

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, April 24, 2017, 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 Joseph Thompson; Councilmembers Will Brule, Mitchell Jordan, Doug Smith, and Steve Presley; City Manager Mike Alexander, Assistant City Manager Michael Hornes, City Secretary Teresa Herrera, and City Attorney Ronald Stutes.

Other staff present: CID Lt. Richard Johnson, Interim Police Chief John Herod, Development Services Director Jeffrey Lyons, Finance Director Steve Groom, Communications Officer Nate Smith, Public Works Director Tim Perry, Fire Chief Shannon Davis, PEDC Director Tom Manskey, and Community Services Director Patsy Smith

Councilmember Jordan arrived at 5:16 p.m. Councilmember Vickey L. Chivers was absent for the work session and regular meeting.

**WORK SESSION**

With a quorum present, Mayor Herrington called the work session to order at 4:30 p.m.

The following were discussed in work session: 1) the creation of an entertainment district on E. Crawford Street, between N. Houston Street and N. Elm Street; 2) supplemental budget appropriation modifying 2016-2017 Fiscal Year Budget; and 3) employee handbook.

With no other business to come before the Council, the work session was adjourned at 5:23 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 David Braun, former Palestine Police Officer, and was followed by Pledge of Allegiance.

**PROPOSED CHANGES OF AGENDA ITEMS**

No action was taken.

**PUBLIC COMMENTS, PUBLIC RECOGNITION, AND ANNOUNCEMENTS**

Kelly Hughes was recognized for his promotion to Fire Marshal/Assistant Fire Chief and he was pinned by his wife, Debbie Hughes.

Interim Police Chief John Herod introduced and welcomed Dispatcher Sue Tingle, formally with Tyler PD.

Mayor Herrington read aloud Public Service Recognition Week May 7-13th Proclamation.

**CONFLICT OF INTEREST DISCLOSURES**

No action was taken.

**MAYOR'S REPORT**

Mayor Herrington reminded everyone that early voting started today and to visit the City's webpage for additional information regarding hours. Also, rededication of Major General John E. Phillips Park on Saturday, April 29th at 10:00 a.m. sponsored by the Palestine Negro Business & Professional Women's Club, Inc., Parks Department, and the Parks Board.

### **ITEMS FROM COUNCIL**

Serena Coker and Chenoa Logan-Mason were recognized by Council. The Palestine Swim Initiative is a team effort of volunteers and the YMCA to make parents aware of the importance of their children learning to swim and making swim lessons affordable to all. Serena and Chenoa created the Palestine Swim Initiative and teamed up with Palestine YMCA to bring the value of swimming to all. The goal is \$30,000 which equals about 400 lessons and they have risen over \$16,000.

Councilmember Presley informed that Texas State Railroad Authority is still working on contract with new operator. New operator should be taking over on May 5th.

Councilmember Presley explained that City Charter requires that the canvass of the Election be done within five day and he is proposing to have a Special Meeting on Wednesday, May 10th to canvass the Election.

Mayor Herrington reminded everyone of the Community Yard Sale on Saturday, April 29th at Palestine Mall.

Councilmember Jordan reminded everyone of the Timber Drive Memorial on Sunday, April 30th at Timber Drive.

Councilmember Smith informed that the Palestine Police Department is hosting a National Prescription Drug "Take Back Day" on Saturday, April 29th from 10:00 a.m. to 2:00 p.m., turn in your unused or expired prescription medication for safe disposal.

Councilmember Presley informed that YMCA and Kiwanis Club will hold a Hamburger Fundraiser on Thursday, April 27th at Reagan Park and walk a Mile in Her Shoes this Saturday.

Mayor Herrington provided information regarding first Family Fish Day on Saturday, May 6th from 8:00 a.m. to 11:00 a.m. at Lower Lake.

### **CITY MANAGER'S REPORT**

Assistant City Manager Hornes informed that department directors were present to address questions from Council regarding reports. Also, starting Wednesday, Carnival will be at the Palestine Mall.

Finance (Municipal Court, March 2017 Financial Summary, Check Register, Quarterly Treasury Report, & Water Billing Summary), Police Patrol, and Community Services departmental reports were provided.

Mayor Herrington had questions regarding Facility Maintenance work orders. Assistant City Manager Hornes responded that those work orders have been completed.

### **BOARD APPOINTMENTS**

Consider the appointment of Amy Robinson to, vacant, Place 1 to the Parks Advisory Board with term to expire September 30, 2017.

Councilmember Smith made a motion, seconded by Mayor Pro Tem Thompson, to approve the appointment as presented. Upon vote, motion carried unanimously 6-0.

