary discussion regarding this concern and will have an update on this issue at a future meeting.

BOARD APPOINTMENTS

Consider reappointments of Freta Parkes to Place 1 and Beckie Gilbert to Place 3 to the Civil Service Commission with term to expire September 30, 2017 as recommended by Interim City Manager Mike Alexander.

Mayor Pro Tem Harding made a motion, seconded by Councilmember Chivers, to approve reappointments as presented. Upon vote, motion carried unanimously.

Consider reappointments with term to expire on September 30, 2017:

- a) **Robb Stewart to Place 2 and Cindy Millichamp to Place 4 to the Historic Landmarks Commission:**

- b) Steve Presley to Place 1, Robert Bess to Place 2, and Cecelia Webb to the Real Estate Committee; and
- c) Dawn Maillox to Place 4 to the Tourism Advisory Board.

Mayor Pro Tem Harding made a motion, seconded by Councilmember Chivers, to approve reappointments as presented. Upon vote, motion carried unanimously.

Consider appointments with term to expire on September 30, 2017:

- a) Mickie Lamberth to Place 1 to the Historic Landmarks Commission;
- b) Janice Hall to Place 1 replacing James Warren to the Planning and Zoning Commission; and
- c) Simon Webster to Place 2 replacing Jackson Hanks to the Tourism Advisory Board.

Mayor Herrington pulled item b. Mayor Pro Tem Harding made a motion, seconded by Councilmember Chivers, to approve Mickie Lamberth to Place 1 replacing Alan Herrington to the Historic Landmarks Commission and Simon Webster to Place 2 replacing Jackson Hanks to the Tourism Advisory Board. Upon vote, motion carried 5-1 with Councilmember Thompson voting nay.

OPEN BIDS

Bids were received and opened for Grant Management & Administration and Engineering, Architectural, & Surveyor Services.

Administrative Services

Traylor & Associates, Inc.	Tyler, TX
Judy Langford LCMS	Austin, TX

Engineering, Architectural, & Surveyor Services

Gary Burton Engineering, Inc.	Tyler, TX
Brannon Corporation	Tyler, TX
Schaumburg & Polk, Inc.	Tyler, TX
Yvonne Newman Engineering Inc.	Tyler, TX

CONSENT AGENDA

- 1) Consider appointment of Roseshaun Hall as Deputy City Secretary.
- 2) Consider approval of minutes of the Work Session and Regular Meeting of September 28, 2015.
- 3) Consider approval of minutes of the Work Session and Regular Meeting of October 12, 2015.
- 4) Consider approval of minutes of the Work Session and Regular Meeting of October 26, 2015.
- 5) Consider approval of an Ordinance to permit the operation of golf cart on public streets.

Councilmember Chivers made a motion, seconded by Councilmember Thompson, to approve the Consent Agenda as presented, adopting **Ordinance No. O-43-15**. Upon vote, motion carried unanimously.

REGULAR AGENDA

Consider approval to issue a Request for Qualifications (RFQ) to pursue a Design/Build Services for the City of Palestine/Palestine Mall.

PEDC Director Manskey explained that staff is seeking Council approval to distribute an RFQ to pursue a Design/Build Services to contractors throughout Anderson County and East Texas. Councilmember Presley made a motion, seconded by Councilmember Smith, to approve the RFQ with corrections as requested. Upon vote, motion carried unanimously.

Consider approval of Palestine Economic Development Corporation's efforts to purchase an office building located at 100 Willow Creek Parkway at the entrance to the Willow Creek Business Park.

PEDC Director Manskey explained that during a budget worksession Council directed Staff to look into purchasing the office space that is currently leased by PEDC office. Councilmember Smith made a motion, seconded by Councilmember Thompson, to approve the purchase of the office building located at 100 Willow Creek Parkway. Upon vote, motion carried unanimously.

Consider approval of Hotel Occupancy Tax Funding Application to grant \$10,000 to The 1836 Chuckwagon Race.

Marketing Manager Lake-Wolfe explained that The 1836 Chuckwagon Race has grown to be one of the largest equine events in Texas. The Tourism Advisory Board recommends approval as requested. Mayor Pro Tem

Harding made a motion, seconded by Councilmember Thompson, to approve the HOT application to grant \$10,000 to The 1836 Chuckwagon Race. Upon vote, motion carried unanimously.

Consider allowing Siemens to proceed with the Investment Grade Audit and authorize the Interim City Manager to sign the Letter of Intent.

Utilities Director Sedgwick explained that Staff recommends that Council allow Siemens to proceed with the Investment Grade Audit and authorize the Interim City Manager to sign the letter of intent. The RFQs were opened by Council on August 24th. Staff reviewed and ranked the qualifications. Siemens had the highest ranking. Councilmember Presley made a motion, seconded by Councilmember Chivers, to table this for the Regular Meeting on December 14, 2015. Council directed Staff to have this item for discussion in work session on November 23rd and December 14th. Also, each Councilmember will select a resident from within their district to serve on the Water Meter Task Committee. Upon vote, motion carried unanimously.

Consider an Ordinance granting to Oncor Electric Delivery Company LLC, its successors and assigns, an electric power franchise to use the present and future streets, alleys, highways, public utility easements, public ways, and public property of the City of Palestine, Texas.

City Attorney Stutes provided Council with a summary. Councilmember Presley made a motion, seconded by Councilmember Smith, to table this item for the Regular Meeting on November 23, 2015. Council wants additional provision to be added to the Franchise. Councilmember Presley is asking for a provision that would allow the franchise to adjust should substantial decreases in amount of electricity usage occur over the course of the 20-year term due to technology changes, there should be some mechanism to permit the adjustment of the compensation formula to preserve the revenue stream to match the value of the right-of-way usage. Council directed the City Attorney to ask Oncor to consider the proposal and to include in the franchise. Upon vote, motion carried unanimously.

Consider a Resolution authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation for 2014 and 2015.

City Attorney Stutes provided Council with a summary. Councilmember Thompson made a motion, seconded by Councilmember Chivers, to approve **Resolution No. R-18-15** for 2014 and **Resolution No. R-19-15** for 2015, as presented. Upon vote, motion carried unanimously.

Consider an Ordinance granting to Atmos Energy Corporation, a Texas and Virginia Corporation, its successors and assigns, a franchise to construct, maintain, and operate pipelines and equipment in the City of Palestine, Texas, for transportation, delivery, sale, and distribution of gas in, out of, and through said city for purposes.

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Consider an Ordinance to incorporate the Technically Based Local Limits into the Utility Ordinance.

Utilities Director Sedgwick provided Council with a summary. Councilmember Thompson made a motion, seconded by Councilmember Chivers, to adopt **Ordinance No. O-44-15**, as presented. Upon vote, motion carried unanimously.

Consider authorizing the Interim City Manager to enter into a contract with SGR to select a finance director.

Interim City Manager Alexander provided Council with a summary. Council directed the City Manager to obtain clarification from SGR regarding the current contract. This item needs to be addressed at the next Regular Meeting.

Consider a Resolution authorizing the appointment of a City Representative to the Anderson County Appraisal Central District Board of Directors.