

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 8, 2018 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:

Steve Presley, Mayor
Mitchell Jordan, Mayor Pro Tem
Larissa Ray Loveless, Councilwoman
Joe Baxter, Councilman
Dana Goolsby, Councilwoman
Ann Connor, Councilwoman

Tim Perry, Public Works Director
Teresa D. Herrera, City Secretary
Ronald D. Stutes, City Attorney

Others present: Police Captain Mark Harcrow, Asst. to the City Manager Nate Smith, Deputy Public Works Director Felipe Garcia, PEDC Director Gayle Cooper, Utilities Crew Supervisor Jason Shelton, and other interested citizens;

with the following member absent: Councilwoman Vickey L. Chivers and City Manager Michael Hornes.

WORK SESSION

With a quorum present, Mayor Presley called the work session to order at 4:01 p.m.

Discuss Automated Water Meter Project with KSA. Public Works Director Tim Perry

Public Works Director Perry led the discussion. He informed that the City acquired the services of KSA Engineering to evaluate the existing water system in order to provide specifications and bid documents to seek competitive bids for a drive-by automated water meter system. KSA provided a summary of bid process, adding that the notice was advertised in the Palestine Herald Press, as required and a mandatory pre-bid meeting was held.

Three bids were received from qualified companies for consideration. The bids received were from Core and Main, Ferguson Waterworks, and Meter Install Group. Master Meter had a representative at the mandatory pre-bid meeting, but did not submit a bid. KSA is recommending the meter that works better with the sequestering agent that is used at the treatment plant. The life of the meter is 10 years. There are two types of meters: Positive Displacement or Multi-jet.

KSA recommends that the City contract with Core and Main, which is the Neptune meter. These meters can be modified to AMI, but this is AMR system. Council directed Staff to have all three meter companies that submitted bids at the next meeting. Council will talk to each company.

Mayor Pro Tem Jordan left the work session at 4:39 p.m.

Council expressed that it would be unfair to rebid the project just because someone missed the bid. Council allowed Mr. Brent Stark to speak and he explained why they did not submit a bid.

Council directed Staff to move forward with meter bids received.

Discuss wrecker/towing service agreement. Councilman Joe Baxter

Councilman Baxter led the discussion.

The policy that was included in the packet is the not current policy. Copies of the current policy were provided. Council directed staff to enforce the policy.

With no other business to come before the Council, the work session was adjourned at 5:06 p.m.

CALL TO ORDER – REGULAR MEETING

Mayor Presley called the Regular Meeting to order at 5:31 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by James Smith, and was followed by the Pledge of Allegiance.

PROPOSED CHANGES OF AGENDA ITEMS

There were no proposed changes.

PUBLIC COMMENTS, PUBLIC RECOGNITION, AND ANNOUNCEMENTS

Bonnie Woolverton spoke on Friends of Library Book Sale and provided dates of the sale.

James Smith thanked City Council for supporting National Night Out party at Larry Street Park.

Mayor Presley read aloud Hispanic Heritage Month Proclamation; accepted by City Secretary Teresa Herrera.

CONFLICT OF INTEREST DISCLOSURES

No action was taken.

MAYOR'S REPORT

Mayor Presley spoke regarding a mistake on the Palestine Herald Press story stating that the City had a \$200,000 fund balance. He added that the City included an additional \$200,000 toward the fund balance in the budget. The fund balance has more than a million dollars in it. Also, he has attended several events including a selection committee meeting at UT Tyler Business School to create high paying jobs in East Texas and attended four of the National Night Out block parties.

ITEMS FROM COUNCIL

Councilwoman Goolsby provided information of the Palestine Community Theatre's "Elvis Has Left the Building" production.

Councilwoman Loveless informed that books from Operation Read will be handed out on October 24th at Reagan Park. Details will be provided at the next meeting.

Mayor Pro Tem Jordan thanked everyone who hosted and attended National Night Out block parties.

CITY MANAGER'S REPORT

Public Works Director Perry explained that the Financial Oversight Advisory Committee chairman was not able to make it the meeting. He added that the report was email and Chairman Spencer will attend the next meeting to present a verbal report.

Public Works Director Perry informed that department directors were present to address questions from Council regarding reports.

Library, Fire, Development Services, and Community Services departmental reports were provided.

Councilwoman Loveless had questions regarding cost recovery and Coretegrity from the weekly reports.

Chief Davis answered that he is gathering information on cost recovery policy.

Mayor Presley directed staff to look into a policy that would only require Code Enforcement Officers to send one notice of violation per year per offense and after that one notice that the person receives a ticket, if they don't comply. Captain Harcrow will do some research on this item and report findings at a future meeting.

Mayor Presley asked why Chancellor Street had not received Neighborhood Watch Program sign, yet. Captain Harcrow said he would look into it.

BOARD APPOINTMENTS

- 1) Consider the reappointments of Tracy Torma and Rona Lacey to the Main Street Advisory Board with term to expire on September 30, 2020.

Mayor Pro Tem Jordan made a motion, seconded by Councilwoman Connor, to approve the reappointments as presented. Upon vote, motion carried unanimously 6-0.

- 2) Consider the appointment of Tara M. Farris to Place 7 replacing Bette Pollock to the Main Street Advisory Board with term to expire on September 30, 2020.

Mayor Pro Tem Jordan made a motion, seconded by Councilwoman Loveless, to approve the appointment as presented. Upon vote, motion carried unanimously 6-0.

- 3) Consider the reappointments of Cynthia Thornton and Rhonda Herrington to the Library Board with term to expire on September 30, 2021.

Mayor Pro Tem Jordan made a motion, seconded by Councilwoman Connor, to approve the appointments as presented. Upon vote, motion carried unanimously 6-0.

