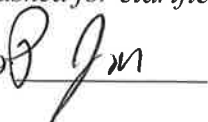


**MINUTES  
CITY OF TEAGUE  
BOARD OF ALDERMEN  
REGULAR CALLED MEETING  
SEPTEMBER 16, 2019 6:00 P.M.**

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 a Quorum was announced with all present Aldermen seated at their respective places.*
2. **INVOCATION:** *Alderman Ballew*
3. **PLEDGE TO THE FLAG:** *Alderman Jones*
4. **ROLL CALL:** *Present: James Monks, Mayor, Jerry Ballew, Mayor Pro Tempore / Alderman Place I, Rhonda Jones, Alderman Place II, Marie Hertenberger, Alderman Place III and Ryan Mathison, Alderman Place V Absent: Chris Nickleberry, Alderman Place IV*
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.*  
*Justin Romine, resident and Teague Volunteer Fireman, expressed the dire need for the 2020 Budget to be approved so that on October 1<sup>st</sup> it is accessible and available. He explained that the Teague Volunteer Fire Department does everything possible to apply for grants and fundraiser to gain money to operate the department. He explained how safety equipment and supplies were needed to be purchased each year to include firefighting gear. In closing he asked that the Board please pass the budget tonight so that all city departments will be able to continue to operate come October 1<sup>st</sup>.*  
*Alderman Hertenberger stated, Justin do you realize you have like \$36,000 left in your budget.*  
*Mayor Monks responded by saying, Marie you cannot respond to the speakers at this time.*  
*Alderman Hertenberger once again stated, you still have like \$36,000 in your budget.*  
*Mr. Romine replied, if there is a point, I would be happy to speak because we are in the running for a grant that is to be awarded any day and we don't want to waste the City's money nor spend it if we don't have to.*
6. **CONSENT AGENDA:**
  - a. Approve Minutes from the August 19, 2019 Meeting of the Board of Aldermen
  - b. Approve Minutes from the August 26, 2019 Budget Workshop Meeting of the Board of Aldermen
  - c. Approve the Accounts Payable and Payroll Check Registers for the month of August 2019
  - d. Approve Financial Statement for August 2019*Alderman Ballew moved to approve Agenda Items 6 A, B C and D, seconded by Alderman Mathison. Motion carried 4-0.*
7. **OLD BUSINESS:**
  - a. None
8. **NEW BUSINESS:**
  - a. Presentation and signature of Proclamation Declaring October 1, 2019 as "National Night Out" in the City of Teague.  
*Mayor Monks read the proclamation aloud.*  
*Alderman Ballew moved to approve the proclamation with the amended date to state October 1, 2019, seconded by Alderman Jones. Motion carried 4-0.*
  - b. Discussion and possible action on waiving fees associated with Teague Chamber of Commerce's Parkfest and BBQ Cookoff.  
*Motion to remove all the fees was made by Alderman Hertenberger.*  
*Mayor Monks asked for clarification on what fees.*



*Alderman Hertenberger replied, whatever Theresa mentioned.*

*City Administrator Prasil responded, the \$30 fee for the park and the RV spot fees at \$30 or \$35 each.*

*Alderman Hertenberger asked, so if they have a food truck come in though we don't get the money that goes to the chamber?*

*City Administrator Prasil replied, no, we would not charge the fees for the vendors due to it being a fundraiser.*

*Mayor commented we have a motion on the table and asked do we have a second?*

*Alderman Mathison seconded the motion. Motion carried 2 ayes ( Aldermen Hertenberger and Mathison) 1 nay (Alderman Ballew) 1 abstain (Alderman Jones)*

- c. Discussion and possible action on approving Resolution 2019-09-16, opposing the Texas Central High-Speed Railway.

*Motion to approve Agenda Item 8 C as written was made Alderman Mathison, seconded Alderman Ballew. Motion carried 4-0.*

- d. Discussion and possible action on approving Ordinance 2019-09-16-A, an ordinance of the City of Teague, Texas ("City"), enacting the municipal budget for Fiscal Year 2019-2020; funding municipal purposes; authorizing expenditures; providing for emergency expenditures; providing for finding of fact; enactment; repealer; severability; filing; an effective date; and property notice & meeting.

