

**MINUTES
CITY OF TEAGUE
BOARD OF ALDERMEN
SPECIAL CALLED MEETING
OCTOBER 29, 2018 6:00 P.M.**

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT:** *The meeting was called to order at 6:00 P.M. by Mayor James Monks and Quorum was announced with all present Aldermen seated at their respective places.*
2. **INVOCATION:** *Alderman Rasbeary*
3. **PLEDGE TO THE FLAG:** *Alderman Michaud*
4. **ROLL CALL:** *Present: Jerry Ballew, Alderman Place 1, Ron Rasbeary, Alderman Place 2, Marie Hertenberger, Alderman Place 3, Marilyn Michaud, Alderman Place 5 and James Monks, Mayor Absent: Chris Nickleberry, Alderman Place 4*

5. **VISITORS/CITIZENS COMMENTS:** *At this time, any person with business before the Council not scheduled on the Agenda may speak to the Council for a maximum of three (3) minutes. No formal action can be taken on these items at this meeting.*

LaDonna Turner, business owner, expressed her disapproval of the demolition of the pavilion. She stated that she spoke with David McAdams who has a qualified gentleman that can immediately inspect and recommend the necessary repairs needed to the pavilion. She continued by explaining that she is the 4th generation in Teague and that her grandfather was in Teague when the pavilion was built. She also stated, her family has been in business in this town for many years and that they have backed this town and continues to try to make it better. She expressed her desire and appreciation of forming a committee to try to get someone to repair it in a proper manner.

Brenda Woodruff, resident, explained that she and her family moved to Teague 37 years ago and opened a business, making them the 2nd generation in Teague. She explained that there are 4 generations of their family in Teague. She stated her father-in-law had a business in Teague on 4th Avenue and some of their fondest memories are of their family sitting around the table listening to the history of Teague. She explained that she was filled with joy when she moved to this town due to the good school system and all the things dear to the people of Teague and those things are dwindling down year by year. She stated the things that we can save we should save them. She continued by explaining many years ago there was talk of the State School in Mexia closing and strong and powerful people such as Alderman Michaud refused to let this happen and fought for it to stay open. She stated we love the pavilion and we must fight the sleeping giant and teach our young people to be civic minded. She stated she is for working on repairing the pavilion because she had no idea that it was in the shape it is in and ask that the people be given a chance to save it.

Brenda Ballew, resident, explained that she previously spoke regarding the pavilion's historical significance and the love the community had for it going back several generations. She stated actions made it clear that you (Board of Aldermen) don't share the same feelings. She explained she wanted to speak tonight regarding the questionable way this situation has been handled. She continued by stating at the October 15, 2018 Meeting the Agenda listed discussion and possible action on 8th Avenue City Park repairs and improvements, nothing about tearing down the pavilion. She explained that Mrs. Prasil led the discussion stating we need a vision for the park and that there are several things that needed to be addressed, to include one item being a broken slide that can cost \$5,000 to replace. She continued by stating Mrs. Prasil then stated that an engineer had looked at the pavilion and took pictures and submitted them to structural engineers and the consensus of their opinions were that it should probably be tore down and/or that it is too risky to repair and with no further suggestions or discussion Alderman Rasbeary stated that since we pay those engineers we should do what they recommend and demolish it. She continued by stating Alderman Rasbeary's motion included to form a committee to redo it, which was taken to mean to



repair it and the motion passes unanimously. She reiterated that the Agenda Item was to discuss the repairs and improvements not to demolish anything. She continued by stating Mr. Rasbeary stated the next day that he did not mean to redo the pavilion, so a meeting was scheduled for October 19, 2018 so that his motion could be clarified and at that meeting the Council went into executive session which was not on the Agenda. She explained that those present at the meeting were not provided the information discussed in executive session nor Mrs. Prasil's email from the engineers. She explained that after returning from closed session comments were made and a motion was voted on to include Alderman Michaud gave a sad scenario of how we could lose our town if a child was injured at a birthday party held under the pavilion. She continued by explaining the 20' area around the pavilion had already been fenced off alleviating the City from any liability and asking why is there such a rush on demolishing the pavilion and there has not been any discussion on the liability from the broken slide. She stated, and you voted to demolish it. She commented that Alderman Hertenberger expressed her appreciation of the historical value of the building, but the safety of the citizens took priority, and asking again with the fence in place, where is the liability? She stated, yet you voted to demolish. She continued by stating to Alderman Rasbeary you clarified your motion to be sure it included tearing down the pavilion and that the committees only responsibility would be what would go in its place. She asked why, anything you build would be extremely expensive and if that is what you want why does the pavilion have to be sacrificed. She stated, of course you voted to demolish. She stated Alderman Ballew explained to the other Aldermen his position that there is no reason to rush this decision, and you voted not to demolish it. She stated, this is our town, we elected you to be our representative and that you were not voted into position to make decisions by ignoring our input. In closing she asked that the Board please reconsider and allow for the committee to study options and ways to pay for them.

