

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, August 14, 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:

Steve Presley, Mayor
Doug Smith, Mayor Pro Tem
Will Brule, Councilmember
Mitchell Jordan, Councilmember
Vickey L. Chivers, Councilmember
Joe Baxter, Councilmember
Ann Connor, Councilmember

Mike Alexander, City Manager
Michael Hornes, Assistant City Manager
Teresa D. Herrera, City Secretary

Others present: Community Service Director Patsy Smith, Community Services Asst. Director Rickey Dorsey, Code Enforcement Officer Nikki Farrell, Code Enforcement Officer Janet Migliaccio, Development Services Director Jeffrey Lyons, PEDC Asst. Director Greg Laudadio, Public Works Director Tim Perry, Interim Police Chief Richard Johnson, Communications Officer Nate Smith, and other interested citizens;

with Ronald D. Stutes, City Attorney, absent. All Councilmembers were present.

WORK SESSION

With a quorum present, Mayor Presley called the work session to order at 4:36 p.m.

Code Enforcement 101

Community Services Director Smith led the discussion. New Code Enforcement video and brochure on the division explaining the steps on how the department processes complaints were presented.

With no other business to come before the Council, the work session was adjourned at 5:18 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 Milton Conaway, and was followed by Pledge of Allegiance.

PROPOSED CHANGES OF AGENDA ITEMS

Closed Session Item No. 4 was pulled and moved to Item No. 1 on the Regular Agenda.

PUBLIC COMMENTS, PUBLIC RECOGNITION, AND ANNOUNCEMENTS

A.D. Ethridge addressed Council regarding City ordinances and the lack of enforcement. He also commended Patsy Smith and Code Enforcement Officers. He said that some city ordinances are out of date and need to be updated. He is tired of excuses and he wants to see results. He is concerned that warrants are not being served.

David A. Braun addressed Council regarding my Town Palestine, Texas, facebook page. He informed that he will be filing for the office of Anderson County Justice of the Peace Precinct 2 in the March Republican Primary. He added that he wants to make Palestine and Anderson County better than before.

Mayor Presley informed that the Texas Department of State Health Services is pleased to announce that the City of Palestine has been awarded the 2016 Community Fluoridation Reaffirmation Award. Public Works Deputy Director Felipe Garcia accepted the award on behalf of the City.

CONFLICT OF INTEREST DISCLOSURES

No action was taken.

MAYOR'S REPORT

Mayor Presley reported on several items including Memorial Hospital conditions, Code Enforcement, and that the focus is still on streets, water, and sewer. He added that there was a successful GREET event at Walmart, and successful Blankets and Bears event.

Dan Manual's Dogwood Jamboree was this weekend; Mayor was present to welcome guests.

He informed that flu shots were now available and encouraged all to get one.

ITEMS FROM COUNCIL

Councilmember Brule thanked Assistant City Manager Michael Hornes and Public Works Director Tim Perry for arranging a tour of the water system. Councilmembers Brule and Baxter took the tour.

Councilmember Jordan announced that if you know of anyone from within the City of Palestine that is signed up to join the United States Armed Forces to let him to know. He wants to recognize all the men and women willing to serve our country.

Councilmember Connor recognized Robert Lane owner of City Shoe Shop, he exhibits the spirit of Palestine for operating a business in downtown for 50 years or more.

Councilmember Chivers recognized the students in the audience.

Councilmember Baxter thanked all City employees taking care of the Water Plant. He added that it looks great.

Mayor Pro Tem Smith informed that Anderson County Community Chorus rehearsals will take place at Grace Methodist Church on Mondays for the Christmas concert in December.

Councilmember Chivers encouraged everyone to be careful in school zones as children returned to school.

Councilmember Brule reminded everyone of the Farm & Flower Market on Saturday, August 19th, at the Farmers' Market.