*Alderman Mathison asked to bypass this item until Alderman Nickleberry is present.*

*Mayor Monks addressed City Administrator Prasil and asked, can we pass Agenda Item 8 D until Alderman Nickleberry is present?*

*City Administrator Prasil replied, that would your decision Mayor, for you are presiding over the meeting.*

*Alderman Mathison commented, I mean we know he is coming.*

*Mayor Monks stated, I am going to postpone Items D and E until Alderman Nickleberry arrives, which he has informed me that he should arrive by 7:00 P.M.*

#### *Revisited after Agenda Item 10*

*City Administrator Prasil explained that the \$2,000 raise that Mayor Monks requested to be in the Budget for me has been taken out. She referenced the detail salary sheet and explained that the change in her salary has been lowered as expressed by the Aldermen and the Administrative Assistant position has been increased to a salary of \$11 per hour from \$10 hour has originally budgeted. She explained that the actual budgeted numbers did not change because the salary line item for the \$2,000 decrease for herself and the \$2,000 increase for the administrative assistant's position is the same.*

*Alderman Nickleberry asked, so that was the only change?*

*City Administrator Prasil replied, that is correct.*

*Alderman Hertenberger asked, so how are you going to do that, because if you don't approve it, if we don't approve your assistant or whatever how are we going to carry this over?*

*Alderman Mathison commented, we can make an amendment to the budget before we pass it.*

*Alderman Ballew asked the Mayor if he could address the council?*

*Mayor Monks replied, yes sir.*

*Alderman Ballew read the following statement he prepared:*

*"On August 26th we held our second budget workshop to discuss in detail the proposed budget for 2019-2020. All of you attended this workshop. At the conclusion of the meeting, the Mayor asked each of us if we had any concerns or problems with the revised budget because that was the time for us to resolve any differences. None of you voiced any concern or disagreement with the proposed budget at that time.*

*The exact same proposed budget was the main agenda item of our special called meeting on September 9th. My motion to approve the proposed budget was met with silence while all of you*



*looked down in unison. Consequently, my motion died for lack of a second and, sadly, no other action was taken on that important agenda item.*

*Not only do we owe it to our citizens as their elected representatives, but we also have a legal obligation to take action on all agenda items - whether that action is voting to approve, disapprove, table, or postpone the item, or voting to take no action. Our obligation is to vote - not to sit in silence looking down as if we are incapable or afraid of making a decision.*

*Your plan was not a good one. One person from your alliance should have seconded my motion, or one of you should have made another motion to allow a discussion to take place. You hid your reasons for acting as you did by your silence. The only thing our citizens heard was silent pouting like children.*

*Because of your behavior, I have been asked by several people, "what happened?" or "what was that all about?" All I could tell them was that we failed to do our job as a council. A simple vote to approve or disapprove the budget after an open discussion would have been understandable by our constituents. It appears to me, however, that you have formed a coalition that would rather work in secret than participate in an open forum.*

*Let me remind all of us that a walking quorum is not only unethical but also a violation of state law - even if a third party is the one who is relaying information between the officials involved. It circumvents the transparency requirements contained in the Texas Open Meetings Act. A walking quorum is not a joking matter as some of you appear to believe. Elected officials in Texas are being prosecuted for violating this statute.*

*One of you openly stated she had spoken to "all the Aldermen except Jerry" about an agenda item in tonight's meeting. This is a rather blatant admission of conducting a walking quorum and violating the Texas Open Meetings Act.*

*Without an approved budget, our city will virtually cease to function on October 1st. We as a council must act responsibly. We must put our personal agendas aside and act like adults to work for the good of our city.*

