

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, February 25, 2019 at 3:30 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
Mitchell Jordan, Mayor Pro Tem
Larissa Ray Loveless, Councilwoman
Vickey L. Chivers, Councilwoman
Joe Baxter, Councilman
Dana Goolsby, Councilwoman
Ann Connor, Councilwoman

Michael Hornes, City Manager
Teresa D. Herrera, City Secretary
Ronald D. Stutes, City Attorney

Others present: Public Works Director Tim Perry, PEDC Director Gayle Cooper, Police Chief Andy Harvey, Interim Finance Director Jim Mahoney, Support Services Sgt. Jeremy Jenkins, Liter Abatement Officer Sherman Cooper, and other interested citizens;

with the following member absent: none. Mayor Pro Tem Jordan arrived at 3:38 p.m.

WORK SESSION

With a quorum present, Mayor Presley called the work session to order at 3:30 p.m.

1) Discuss P.L.A.C.E Team monthly activity. Police Chief Andy Harvey

Discuss was held. Sgt. Jenkins explained that the City was divided into 29 zones. The team has completed the inspection of five zones which amounts to 1,615 lots. Several 10-day notices were issued including some notices to the City of Palestine and 28 illegal dump sites have been addressed.

2) Discuss lease extension for East Texas Council of Governments for the Workforce Solutions office located within the Palestine Mall. City Manager Michael Hornes

City Manager Hornes explained that due to turnover at both the City and ETCOG there were alternative interpretations as to when the lease term on the building ended. ETCOG intended to submit lease extension by January 6, 2019. They are asking that Council extend the new lease beginning April 1, 2019 through March 31, 2024. The space will be for Workforce Solutions of East Texas. Discuss was held.

3) Discuss the 2019 Voucher Program effective March 1, 2019. Public Works Director Tim Perry

Public Works Director Perry explained the proposed 2019 Voucher Program. The vouchers will be printed on specialized no-copy paper and will be mailed to all active residential water customers. One voucher per quarter (four vouchers per year), redeemable for up to three cubic yards of residential waste (12 cubic yards total per year), to be deposited at the City's compost facility, during normal facility hours of operation. Two City employees will be at Compost Facility to assist with off-loading and sorting waste to maximize the use of the roll-off bins provided by Waste Connections at a discounted rate. The program will begin March 1, 2019. The Discuss was held.

4) Discuss contract with Cynergy Technology and possibility of adding a Virtual CIO. City Manager Michael Hornes

Discuss was held. Kevin Roper with Cynergy Technology provided a summary. City Manager Hornes explained that he needs to fine the money to pay for the additional services.

5) Discuss draft budget calendar for Fiscal Year 2019-2020. Interim Finance Director Jim Mahoney
Interim Finance Director Mahoney presented the draft budget calendar. Discuss was held.

6) Discuss Code of Ethics for City Council. Councilwoman Dana Goolsby
Council asked Councilwoman Goolsby to draft a policy and present it to Council. Discuss was held.

7) Discuss current City Council Policies and Procedures. Mayor Steve Presley
Discuss was held.

With no other business to come before the Council, the work session was adjourned at 4:59 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 Robert Haberle, and was followed by the Pledge of Allegiance.

PROPOSED CHANGES OF AGENDA ITEMS

There were no proposed changes.

PUBLIC COMMENTS, PUBLIC RECOGNITION, AND ANNOUNCEMENTS

Bubba Squiers spoke regarding propose housing development on old memorial hospital site and the need for development and benefits.

James Smith spoke regarding City government.

David Braun spoke regarding diversity.

Grizelda Castillo introduced herself and informed that she is running for District 4 seat.

Bill Fraser spoke regarding hospital property.

Brandy Brannon extended an invitation to East Texas Reception on March 6th in Austin and thanked Council for their service.

Mayor Presley read aloud Black History Month Proclamation; accepted by Councilwoman Vickey L. Chivers.

Police Chief Andy Harvey recognized Sgt. Brian Lintner and Sgt. Ricki Baker for graduating from the Texas Sergeant's Academy. Sgt. Baker addressed Council; he informed that he is proud to be part of a great department; the best he has seen during his tenure with the department.

CONFLICT OF INTEREST DISCLOSURES

No action was taken.

PUBLIC HEARING

Public hearing regarding a zoning change at 710 W. Main St., from C-3, General Commercial District to MF-1 Multi-Family Low Density to allow for three apartment units in existing building. Applicant Sloan Shuffler.

Building Official Mark Miers provided a summary. The applicant is requesting a change of zoning on vacant property to allow three-unit apartments. The current zoning does not allow this request. 14 notices were mailed to property owners within 200-feet of the location. None of the notices were returned in favor or opposition. The Planning and Zoning Commission unanimously approved the request at their meeting.