### **CONSENT AGENDA**

- 1) Consider approval of minutes of the Work Session and Regular Meeting of January 23, 2017.
- 2) Consider approval of minutes of Special Meeting of January 30, 2017.
- 3) Consider approval of minutes of Work Session of February 6, 2017.
- 4) Consider approval of minutes of the Work Session and Regular Meeting of February 13, 2017.
- 5) Consider approval of minutes of Special Meeting of February 14, 2017.
- 6) Consider approval of minutes of Special Meeting of February 17, 2017.
- 7) Consider approval of minutes of Work Session of February 20, 2017.
- 8) Consider approval of invoices over \$25,000.00. Finance Director Steve Groom

Mayor Pro Tem Thompson made a motion, seconded by Councilmember Jordan, to approve the Consent Agenda as presented. Upon vote, motion carried unanimously 6-0.

#### **REGULAR AGENDA**

##### **Consider approval of Employee Handbook.**

Communications Officer Nate Smith provided an update. Councilmember Presley made a motion, seconded by Councilmember Brule, to approve **Resolution No. R-12-17**, adopting the Employee Handbook as presented with corrections. Upon vote, motion carried unanimously 6-0.

##### **Consider approval of livestreaming City Council meetings and work sessions.**

Communications Officer Nate Smith explained that this will be done through Facebook Live. He will be downloading the videos to archive. This is free service and it is trial basis. Councilmember Presley made a motion, seconded by Mayor Pro Tem Thompson, to approve livestreaming City Council meetings and work sessions. Upon vote, motion carried unanimously 6-0.

##### **Consider an ordinance for Supplemental Budget appropriation modifying 2016-2017 Adopted Budget.**

Finance Director Steve Groom presented a summary. Councilmember Brule made a motion, seconded by Councilmember Jordan, to approve **Ordinance No. O-14-17**, as presented. Upon vote, motion carried unanimously 6-0.

##### **Consider an ordinance vacating and abandoning all right, title and interest to the City in the following undeveloped road right-of-ways and public utility easements within the Avondale and Schuh's Subdivision located in the 2600 Block of N. Jackson Street: a portion of Christine Avenue being 60-foot wide, part of Schuh Street being 50-foot wide, part of Elizabeth Avenue being 60-foot wide, all being 2.546 acres, all of two 4-foot wide public utility easements being 0.0977 acres, part of a 4-foot wide public utility easement being 0.0118 acres, and part of a 4-foot wide public utility easement being 0.0117 acres.**

Development Services Director Jeffrey Lyons explained that Oncor submitted a request to abandon and close undeveloped street right-of-ways and utility easements within the Avondale Subdivision which is located on the north side of N. Jackson Street to the west of the intersections of Wall Drive and N. Jackson Street. The purpose of the abandonment and closure is in preparation of the construction of a new electrical substation. Once approved, the property will be consolidated by replat into one lot. Oncor is the sole owner of all properties adjacent to the street right-of-ways and utility easements. Notification of any other property owners is not required. The Public Works / Utilities Director has reviewed the request and determined that the abandonment and closure will not affect any present or future water and sewer services to the area. Oncor, Atmos, and Centurylink have consented to the request. Mayor Pro Tem Thompson made a motion, seconded by Councilmember Smith, to approve **Ordinance No. O-15-17**, as presented. Upon vote, motion carried unanimously 6-0.

##### **Consider a variance to allow an Alcoholic Beverage Permit to be issued at 1219 N. Link Street.**

City Secretary Teresa Herrera provided a summary of the request. Councilmember Brule made a motion, seconded by Councilmember Jordan, to postpone until the next meeting allowing the applicant time to fulfill the letter requirement. Upon vote, motion carried unanimously 6-0.

##### **Discuss legal services for the City of Palestine.**

Mayor Bob Herrington explained that after some discussions with City Administration he decided to place this item on the agenda. Current law firm represents Texas State Railroad Authority, Palestine Economic Development Corporation, and the City of Palestine. Mayor Herrington is concerned that if the City had a conflict with one of the other entities the City Attorney would not be able to represent neither entity; and additional fees would incur to the City to hire outside legal counsel and they would not have the institutional knowledge. Mayor Herrington expressed that it would be better if Stutes only represented the City. No action was taken.

#### **CLOSED SESSION**

Mayor Herrington announced that Council would go into Closed Session pursuant to Section 551.074 regarding personnel matters. The time was 7:04 p.m.

- 1) Discuss Police Department Composition including the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of Police Department employees.
- 2) Discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of Interim Police Chief.

Councilmember Jordan left at 7:51 p.m.

**RECONVENE IN REGULAR SESSION**

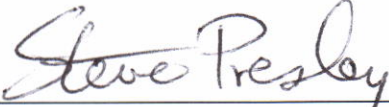
Mayor Herrington reconvened Council into open session at 8:05 p.m.

No action was taken from Closed Session.

**ADJOURN**


With no other business to come before the Council, the meeting was adjourned at 8:05 p.m.

PASSED AND APPROVED THIS 12TH DAY OF JUNE, 2017.

  
\_\_\_\_\_  
Steve Presley, Mayor

ATTEST:



  
\_\_\_\_\_  
Teresa Herrera, City Secretary