

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, June 12, 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 Steve Presley; Mayor Pro Tem Doug Smith; Councilmembers Will Brule, Mitchell Jordan, Vickey L. Chivers, Joe Baxter, and Ann Connor; City Manager Mike Alexander, Assistant City Manager Michael Hornes, City Secretary Teresa Herrera, and City Attorney Ronald Stutes.

Other staff present: Public Works Director Tim Perry, Public Works Deputy Director Felipe Garcia, Communications Officers Nate Smith, Finance Director Steve Groom, and Library Director Theresa Holden.

Councilmember Chivers arrived at 4:36 p.m. All Councilmembers were present for the work session and regular meeting.

**WORK SESSION**

With a quorum present, Mayor Presley called the work session to order at 4:33 p.m.

**Public Works & Utilities 101. Public Works Director Tim Perry**

Tim Perry gave a PowerPoint Presentation regarding Public Works and Utilities. The following was covered during his presentation:

- Water Treatment Plant has 8 employees. It operates 24 hours per day, 7 days a week. They treat and pump an average of 3 million gallons of water per day into the City. There is 11 miles of 27 inch water lines before the water reaches the plant. The City has two elevated storage tanks and six ground water tanks; and during peak demand approximately 6.5 million gallons are pumped daily;
- Water Distribution/Water Collection has 13 employees. Must have employees on call 24 hours per day, 7 days a week. They maintain approximately 250 miles of sewer lines and 275 miles of water lines;
- Waste Water Treatment Plant has 5 employees. Treatment plant treats and removes an average of 2.5 million gallons of wastewater per day. City has 26 lift stations and there are more than 100 miles of collection and out-fall lines for collection;
- Streets has 7 employees. They serve 491 roads in the City, which includes over 134.16 linear paved miles and over 268.32 paved miles of lanes. They patch potholes and other street repairs, and they mow the right-of-way for traffic control purposes. Also, they maintain all traffic control signs and over 20 miles of storm drain;
- Refuse/Sanitation has 6 employees. The City has two street sweepers; goal is to reach each street twice a year. City contracts with Waste Connections for weekly trash collection and recycling;
- Fleet Department has 3 employees. They maintain all city vehicles, emergency service vehicles, and motorized equipment. The City owns approximately 200 vehicles and equipment that fleets works on;
- Engineering consist of two employees. This department locates utility lines, provides GIS mapping, reviews construction plans, and inspects projects;
- Airport is a General Aviation Airport with two runways. It serves approximately 29 local planes and 85 transient planes per month. There are 19 private hangars and two common hangars; and
- Public Works Administration consists of five employees. They provide each department with financial, administrative, and staff support. Also, they work and manage the budget; and maintain current CIP's.

With no other business to come before the Council, the work session was adjourned at 5:19 p.m.

**CALL TO ORDER – REGULAR MEETING**

Mayor Presley called the Regular Meeting to order at 5:32 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Firefighter Lt. Devin Jackson, and was followed by Pledge of Allegiance.

**PROPOSED CHANGES OF AGENDA ITEMS**

Item # 6 was pulled from the Consent Agenda.

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

Jimmy Birdwell addressed Council regarding Palestine city limits, boundaries and Police Department. Traffic stop past Palestine city limit sign on Hwy 84 E, past Texas State Railroad Park.

Certificates of Appreciation for assisting in cleanup of Lower Lake were presented by Community Services Deputy Director Ricky Dorsey to Zachary Holloway, Alex Vasquez, Steven Salas Jr., Jimmy Essary, Steven Salas, Daniel Garcia, and Joel Deleon. Also, Johnny Daniels, Salvador Rios, John Boy, James Gray, Jarrod Fletcher, and Raymond Martin received a certificate, but not present to accept it.

Derek Hunt was recognized for his promotion from Firefighter to Driver; Geary Johnson was recognized for his promotion from Driver to Lieutenant; JP Manley was recognized for his promotion from Lieutenant to Captain; and Tim Ingram for his promotion from Captain to Battalion Chief. Firefighters were pinned.