*Alderman Ballew closed by stating, I relinquished the floor.*

*Alderman Mathison stated, now if I don't if I don't offend anybody I'd like to speak too. He continued by stating, as far as the Workshop, yes, I failed to speak up and I apologize and take full responsibility for that but after a restless night, I emailed and spoke to these two and my issues have been resolved. He then stated, just because we have a workshop doesn't mean we can't hear from our constituents, they continue to talk between votes after votes, it doesn't matter. He continued by stating, I went home didn't feel good about it and I talked to you guys and I appreciate both of you very much for working with me on that, but you got to listen to constituents. He then stated, we are getting to a point where I feel good about this budget and I have spoken to legal counsel at TML and we can pass this budget tonight, but I will make one change.*

*Alderman Jones commented that she was worried and fretted over the budget for a week and that she knew that the Board was not all going to be able to attend the meeting and that she felt like whatever vote she made the pressure was all on her and her decision. She expressed that she felt that with something as important as the budget, a time should have been chosen where all the councilmen could be seated and able to vote. She continued by stating, she understands that not all councilmen were able to be there because of circumstances but she thought that all the weight was thrown on her and she honestly did not know how to handle it with being new.*



*Alderman Hertenberger commented, I felt from the time we were handed the budget that something wasn't quite right and that the Mayor and Theresa were trying to pull a fast one on us and we had to really look at the budget. She explained, the budget was thick with several papers and lots of numbers to look at and that she had to look and look and look. She explained that every time there was a meeting about the budget and changes were made a new budget was given out with another bunch of papers and it wasn't an easy task. She commented that she has been on the Council for quite some time and she never remembers every having to worry about budget because we were given a budget, we talked about it, overlooked it, voted on it and that was it. She stated, it started with Theresa's salary which the Mayor wanted in there and we were not for it. She stated, we were not given enough information when we were in budget meeting and all Theresa did was talk, talk, talk, talk, talk, talk, talk and you forgot everything that you were supposed to be there for, so I didn't want to pass the budget until I had time to go through it and really look at it good and go through every line item. She stated, and there are still questions, but I won't get into it tonight because I also want to pass the budget, but after we left the meeting, we felt the first of all we couldn't say anything at the meeting and I don't care what Jerry says about us anyway. She continued by stating, after I got home and I turned the iPad on to check the Mayor and Theresa had sent a little letter out that said in not so many words that the money's in the city were frozen and that no department could spend money without her or the Mayor's approval.*

*Mayor Monks responded, number one Mrs. Prasil and I have not pulled a fast one as you put it, you were given ample opportunity and ample time to review any presented budget.*

*Alderman Hertenberger replied, no I wasn't.*

*Mayor Monks replied, yes ma'am.*

*Alderman Hertenberger responded, maybe according to you but you don't know my life and you don't know, I read and read and looked at the budget.*

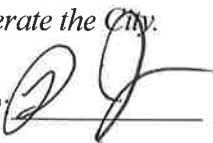
*Mayor Monks stated, there was not anything fast pulled, all information was presented to each of the council members with the same amount of time and you were given multiple opportunities in every meeting that we had to speak up. He continued by stating, at every meeting, I would ask multiple times does anybody have any concerns, any questions or any misgivings about the budget and none of you spoke up. He explained, the email that you are referring to about freezing the funds, yes, I did do that because number one, we did not have a budget or a proposed budget in place and I'm looking out for the best interest of the city. He explained, the salaries, safety equipment or any outstanding bills were not included in the freeze. He stated, the only thing that was frozen was overtime and any unnecessary expenditures. He commented, we are eleven months and two weeks into a twelve-month budget and if you did not spend your money during this time two weeks will not make a difference and if there is something important that a department needs all they have to do is ask for approval. He explained, another reason that was done is that if this budget is not taken care of tonight, by 8:00 A.M.*

*Wednesday morning the City will be liable for roughly \$3,000-\$5,000 to the Freestone County Tax Office to pay for the late mailing of the City of Teague's tax bills. He explained, secondly if the budget is not approved and put into place by October 1<sup>st</sup> the City will effectively be shut down and I wanted to ensure that we will have the money in the bank that can continue to pay our staff and our bills and if that does not happen that's going to fall back on you all that our staff is not getting a paycheck. He stated, we want police and fire protection, we want water, we want the bills paid well you have to pay the employees.*