John Birdwell, business owner, explained that he moved to Teague when he was 16 years of old and has chosen to bring his family back here after returning from college. He explained the pavilion means a lot to him and his family as they have spent time there to play, for parties and other events. He explained that he knows it can be saved because 3 years ago he was given an opportunity to give the City a bid for repairs to the pavilion. He continued by explaining that the repairs he recommended were ignored because the City's engineers stated it was in sound shape and the beautification to include painting and new metal was completed to get it ready for Parkfest. He stated, he knew it could be saved then and he knows it can be saved now.

Bill Bowers, resident, stated he was attending the meeting to appeal to the Board of Aldermen. He continued by correcting his previous statement at the October 19, 2018 meeting by stating he is the 5th generation in Teague. He presented a Pavilion Petition that contained 192 signatures, asking for more time for this to be considered. He also stated, that as both a seasoned citizen and someone who served on two boards he understands the Board of Aldermen are faced with a difficult decision, but with the fence in place the City has absolved any liability issues. He continued by explaining that it was his understanding after the meeting on October 15, 2018, the motion carried was that a committee was to be formed and the Mayor was to appoint 2 Councilmen and the number of citizens he saw fit to investigate other possibilities and options dealing with the structure. He continued to explain that the Open Meetings Act Handbook for 2018 states that the Act was adopted to help make governmental decision more accessible to the public and the provisions of the act are mandatory. He stated that he and the other constituents would like to be an influence and involved with this matter.

Paul Beaver, resident, stated all he and the others want is a chance to maybe save the pavilion and he understands that an engineer has said it is unsafe but there have not been any contractors brought in to assess what it would cost to fix it. He stated, he is sure that it needs to be repaired, but he does not agree that it is not repairable and if it was in bad enough shape not to be repaired he would agree to tear it down. He requested for some time to obtain bids from contractors to see what it would cost to repair it because it may be cheaper to repair it then it would be to demolish it. He continued by stating that he is speaking now from hear say but it's his understanding for the governing body to act on an engineer's letter, it is supposed to be a certified letter and he asked do you have a certified letter. Lastly, he stated, I am sure you are aware if the battle cry "Remember the Alamo" well next spring come election time the battle cry will be "Remember the Pavilion" in Teague, Texas.

6. NEW BUSINESS:

- a. Discussion and possible action on approving a contractor and estimate to demolish the Large Pavilion at the 8th Avenue City Park; and appropriating the necessary funds from the Fund Reserve; and approving Ordinance No. 2018-10-29 amending the 2018-2019 Fiscal Year Budget Chart of Account Expense Number 03-48-5319 Park Renovations, in the amount of the approved contractor's estimate.

City Administrator Prasil announced the four contractor's estimates she was able to obtain as follows:

- *Glick Excavation, out of Fairfield, in the amount of \$13,500 all inclusive*
- *4 C Lawn & Construction, owner Ryan Campbell, in the amount of \$22,000, did not include removal of debris*
- *Kent Trucking, out of Fairfield, in the amount of \$11,490 all inclusive*
- *R-Construction, out of Buffalo, in the amount of \$240,144 all inclusive*

Alderman Ballew asked Mrs. Prasil, will there be a written contract?

City Administrator Prasil replied, no sir it would be the bid you approved.

Alderman Ballew asked Mrs. Prasil, so if there will not be a contract, how will we hold the City with an indemnity clause, hold harmless clause to release the City of Teague from liability? He then stated, he has prepared multiple bid request for the State of Texas and these are pretty much standard. He then asked, is there a requirement for the contractor to furnish proof of Workers Compensation Insurance?

City Administrator Prasil replied, we require them to give us copies of their bond and insurance.

Alderman Ballew asked Mrs. Prasil, is there a requirement for the contractor to furnish copies of their general liability insurance?

City Administrator Prasil replied, that would be their Surety Bond.

Alderman Ballew asked Mrs. Prasil, is there a requirement for the contractor to disclose any past or present pecuniary relationship with any current City employee or official?

City Administrator Prasil replied, yes, the House Bill 1295 Conflict of Interest Form.