**CONFLICT OF INTEREST DISCLOSURES**

Mayor Presley filed affidavit on abstention from participation on Item 4 of the Regular Agenda.

**PUBLIC HEARING**

Public Hearing regarding a specific use permit to allow 16 multi-family living units at 1319 Moody Street being Lot 2, Block 1 of the Farris Addition, zoned C-4, Highway Commercial and generally located approximately 160-feet on the inside of N. Loop 256 on the north side of Moody Street.  
Development Services Director Jeffrey Lyons provided a summary of the request. During the September 1, 2016, Planning and Zoning Commission meeting, the Commission conducted a public hearing on the request, heard a presentation from the applicant and recommended approval of the specific use permit as submitted.

Mayor Presley opened the public hearing and asked for anyone speaking for or against the request to do so. Rick Farris spoke in favor of request. With no one else speaking, Mayor Presley closed the public hearing.

Public Hearing regarding amendment to Appendix A, Zoning, Section 3.3, Section 4.6 and Section 15 by adding a definition, providing special provisions and designating zoning districts for indoor gun ranges.

Development Services Director Jeffrey Lyons provided a summary. Palestine Economic Development Corporation (PEDC) is working with a potential client who is interested in constructing an indoor gun range in the city limits. After reviewing the zoning ordinance, it was determined that a gun range is not currently listed in the land use graph, nor is a definition of a gun range provided in the list of defined uses. Due to this conclusion, PEDC has requested an amendment to the zoning ordinance that would include indoor gun ranges in the schedule of permitted uses.

During the May 4, 2017, Planning and Zoning Commission meeting, the Commission conducted a public hearing and discussed the request. The Commission unanimously recommended adding the following additions to the zoning ordinance pertaining to indoor gun ranges:

1. Section 3.3 Uses Definitions.  
Indoor gun range: An indoor facility that is specially designed for the safe discharge of firearms, including target, silhouette, skeet, trap, black powder, or similar recreational and or professional shooting.
2. Section 4.6, Zoning Use Graphs.

Indoor gun ranges permitted by specific use permit in I-1, Light Industrial and I-2, General Industrial. Prohibited in all other zoning districts.

3. Section 15 Special Provisions.

In addition to the requirements applicable within the districts where such uses are permitted, or those required through a Specific Use Permit granted within the City of Palestine corporate limits, the following requirements and regulations shall be complied with:

- The sale or consumption of alcohol on the premises of an indoor gun range is prohibited.
- No indoor gun range shall be located closer than 300-feet from a residential zoning district.
- The operator/owner of an indoor gun range shall provide casualty insurance coverage for any injuries to the public that are related to the use of the firearms.
- The loading or unloading of firearms on the premises of an indoor gun range outside the structure is prohibited.

Mayor Presley opened the public hearing and asked for anyone speaking for or against the request to do so. With no one speaking, Mayor Presley closed the public hearing.

**MAYOR'S REPORT**

Mayor Presley spoke regarding open government and he informed that the City is doing a much better job in providing information to the public; City is not trying to hide anything and informed that suggestions are welcome on how to make things better. Also, he informed that City Staff is working on infrastructure issues and plans to address the issues.

Mayor Presley reported on several ribbon cuttings.

Richard Jones of United Way spoke on the following events:

- June 3rd Food Packaging Event there were over 301 volunteers and 68,000 meals were packaged and these will be distributed during the summer within our community.
- June 10th Fourth Annual Dogwood Children's Literacy and Arts Festival at Courthouse Square. There were four reading stations, about 70 children received books, and 18 non-profits set up booths for the children.

Mayor Presley thanked all of the volunteers. Also, he reported on GREET, they are getting the community together and they held an event at Reagan Park.

Chamber of Commerce will host Content Marketing seminar on Thursday, June 15 from 10:00 a.m. to 12:00 p.m. at Ben E. Keith Community Room.