CONSENT AGENDA

- 1) Consider approval of minutes of the Town Hall Meeting of August 7, 2018.
- 2) Consider approval of minutes of the Work Session of August 8, 2018.
- 3) Consider approval of minutes of the Work Session and Regular Meeting of August 13, 2018.
- 4) Consider approval of minutes of the Special Meeting of August 20, 2018.
- 5) Consider an **ordinance** permitting the operation of golf carts on public streets. City Secretary Teresa Herrera
- 6) Consider a **resolution** for temporary street closure of Spring Street for Hot Pepper Festival. Public Works Director Tim Perry
- 7) Consider approval of invoices over \$25,000. Senior Accountant Jim Mahoney

Councilwoman Goolsby made a motion, seconded by Councilman Baxter, to approve the Consent Agenda adopting **Ordinance No. O-39-18** and **Resolution No. R-33-18** as presented. Upon vote, motion carried unanimously 6-0.

REGULAR AGENDA

- 1) Consider an ordinance repealing Ordinance No. O-32-18. Public Works Director Tim Perry
Public Works Director Perry provided an update.

Councilman Baxter made a motion, seconded by Councilwoman Connor, to adopt **Ordinance No. O-40-18** repealing Ordinance No. O-32-18. Upon vote, motion carried 5-1 with Mayor Pro Tem Jordan voting nay.

- 2) Consider an ordinance correcting a previously-approved ordinance providing for the assessment, levy, and collection of Ad Valorem Taxes for 2018-2019. Public Works Director Tim Perry
 - a) For the maintenance and support of general government (General Fund)
 - b) For the payment of accruing interest and providing for debt service of bonded indebtedness
 - c) To adopt a maintenance and operations rate of \$0.572993/\$100

Councilman Baxter made a motion, seconded by Councilwoman Loveless, to approve **Ordinance No. O-41-18**, adopting the maintenance and operations rate of \$0.572993/\$100. Upon vote, motion carried 4-2 with Mayor Presley and Mayor Pro Tem Jordan voting nay.

d) To adopt a debt service rate of \$0.119649/\$100

Councilman Baxter made a motion, seconded by Councilwoman Loveless, to approve **Ordinance No. O-41-18**, adopting the debt service rate of \$0.119649/\$100. Upon vote, motion carried unanimously 6-0.

e) To adopt the proposed tax rate of \$0.692642/\$100 (record vote)

Councilwoman Goolsby made a motion, seconded by Councilman Baxter, to approve **Ordinance No. O-41-18**, adopting the proposed tax rate of \$0.692642/\$100. Upon a roll call vote, motion carried 4-2 as follows:

Mayor Presley	Nay
Mayor Pro Tem Jordan	Nay
Councilwoman Loveless	Aye
Councilwoman Chivers	Absent
Councilman Baxter	Aye
Councilwoman Goolsby	Aye
Councilwoman Connor	Aye

3) Consider setting City Council dates for the remainder of the year. City Secretary Teresa Herrera

City Secretary Herrera explained that in previous year Council has cancelled the second meeting in November and December. Council will decide at the next meeting whether they will cancel the second November meeting.

Councilwoman Loveless made a motion, seconded by Mayor Pro Tem Jordan, to cancel the December 24th Council Meeting. Upon vote, motion carried unanimously 6-0.

4) Consider a resolution selecting Schaumburg & Polk as Engineering/Architecture/Surveying Firm in conjunction with the submittal of an application for funding through the Texas Department of Agriculture, Texas Capital Fund- Main Street Program. Public Works Director Tim Perry

Public Works Director Perry provided any update.

Mayor Pro Tem Jordan made a motion, seconded by Councilwoman Loveless, to adopt **Resolution No. R-34-18** as presented. Upon vote, motion carried unanimously 6-0.

CLOSED SESSION

Mayor Presley announced that Council would go into Closed Session pursuant to Section 551.071 to consult with city attorney to receive legal advice, including consultation regarding pending or contemplated litigation and Section 551.087 to deliberate regarding Economic Development Negotiations. The time was 6:15 p.m.

- 1) Discussion and update regarding *City of Palestine v. Jerry Laza, Cause No. DCCV 16-359-349, 349th District Court, Anderson County; and Jerry Laza v. City of Palestine, Cause No. 6:17-CV-00533-RWS* in the U.S. District Court, Eastern District of Texas.
- 2) Discuss Project Overlook. PEDC Director Gayle Cooper

RECONVENE IN REGULAR SESSION

Mayor Presley reconvened Council into open session at 7:23 p.m.

- 1) Take any action necessary regarding the *City of Palestine v. Jerry Laza, Cause No. DCCV 16-359-349, 349th District Court, Anderson County; and Jerry Laza v. City of Palestine, Cause No. 6:17-CV-00533-RWS* in the U.S. District Court, Eastern District of Texas.

No action taken.

- 2) Consider approving the abatement of infrastructure cost by the City of Palestine toward Project Overlook. PEDC Director Gayle Cooper

No action taken.

3) Consider a resolution authorizing funding of a grant not to exceed \$70,000 by the Palestine Economic Development Corporation toward Project Overlook. PEDC Director Gayle Cooper
Mayor Pro Tem Jordan made a motion, seconded by Councilwoman Loveless, to adopt **Resolution No. R-35-18** as presented. Upon vote, motion carried unanimously 6-0.

ADJOURN

With no other business to come before the Council, the meeting was adjourned at 7:24 p.m.

PASSED AND APPROVED THIS 14TH DAY OF JANUARY, 2019.

Steve Presley, Mayor

ATTEST:

Teresa Herrera, City Secretary

DRAFT