Alderman Ballew asked Mrs. Prasil, is there any requirement for the contractor to provide a list of employees for the project with certification that each is legally eligible to perform their work, such as a Commercial Driver's License, an Electricians License, forklift operator's certification, immigration status and things like that.

City Administrator Prasil replied, we have not done this in the past but.

Alderman Ballew commented, he noticed on one of the bids that was an item they included.

City Administrator Prasil stated, the last one that came through.

Alderman Ballew replied, yes and stated it seems a little ironic that we would not make every effort to release the City of liability for doing this work since it appears that liability is a major concern.

City Administrator Prasil commented, the contractor would be required to be insured and bonded.

Alderman Ballew commented, he has contacted an attorney from the Texas Municipal League for guidance, this has been a very awkward and confused issue from the very beginning and I have received guidance from them and I intend to make a motion as a result of their advice.

Alderman Michaud commented that she does not have any more to add than she did at the first meeting, but she can't believe that a building that has been there for over 100 years is not ready to come down. She also stated that it has been reconstructed 4 or 5 times and there is nothing original in that structure when it was built over 100 years ago. She continued by stating, it's a very big safety issue and if they say it can't be saved why can't we believe what the engineers have told us.

Mayor Monks asked Alderman Michaud if she had anything further to say.

Alderman Michaud replied, no, they are not going to listen anyway.

Alderman Hertenberger asked Mrs. Prasil, when does the fine start if we don't tear it down within a certain amount of time?

City Administrator Prasil replied, its not really a fine and she explained that the City is the controller and governing body responsible for the City Ordinance that was referenced. She continued by stating the City is the responsible one that issue those fines. She continued by stating, that when this Ordinance was referenced we were discussing it to the effect of how we would want someone else to handle a similar situation with their property and we would not issue our self a fine unless the Board deemed it that way.

Alderman Hertenberger asked, so they would have a certain period of time to get the work done?

City Administrator Prasil replied, yes and at the last meeting the motion that passed was for 30 days and you all put me on a tight time restraint and that is why we are here today.

Alderman Hertenberger commented, this is a very touchy subject and she understands that people want to save it and that those who have been here a long time and their families been here forever. She continued by stating, she would feel the same way had she been living here forever and that she moved here over 20 years ago, and she cares about Teague and that she would hate to see anything destroyed that didn't need to be destroyed. She continued by stating, we have to also do what is best for all of the citizens of Teague and not for just one group and that we all need to work together. She commented that most of you all were surprised that we were going to work on the pavilion and demolish it and it came about quickly and she understands that they need a little more time and she would be in favor of a little more time if we could.

Alderman Rasbeary, requested to move into Executive Session.

City Administrator Prasil replied, we do not have any stance or qualification to go into Executive Session.

Alderman Ballew stated, he would like to submit that we have mitigated any liability according to our own Code of Ordinances Section 3.605 part 2 that states that a vacant building is secured and there is no access to it, so any liability has been mitigated under our own Ordinance.

Alderman Hertenberger stated, so what he is saying is that it is already fenced.

Alderman Ballew moved to table Agenda 6a for 90 days and allow the previously approved committee to make recommendations to the Council, seconded by Alderman Hertenberger. Motion carried 4-0.

- b. Discussion and possible action on approving the quote and authorize Layne Christensen Company to pull, inspect and repair Well No. 3 Pump in the amount of \$58,532, and appropriating \$58,532 from the Fund Reserve; and approving Ordinance No. 2018-10-29-2 amending the 2018-2019 Fiscal Year Budget Chart of Account Expense Number 05-43-5720 Well Maintenance in the amount of \$58,532.

City Administrator Prasil explained Public Works Director Jacob Cowling was unable to attend the meeting due to him attending a class out of town for work. She continued by reading the following letter he prepared for the Board of Aldermen.

This quote is being presented to you so that well 3 may be repaired and brought back up to its normal pumping capacity if possible. I was trying to get this done in last year's budget but due to the drought and high-water usage it was too risky to take that well offline. The well as it currently stands is producing well under its design capacity. Thus, causing problems when the water demand goes up in the system like we experienced in this last year. To my knowledge this may be the first time this well's pump will be pulled and inspected and possibly replaced. This well is crucial when it comes to keeping the system operating during the summer months, so I ask that you please approve the funds to allow us to move forward with the inspections/repairs.