CITY MANAGER'S REPORT

John Christon provided an update on Palestine Mall pad sites. Existing tenants are concerned about visibility and new sign. He added that he is stuck because he cannot construct or move to close on the sites.

City Manager Alexander explained that they have empowered PEDC to take the lead on how to deal with Old Memorial Hospital. Tom Manskey stated that back in October, PEDC started looking at the hospital as a priority and trying to redevelop that neighborhood. PEDC has about \$400,000 in a grant from the Texas Department of Agriculture. TDA informed that the hospital qualified as a project for the grant money. PEDC did their due diligence for a potential real estate transaction. ERI, an environmental consulting firm, out of Tyler was hired to do an asbestos assessment and phase I environmental site assessment. PEDC did an RFP to find out how much it would cost to demolish and remove the asbestos. Demolition is approximately \$500,000 and asbestos removal is approximately \$140,000. PEDC will decline the demolition bids because only one was received. He added that there are no secret plans for the building; they want to involve the public and

together come to the conclusion as to what is best for the building and better the neighborhood. PEDC wants what is best for Palestine.

City Manager Alexander added that dates for a town hall meeting are being discussed to talk about the Old Memorial Hospital and the Civic Center; and informed that Department Directors were present to address questions related to reports in the packet.

Departmental reports for Fire, Development Services, Library, Finance (Municipal Court, Utility Billing, Check Register, and Sales Tax), and PEDC were provided.

PEDC Director Manskey advised that PEDC has a new website.

CONSENT AGENDA

- 1) Consider approval of minutes of the Regular Meeting of July 10, 2017.
- 2) Consider approval of minutes of the Work Session of July 11, 2017.
- 3) Consider approval of minutes of the Regular Meeting of July 24, 2017.
- 4) Consider approval of invoices over \$25,000. Finance Director Steve Groom

Mayor Pro Tem Smith made a motion, seconded by Councilmember Brule, to approve Consent Agenda with corrections to July 24, 2017 meeting minutes. Upon vote, motion carried unanimously (7-0).

REGULAR AGENDA

Discuss the appointment of a municipal court judge, possible adoption of procedures for searching for a new municipal court judge, possible use of a search firm to recruit candidates, possible appointment of a search committee, discussion of candidates for the municipal court judge position, discussion of the municipal court judge duties and job description, discussion of the desirable characteristics of a new municipal court judge, possible terms of a contract with a new municipal court judge, or possible appointment of a new municipal court judge.

City Manager Alexander stated that current municipal court judge will be retiring as of September 30, 2017. Council directed the City Manager and Assistant City Manager to reach out to Associate Municipal Court Judge James Todd to see if he would be willing to step in fulltime until the position is filled. Item will be discussed at the next regular Council meeting.

Discuss Effective and Rollback Rates for Fiscal Year 2017-18, adopt the proposed tax rate for Fiscal Year 2017-18, and schedule two public hearings for proposed tax rate. Finance Director Steve Groom

Finance Director Groom provided a summary and informed that Council did not need to take action at this time.

Consider approval of Intergovernmental Cooperative Agreement between Anderson County and City of Palestine for the performance of governmental functions and services related to roads.

Public Works Director Tim Perry provided a summary of the agreement. Councilmember Brule made a motion, seconded by Councilmember Jordan, to approve the Intergovernmental Cooperative Agreement between Anderson County and City of Palestine, as presented. Upon vote, motion carried unanimously (7-0).

Consider approval of expenditure in the amount of \$60,139.30 for an 18' Tiger Bengal Boom Mower.

Public Works Director Tim Perry provided a summary; this was not a budgeted item. The mower if approved will be purchased from sanitation capital improvements fund. It was clarified that this is only the attachment. Councilmember Jordan made a motion, seconded by Councilmember Connor, to approve the expenditure in the amount of \$60,139.30 for an 18' Tiger Bengal Boom Mower. Upon vote, motion carried unanimously (7-0).

Councilmember Chivers stepped out of the meeting.