**ITEMS FROM COUNCIL**

Councilmember Connor recognized the following downtown businesses:

- Granny Muffin Wines owners Mike & April Johnston;
- Co-Ed Shop owner Linda Foster;
- Redlands Building owner Mary Jean Mollard; and
- Charles E. Dickens Fine Jewelry owners Charles & Linda Dickens.

Councilmember Smith announced that Palestine Community Theatre's summer production will be "Roald Dahl's James and the Giant Peach."

Councilmember Chivers informed of Anderson County Negro Historical Preservation Society, Juneteenth Celebration:

- Thursday, June 15<sup>th</sup>, the Annual Juneteenth Pageant at Ben E. Keith;
- Friday, June 16<sup>th</sup>, Fish Fry at Calhoun Park; and
- Saturday, June 17<sup>th</sup>, parade and festivities starting at 10:00 a.m.

Also, Coffee with a Cop at Jack in the Box on June 14<sup>th</sup> from 8:00 a.m. to 10:00 a.m.

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

#### **Palestine Mall – Pad Sites**

John Christon gave an update on pad sites. He added that he thinks the closing can happen on Thursday, August 17<sup>th</sup>. JC Penny's has requested new AC units and that the parking lot be restriped. City Manager Alexander informed that he will have maintenance look at AC units.

City Manager Alexander informed Council that department directors were present to address questions regarding reports.

Departmental reports for Sales Tax Update, Development Services, Web, Public Works, Library, Community Services, Police CID, and Police Support were provided.

### **BOARD APPOINTMENTS**

**Consider board of appointments of Ann Connor to Place 1, Phil Jenkins to Place 2, and Larry Weber to Place 3 with term to expire September 30, 2017; and Andrew Gregory to Place 4 and Brenda Walker to Place 5 with term to expire September 30, 2018 to Real Estate Committee.**

Councilmember Brule made a motion, seconded by Mayor Pro Tem Smith, to approve the appointments as presented. Upon vote, motion carried unanimously.

**Consider appointment of Chris Gouras to vacant Place 7 with term to expire September 30, 2018 to Historic Landmark Commission.**

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

### **CONSENT AGENDA**

- 1) Consider approval of minutes of the Work Session and Regular Meeting of April 10, 2017.
- 2) Consider approval of minutes of the Work Session and Regular Meeting of April 24, 2017.
- 3) Consider approval of minutes of the Work Session and Regular Meeting of May 8, 2017.
- 4) Consider approval of minutes of the Special Meeting of May 10, 2017.
- 5) Consider approval of invoices over \$25,000. Finance Director Steve Groom
- 6) ~~Consider approval of modified Steven Bennett Swimming Pool Schedule for 2017. Community Services Director Patsy Smith~~
- 7) Consider an ordinance vacating and abandoning all right, title and interest to the City of Palestine in a 20-foot wide sanitary sewer easement located on Lot 1 of the Cartmell Addition to the City of Palestine recorded in Volume 998, Page 179 of the Deed Records of Anderson County, Texas. Development Services Director Jeffrey Lyons
- 8) Consider expenditure in the amount of \$33,648 to purchase 25' Magna Rotor from Lakeside Equipment Corporation. Public Works Deputy Director Felipe Garcia

Councilmember Brule made a motion, seconded by Councilmember Chivers, to approve the Consent Agenda as presented adopting **Ordinance No. O-19-17**. Upon vote, motion carried unanimously 7-0.

### **REGULAR AGENDA**

**Consider approval of Phase II of the Downtown Assessment Study.**

Vice President Michael Burns and Project Manager Francois De Cock with KSA were present. Lengthy discussion was held. Council did not take action. Council directed Staff to schedule a joint meeting with PEDC Board and City Council to discuss Phase II and other phases of the Downtown Assessment Study.

**Consider a specific use permit to allow 16 multi-family living units at 1319 Moody Street being Lot 2, Block 1 of the Farris Addition, zoned C-4, Highway Commercial and generally located approximately 160-feet on the inside of N. Loop 256 on the north side of Moody Street.**

Mayor Pro Tem Smith made a motion, seconded by Councilmember Brule, to approve **Ordinance No. O-20-17** as presented. Upon vote, motion carried unanimously 7-0.