*Alderman Nickleberry stated, I emailed my concerns, I don't want the police to be dog catchers. He stated, I am not in no alliance, I never have been, and I am my own man since I have been on this Council. He continued by stating, with all due respect Mr. Ballew I don't take my character being questions too lightly.*

*Alderman Ballew responded; you were not at the meeting I was referring to.*

*Alderman Nickleberry stated, we all have the same goals, the council and community but we may disagree to get there and that is ok. He stated, the thing about it is we can go forward get the budget passed and operate the City.*



*Alderman Mathison stated, I typically don't write stuff out, but I want to make sure and write it out tonight, what I'm going to propose is an amendment that I think all of us can get on board with. He continued, as I said I spoke with TML to make sure this was legal, and it will not throw the budget into cahoots at the end. He stated, so first I want to say with the new computer systems that we have implemented the we paid for in order to help the city hall operate more smoothly, the hiring of Jordan Rushing to replace he utility clerk that we lost as well as making arrangement to turn over the permitting processes to the police secretary and once she's hired and competent in her duties, I cannot see the immediate need to have an Administrative Assistant at City Hall. Therefore, I would like to make a motion to amend the Proposed Budget as such.*

*Alderman Mathison made a motion that we amend the proposed budget to defund the new position created as an Administrative Assistant, I would like to take those funds and truly Back the Blue by giving each officer a raise not to exceed \$1.00 per hour with the exception of Chief who has already been promised a raise upon completion of his Masters Degree in December, seconded by Alderman Nickleberry. Motion carried 4-1 with the following votes:*

*Alderman Ballew voting Nay*

*Aldermen Jones, Hertenberger, Nickleberry and Mathison voting Yay*

- e. Discussion and possible action on approving Ordinance 2019-09-16-B, an ordinance of the Board of Aldermen of the City of Teague, Texas, adopting the 2019 Ad Valorem Tax Rate of \$0.776732 per one hundred dollars (\$100) of assessed valuation of all taxable property within the corporate limits of the City as of January 1, 2019; to provide revenues for the payment of current expenses and to provide an Interest and Sinking Fund on the outstanding debt of the City; collection of taxes; approving the assessment roll as certified; providing for a cumulative clause, severability, notice, publication, an effective date, and proper notice & meeting.

*Motion to approve Agenda Item 8 E as written was made by Alderman Nickleberry, seconded by Alderman Hertenberger. Motion carried 5-0.*

- f. Discussion regarding building permits as requested by John Moore.

*John Moore expressed his concerns regarding the City's building permitting and inspection process. He explained that the residential process is not the problem, but the commercial process is too deep for Teague. He expressed the need for some contractors and projects needing to be inspected but for contractors such as himself he hires outside inspectors to inspect his projects. He commented that some of the surrounding cities do not require inspections and others do not require as much as Teague. He expressed concerns that in Teague any commercial projects over \$50,000 are required to be in compliance with the Texas Barriers Act which is a registration number with the state that says that you promise the State of Texas that you will let them come in and inspect that your project is handicapped accessible. He gave an example of the Medical Clinic Project he is working on, cost him \$1,150 for this registration because he had to hire a company to just push the paperwork through to get that number. He suggested that the City of Teague have a committee of local people to review plans and just have the contracted company, Bureau Veritas, just complete inspection. He commented that some projects need engineering but not all projects do. Mr. Moore distributed copies of examples of other municipality's building permit packets. In closing he asked that the City consider backing off of what all is required and just let them come in and do the jobs and only have inspections and not require everything currently being required.*

*City Administrator Prasil explained that the requirements that Mr. Moore mentioned are due to the City adopting an ordinance around 2000 that stated that the City adopts the most recent building codes. She also mentioned that with recent legislative changes the City is bound to follow at least 2015 codes*