Thank you,

Jacob Cowling, Director of Public Works

She continued by stating that Well Number 2 that has given us problems over the past several years is currently back up and working.
Alderman Ballew stated that it appears that Well Number 2 is for Inspection and Well Number 3 is materials and asked is that correct?
City Administrator Prasil replied, the materials are for Well Number 3, but the pricing is based on the cost of the materials that were used on Well Number 2 previously.
Alderman Ballew asked, how long has it been since either well has been inspected?
City Administrator Prasil replied, Well Number 2 was just put back online, inspected and approved by TCEQ. She also stated that as written in Mr. Cowling's letter they were unable to locate any information on when or if Well Number 3 has been inspected or serviced.
Alderman Michaud stated that she believes we need to go ahead with this project.
Alderman Hertenberger stated, we need to keep our equipment up and going all the time because it keeps our City going.
Alderman Rasbeary stated we need to go ahead and fix Well 3 because is Well 2 goes down we will have a serious problem.

Motion to approve the amount of \$58,532 and appropriating \$58,532 from the Fund Reserve; and approving Ordinance No. 2018-10-29-2 amending the 2018-2019 Fiscal Year Budget Chart of Account Expense Number 05-43-5720 Well Maintenance in the amount of \$58,532 was made by Alderman Rasbeary, seconded by Alderman Ballew. Alderman Ballew withdrew his second.
Mayor Monks asked Alderman Rasbeary for clarification if his motion included Layne Christensen Company and their quote.
Alderman Rasbeary replied yes and approve the quote and authorize Layne Christensen Company to pull, inspect and repair Well No. 3 Pump.
Mayor Monks asked Alderman Rasbeary, so your motion is as the Agenda Item is written?
Alderman Rasbeary replied, yes.
Alderman Ballew seconded the motion.
Motion carried 4-0.

- c. Discussion and possible action on approving the employment of TRC Engineer, Inc. to complete an engineering study on the TDCJ Boyd Unit's Water and Wastewater Facilities; and appropriating \$17,500 from the Fund Reserve, and approving Ordinance 2018-10-29-3 amending the 2018-2019 Fiscal Year Budget Chart of Account Expense Number 03-41-5247 TDCJ IDA in the amount of \$17,500.
- City Administrator Prasil explained that this item was an item on the Agenda at the TDCJ Joint Meeting and we were requesting the approval to use TDCJ Funds to pay for this, but we did not have the opportunity to get this item approved and to move forward with this matter we need to approve this item. She also explained that the current funds in the 03-41-5247 account was allocated for the legal litigation and therefore the additional funds are being requested.*
Alderman Ballew asked, there is a possibility we can get reimbursed for this at a later date?
City Administrator Prasil replied, yes, it is possible.
Alderman Michaud stated she does not have any questions and that she has attended all the meeting and knows where we stand, and we have to do this to go forward.
Alderman Ballew moved to approve Agenda Item 6c.as written, seconded by Alderman Rasbeary.
Motion carried 4-0.

At 6:36 P.M. Open Session convened into Executive Session

7. **EXECUTIVE SESSION** – In accordance with Texas Government Code, Section 551.001, et seq., the City Council will recess into Executive Session (closed meeting) to discuss the following:
- a. § 551.074 Personnel Matter: Conduct an interview and deliberate the employment of Kyle Steen for the position of Public Works Technician.

At 6:42 P.M. Executive Session convened into Open Session

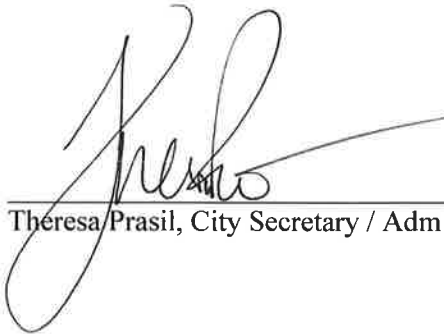
8. **RECONVENE INTO OPEN SESSION** - In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider action, if any, on matters discussed in Executive Session.

Alderman Ballew moved to offer employment to Kyle Steen for the position of Public Works Technician at \$12/hour, seconded by Alderman Rasbeary. Motion carried 4-0.

9. **ADJOURNMENT:** *At 6:43 P.M. Mayor Monks adjourned the meeting.*

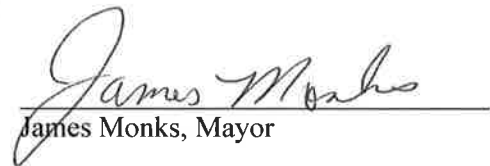
The meeting adjourned.

The City of Teague,



Theresa Prasil, City Secretary / Adm





James Monks, Mayor