Mayor Presley opened the public hearing at 5:53 p.m. and asked for anyone speaking for or against the request to do so. List Priest and Gayle Cooper spoke in favor of the request. With no one else speaking, Mayor Presley closed the public hearing at 5:54 p.m.

MAYOR'S REPORT

Mayor Presley reported on events he attended in the past two weeks. Including: groundbreaking for the New University Academy at Palestine Campus, volunteering at Northside School with the Watch DOGS program, TxDOT meeting in Tyler; TxDOT is working on long-range plans, Mardi Gras Parade, and Black History Month Program.

ITEMS FROM COUNCIL

Councilman Baxter thanked the Police Department for the quick apprehension of suspect in robbery; also, thanked all the agencies involved. He reported that Mardi Gras Parade was well attended.

Councilwoman Chivers invited everyone to attend the Black History Month Program on Thursday at Courthouse Annex.

Councilwoman Loveless informed that PISD is exploring free daycare for all four year olds within PISD. Students who attend pre-K benefit from the state curriculum and early interaction with their peers. She encouraged the parents to attend the meeting on March 5th.

Mayor Pro Tem Jordan spoke regarding Black History Month.

CITY MANAGER'S REPORT

City Manager Hornes informed that the L. S. Equipment Co., Inc. d/b/a Lone Star Equipment Co. lawsuit will start tomorrow at the Anderson County Courthouse. He provided a brief description of the lawsuit. Also, set date for a second town hall meeting for hospital property. Council agreed to have the meeting on Tuesday, March 19th at 6:00 p.m.

Update from Texas Municipal Police Association by Representative Clint McNear; they represent about 28,000 officers across Texas. He is not here because there is a problem with the Police Department. He is here to try to prevent a problem. He informed that things are good and he has spoken with several officers. There are a few external vocal minorities trying to poison the well. He encouraged Council to speak with the officers if they feel they have problems in the department.

Police Chief Harvey presented the 2018 Palestine Police Department Racial Profiling report. Palestine Police Officers conducted 2,322 stops. The report included:

Gender: 934 were female drivers and 1,388 were male drivers;

Race or ethnicity: 599 were Black, 12 were Asian/Pacific Islander, 1,350 were White, 351 were Hispanic/Latino, and 10 were Alaska Native/American Indian;

Was race or ethnicity known prior to stop: 109 yes and 2,213 no;

Reason for stop: 752 were violation of law, 19 were pre-existing knowledge, 1,422 were moving traffic violation, and 129 were vehicle traffic violation;

Street address or approximate location of the stop: 1,904 were City streets, 251 were US highway, 111 were State highway, 11 were County road, and 45 were private property or other;

Was a search conducted: 93 yes and 2,229 no;

Reason for search: 53 consent, 5 contraband in plain sight, 29 probable cause or reasonable suspicion, 6 inventory, and 0 incident to arrest;

Was contraband discovered: 45 yes and 39 no;

Description of contraband: 40 drugs, 2 weapons, 10 alcohol, and 2 stolen property;

Results of the stop: 42 received verbal warning, 1,161 received written warning, 1,094 received a citation, 6 received written warning and were arrested, 19 received citation and were arrested;

Arrest based on: 7 were violations of Penal Code, 14 were violations of Traffic Law, and 4 were outstanding warrants; and six of the 2,322 stops were of physical force resulting in bodily injury.

Police Chief Harvey provided P.L.A.C.E Team Monthly Activity. Out of 29 zones within the City the team has completed five zones, inspected 1,615 lots, issued 174, 10-Day Notices, they have written four citations, 57 voluntary compliance extensions, one volunteer activity and have addressed 28 illegal dump sites.

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

Development Services, Police Department, Finance (Financial Summary, Property Tax, & Sales Tax), Public Works (Administration, Facilities, Fleet, Airport, Streets, Utilities, Waste, & Refuse), and Development Services departmental reports were provided.

OPEN BIDS

Open Request for Proposals: RFP-04-18 Commercial Real Estate Services.

They following proposals were received:

- Mission Capital
- Retail Solutions
- United Country Real Estate; Staples Property Group
- The J Beard Real Estate Company
- SRS Investment Properties Group
- Edge Capital Markets

CONSENT AGENDA

- 1) ~~Consider a resolution finding and determining that a certain area of the City contains conditions which are detrimental to the public health, safety, and welfare of the community and constitutes a blighted area. City Secretary Teresa Herrera~~
- 2) Consider a resolution allowing the submission of the grant application for the Interoperable Communications Mobile Command and accessories project to the Office of the Homeland Security Grant Division by the Police Department. Police Chief Andy Harvey
- 3) Consider an ordinance cancelling the May 4, 2019, General Election in District 6 and declaring unopposed candidate elected to office. City Secretary Teresa Herrera

Mayor Pro Tem Jordan made a motion, seconded by Councilwoman Goolsby, to approve Consent Agenda items 2 and 3; adopting **Resolution No. R-05-19** and **Ordinance No. O-06-19**; and pull item 1 to the regular agenda. Upon vote, motion carried unanimously 7-0.