Consider an ordinance amending Appendix A, Zoning, Section 3.3, Section 4.6 and Section 15 by adding a definition, providing special provisions and designating zoning districts for indoor gun ranges.

Mayor Pro Tem Smith made a motion, seconded by Councilmember Chivers, to approve **Ordinance No. O-21-17** as presented. Upon vote, motion carried unanimously 7-0.

First reading of a Resolution regarding Palestine Economic Development Corporation and City of Palestine notice of intention to grant \$25,000 to Texas State Railroad Authority, \$11,500 to Palestine YMCA, \$9,500 to Palestine Tomorrow, and \$4,000 to Palestine Youth Athletic Association.

Mayor Presley read aloud the first reading of a Resolution regarding Palestine Economic Development Corporation and City of Palestine notice of intention to grant \$25,000 to Texas State Railroad Authority, \$11,500 to Palestine YMCA, \$9,500 to Palestine Tomorrow, and \$4,000 to Palestine Youth Athletic Association.

Mayor Presley exited the Council Chambers at 7:34 p.m.

Texas State Railroad General Manager Greg Udolph and Texas State Railroad Authority Board Member Ben Campbell explained that they applied for a grant for exterior improvements to the Palestine Depot. YMCA is requesting funding for further completion of the soccer complex, Palestine Tomorrow is requesting funding for completion of the sculpture park, and PYAA is requesting funding for improvement to concessions.

Item will be on the next regular meeting for the second reading and possible approval.

Mayor Presley returned at 7:44 p.m.

Consider a resolution for TxDOT Off System Bridge Replacement of Saltworks Road.

Public Works Director Tim Perry explained that the bridge on Saltworks Road was identified for future replacement by TxDOT. The program is 90% TxDOT to 10% local match. The project estimate is \$441,000 and the City match would be \$44,000. This can be matched by in-kind services by performing maintenance to ditches, signs, and other structures that meet the requirements. Several areas to perform in-kind work have been identified and the resolution is a commitment from the City.

Councilmember Jordan made a motion, seconded by Councilmember Chivers, to approve **Resolution No. R-14-17** as presented. Upon vote, motion carried unanimously 7-0.

Consider an Ordinance approving an amendment to Chapter 34, Cemeteries, Section 34-9, entitled "Enclosures, Ornaments Prohibited," to limit the size of flags that are placed on cemetery plots in Palestine's cemeteries.

City Secretary Teresa Herrera explained that this Ordinance was approved by 3-1 vote. We need an affirmative vote of four to adopt this ordinance.

Councilmember Jordan made a motion, seconded by Councilmember Brule, to approve **Ordinance No. O-22-17** as presented. Upon vote, motion carried 5-2 with Mayor Pro Tem Smith and Councilmember Connor voting nay.

Discuss Council's top ten goals and wishes for next year.

Item not discussed. Mayor Presley directed Staff to place this item on the next regular meeting.

#### **CLOSED SESSION**

Mayor Presley announced that Council would go into Closed Session pursuant to Section 551.071 regarding consultation with attorney, pending or contemplated litigation. The time was 7:54 p.m.

- 1) Update on litigation (*City of Palestine v. Jerry Laza*, Cause No. DCCV16-359-349, 349<sup>th</sup> District Court, Anderson County).

Councilmember Brule exited the Council Chambers at 8:30 p.m.

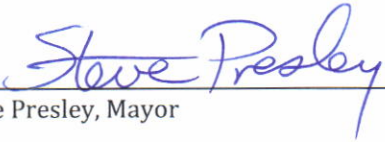
#### **RECONVENE IN REGULAR SESSION**

Mayor Presley reconvened Council into open session at 8:35 p.m.

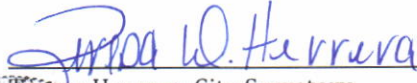
**ADJOURN**

With no other business to come before the Council, the meeting was adjourned at 8:35 p.m.

PASSED AND APPROVED THIS 26TH DAY OF JUNE, 2017.

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

ATTEST:

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