*Alderman Ballew commented, on the City of Fairfield's building permit packet it states that they use the 2006 and 2008 codes which have been revised a number of times since then.*

- g. Discussion and possible action on nominating and approving resolution authorizing the nomination of individuals for Board of Director Members of the Freestone Central Appraisal District.  
*Alderman Ballew moved to cast all 5 votes for Lovie Whyte, seconded by Alderman Hertenberger. Motion carried 4-0.*  
*Alderman Ballew moved to approve the resolution as read, seconded by Alderman Hertenberger. Motion carried 4-0.*
- h. Discussion and possible action on approving the execution of the Audit Engagement Letter with Donald L. Allman, CPA, PC.  
*Motion to approve Agenda Item 8 H as written was made by Alderman Mathison, seconded by Alderman Hertenberger. Motion carried 4-0.*
- i. An ordinance of the City of Teague, Texas amending Chapter 1, General Provisions, Article 1.700, City Council Meetings, of the Code of Ordinances of the City of Teague, Texas, to delineate further the rules for public speakers and allow extra speaking time to a person utilizing a translator; repealing all ordinances or parts of ordinances in conflict herewith; providing a savings clause; providing for inclusion in the code; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law.  
*Alderman Jones made a motion to approve Agenda Item 8 I as written, seconded by Alderman Hertenberger. Motion carried 4-0.*

*At 6:47 P.M. Open Session convened into Executive Session*

- 9. **EXECUTIVE SESSION** – In accordance with Texas Government Code, Section 551.001, et seq., the Board of Aldermen will recess into Executive Session (closed meeting) to discuss the following:
  - a. § 551.074: Conduct an executive session as authorized by Texas Government Code, Section 551.074(a) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, or to hear a complaint or charge against an officer or employee: Employment: Angela Sergeant, Police Officer
  - b. § 551.072: Conduct an executive session as authorized by Texas Government Code, Section 551.071 to deliberate the purchase, exchange, lease, or value of real property: The purchase of the P.A.R. Property

*At 7:18 P.M. Alderman Nickleberry entered the meeting.*

*At 7:36 P.M. Executive Session convened into Open Session*

- 10. **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.

*Motion to approve Agenda Item 9 A with corrected spelling of her last name Sargent at \$16 per hour was made by Alderman Mathison, seconded by Alderman Hertenberger. Motion carried 4-1 (Alderman Jones voting nay).*

*Alderman Ballew moved to authorize the City Administrator to negotiate the purchase price of the P. A. R. property and report back to the Board of Aldermen. Motion died for the lack of second.*

*Alderman Ballew moved to take no action on Agenda Item 9 B, seconded by Alderman Mathison. Motion carried 5-0.*

*Mayor Monks announced, at this time we will return to Agenda Item 8 D.*



**11. PRESENTATION AND DISCUSSION OF DEPARTMENT HEAD REPORTS:**

- Administration – Theresa Prasil, City Administrator
- Courts – Theresa Prasil, City Administrator
- Public Works – Jacob Cowling, Public Works Director
- Police Department – DeWayne Philpott, Chief of Police
- Library – Diane Willis. Librarian
- EDC

*Mayor Monks stated, each of you have been presented with the department head reports and asked if anyone had any questions.*

*Alderman Mathison commented, I like the new format Chief.*

**12. ANNOUNCEMENTS:**

*Mayor Monks reminded the Board of Aldermen that each of you are required to complete your NIMS training and due to the inaction of some board member last year we were unable to receive a grant for the police department. He continued by stating, we are coming up on the time of the year to apply for grants again, however since some Aldermen still have not completed their NIMS training we will not be able to apply for those grants.*

**13. ADJOURN:** *Mayor Monks adjourned the meeting at 8:03 P.M.*

*The meeting adjourned.*

The City of Teague,



  
\_\_\_\_\_  
Theresa Prasil, City Secretary / Administrator

  
\_\_\_\_\_  
James Monks, Mayor