REGULAR AGENDA

~~Consider a resolution finding and determining that a certain area of the City contains conditions which are detrimental to the public health, safety, and welfare of the community and constitutes a blighted area. City Secretary Teresa Herrera~~

City Manager Hornes provided a summary of the project.

Mayor Pro Tem Jordan made a motion, seconded by Councilwoman Loveless, to approve **Resolution No. R-06-19** as presented. Upon vote, motion carried unanimously 7-0.

- 1) Consider an ordinance for a zoning change at 710 W. Main St., from C-3, General Commercial District to MF-1 Multi-Family Low Density to allow for three apartment units in existing building. Applicant Sloan Shuffler.

Building Official Mark Miers provided a summary.

Mayor Pro Tem Jordan made a motion, seconded by Councilwoman Loveless, to approve **Ordinance No. O-07-19** as presented. Upon vote, motion carried unanimously 7-0.

- 2) Consider approval of resolutions regarding Palestine Economic Development Corporation and City of Palestine notice of intention to grant \$3,213.18 to Palestine Area Chamber of Commerce.

property located at 401 W. Main Street and \$39,459.00 to Mollard Properties, property located at 315 W. Oak Street.

PEDC Director Gayle Cooper provided a summary.

Mayor Pro Tem Jordan made a motion, seconded by Councilwoman Loveless, to approve **Resolution No. R-07-19** and **Resolution No. R-08-19** as presented. Upon vote, motion carried 6-1 with Councilman Baxter voting nay.

- 3) Consider approval of Collaboration Agreement between Palestine Economic Development Corporation and Palestine Area Chamber of Commerce.

PEDC Director Gayle Cooper provided a summary.

Mayor Pro Tem Jordan made a motion, seconded by Councilwoman Connor, to approve the Collaboration Agreement as presented. Upon vote, motion carried 5-1 with Councilwoman Chivers voting nay. Mayor Pro Tem Jordan was not present during the vote.

Mayor Pro Tem Jordan stepped out at 7:23 p.m. and returned at 7:28 p.m.

- 4) Consider approval of Hotel Occupancy Tax Grant Application by Palestine Area Chamber of Commerce, 81st Annual Dogwood Trails Festival in the amount of \$15,000.

Marketing Manager Mary Raum provided a summary.

Mayor Pro Tem Jordan made a motion, seconded by Councilwoman Goolsby, to approve the application as presented. Upon vote, motion carried unanimously 7-0.

- 5) Consider approval of the 2019 Voucher Program effective March 1, 2019.

Public Works Director Tim Perry provided a summary.

Mayor Pro Tem Jordan made a motion, seconded by Councilman Baxter, to approve the 2019 Voucher Program as presented. Upon vote, motion carried unanimously 7-0.

- 6) Discuss and take any action necessary regarding the lease extension for East Texas Council of Governments for the Workforce Solutions office located within the Palestine Mall.

City Manager Michael Hornes provided a summary.

Mayor Pro Tem Jordan made a motion, seconded by Councilwoman Loveless, to table until the next meeting. Upon vote, motion carried unanimously 7-0.

- 7) Discuss and take any action necessary regarding Code of Ethics for City Council.

Councilwoman Dana Goolsby provided a summary. Council will review the draft and submit additional changes to the draft.

- 8) Discuss and take any action necessary regarding current City Council Policies and Procedures.

Mayor Steve Presley provided a summary.

- 9) Discuss and take any action necessary regarding rules and regulations within Palestine's historic districts.

Mayor Pro Tem Mitchell Jordan provided a summary.

CLOSED SESSION

Mayor Presley announced that Council would go into Closed Session pursuant to Section 551.087 deliberation of Economic Development Negotiations, Section 551.071 consultation with attorney, Section 551.074 regarding personnel matters. The time was 8:17 p.m.

- 1) Discuss Project Potter.
- 2) Discuss Erickson Trucks and Parts, Inc. Tax Abatement Agreement.

- 3) Discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager

RECONVENE IN REGULAR SESSION

Mayor Presley reconvened Council into open session at 9:21 p.m.

Mayor Pro Tem Jordan made a motion, seconded by Councilman Baxter, to enter into a Performance Agreement with Project Potter. Upon vote, motion carried unanimously 7-0.

ADJOURN

With no other business to come before the Council, the meeting was adjourned at 9:22 p.m.

PASSED AND APPROVED THIS 13TH DAY OF MAY, 2019.

Steve Presley, Mayor

ATTEST:

Teresa Herrera, City Secretary