Second reading and consider approval of a Resolution regarding Palestine Economic Development Corporation and City of Palestine notice of intention to grant \$5,695.00 to Jerry Hatton for 2017 Façade Improvement Program for building located at 217 W. Oak Street.

Mayor Presley read aloud second reading of the resolution. PEDC Asst. Director Greg Laudadio provided a summary. PEDC Director Manskey provided information on façade grants. Council questioned why the three quotes were not received. Councilmember Baxter made a motion, seconded by Councilmember Connor, to table this item until the next regular Council meeting. Upon vote, motion carried 5-1 with Mayor Pro Tem Smith voting nay. Councilmember Chivers was not present for the vote.

Consider an ordinance for a Budget Amendment for Fiscal Year 2016-2017 for \$45,000 to Retail Fund.

Assistant City Manager Michael Hornes provided a summary. Mayor Pro Tem Smith made a motion, seconded by Councilmember Brule, to adopt **Ordinance No. O-26-17**, as presented. Upon vote, motion carried unanimously (6-0). Councilmember Chivers not present for the vote.

Consider a resolution of support and payment, authorizing submission of a request to the Texas Department of Housing and Community Affairs for participation in the HOME Grant.

Councilmember Chivers returned at 7:15 p.m.

Assistant City Manager Michael Hornes provided a summary. Councilmember Jordan made a motion, seconded by Councilmember Brule, to approve **Resolution No. R-19-17**, as presented. Upon vote, motion carried unanimously (7-0).

CLOSED SESSION

Mayor Presley announced that Council would go into Closed Session pursuant to Section 551.087 deliberations regarding economic development, Section 551.074 regarding personnel matters, Section 551.072 deliberations regarding Real Estate, and Section 551.071 to consult with city attorney; pending or contemplated litigation. The time was 7:17 p.m.

- 1) Update on litigation (*City of Palestine v. Jerry Laza*, Cause No. DCCV16-359-349, 349th District Court, Anderson County);
- 2) Discuss "Project Safety";
- 3) Discuss Palestine Mall pad sites;
- 4) ~~Discuss the appointment of a municipal court judge, possible adoption of procedures for searching for a new municipal court judge, possible use of a search firm to recruit candidates, possible appointment of a search committee, discussion of candidates for the municipal court judge position, discussion of the municipal court judge duties and job description, discussion of the desirable characteristics of a new municipal court judge, possible terms of a contract with a new municipal court judge, or possible appointment of a new municipal court judge;~~
- 5) Discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of City Prosecutor;
- 6) Discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of Police Chief;
- 7) Discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of City Attorney; and
- 8) Discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of City Manager.

RECONVENE IN REGULAR SESSION

Mayor Presley reconvened Council into open session at 9:56 p.m.

Mayor Pro Tem Smith made a motion, seconded by Councilmember Jordan, to approve expenditure in the amount of \$16,500 by PEDC and \$1,500 by the City for a feasibility study. Upon vote, motion carried unanimously (7-0).

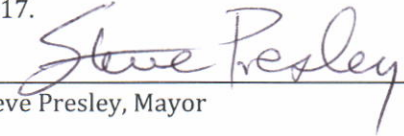
City Manager Alexander recommends that Council confirm the appointment of Andy Harvey as Police Chief. Councilmember Baxter made a motion, seconded by Councilmember Brule, to confirm the appointment of

Andy Harvey to Police Chief with salary and benefits previously stated. Upon vote, motion carried unanimously (7-0).

ADJOURN

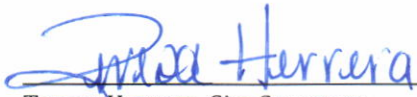
With no other business to come before the Council, the meeting was adjourned at 10:00 p.m.

PASSED AND APPROVED THIS 25TH DAY OF SEPTEMBER, 2017.



Steve Presley, Mayor

ATTEST:



Teresa Herrera, City Secretary

