

**MINUTES
CITY OF TEAGUE
BOARD OF ALDERMEN
REGULAR CALLED MEETING
FEBRUARY 19, 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 Nickleberry*

3. **PLEDGE TO THE FLAG:** *Alderman Hertenberger*

4. **ROLL CALL:** *Present: James Monks, Mayor, Jerry Ballew, Alderman Place I, Ron Rasbeary, Alderman Place II, Marie Hertenberger, Alderman Place III, Chris Nickleberry, Alderman Place IV and Marilyn Michaud, Alderman Place V*

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.*

Dennis Cox, citizen, requested that Item 9 d be done in Open Session. He commented that this would make things more transparent and that under Chapter 553 an Alderman is not a Public Officer but a Public Servant. He asked that one of the Aldermen make a motion to move it out of Executive Session. Andy Messier, City Attorney, responded that it is completely legal for the Board of Aldermen to go into closed session regarding this matter under Chapter 551.074 of the Texas Government Code.

6. **CONSENT AGENDA:**

- a. Approve Minutes from the January 15, 2019 Regular Called Meeting of the Board of Aldermen
- b. Approve the Accounts Payable and Payroll Check Registers for the month of January 2019
- c. Approve Financial Statement for January 2019
- d. Accept the Financial Report from the City of Fairfield for the TDCJ Operation and Maintenance Fund for the month of January 2019
- e. Recognition of City employee

Police Chief Philpott presented Sergeant David Keale with a certificate of commendation for his exemplary service that he demonstrated on January 31, 2019 while securing a wanted person and preventing his escape.

Alderman Ballew moved to approve Items A – C, seconded by Alderman Rasbeary. Motion carried 5-0.

City Administrator Prasil stated, at this time I have not received the report for Item 6 D.

Alderman Ballew moved to table 6 D, seconded by Alderman Rasbeary. Motion carried 5-0.

7. **OLD BUSINESS:**

- a. Accept the financial reports from the City of Fairfield for the TDCJ Operation and Maintenance Fund for the months of June, July, August, September, October, November and December 2018.
- b. Discussion and possible action on approving the Operating Plan, of the City of Fairfield as outlined in the Interlocal Definitive Agreement, for the TDCJ Boyd Unit Water and Wastewater Facilities.

City Administrator Prasil stated, we have not received the reports for Items 7 A or 7 B.



Motion to table Items 7 A and 7 B was made by Alderman Rasbeary, seconded by Alderman Hertenberger. Motion carried 5-0.

8. NEW BUSINESS:

- a. Presentation and signature of proclamation by Mayor James Monks, Honoring Black History Month and Proclaiming that February 24, 2019 in the City of Teague is in honor of local legacies Joycie Burns, Doris Nealy and Dr. E.V. Moore.
*Mayor Monks presented and signed the proclamation.
Motion to accept the proclamation was made by Alderman Nickleberry, seconded by alderman Rasbeary. Motion carried 5-0.*

- b. Discussion and possible action on the recommendations from the Park Pavilion Committee.
Park Pavilion Committee Chair Kelly Satterwhite presented the recommendations from the committee to the Board of Aldermen.
- The Park Pavilion Committee took action to recommend to the Board of Aldermen that the structure at the large pavilion at the 8th Avenue City Park be removed all but the concrete slab, to include the asphalt apron and footings under the columns.*
 - The Park Pavilion Committee took action to recommend to the Board of Aldermen to have the Public Works Director and Aldermen Ballew to prepare the Scope of Work to have the pavilion at the 8th Avenue City Park demolished and removed from the site.*

City Administrator Prasil informed the Board of Aldermen that included in their packets was the Engineer's findings and the proposed Scope of Work prepared by Public Works Cowling and Alderman Ballew.

Alderman Ballew commented, I would like to point out in the Scope of Work there are three specific items included. He continued by stating, one is to leave the concrete slab in place so that it can be used for something in the future, second is to request the contractor designate a staging area where materials can be placed for any citizen who wants to come and get a piece and third is for them to take extreme care on the south end gable of the pavilion where the original sign existed. He also commented that we don't know if the contractor will charge a fee for the material that some may want to commemorate the pavilion.

Alderman Hertenberger asked, who is going to be out there to say what needs to be saved for somebody who might want it?

Alderman Ballew responded, the Scope of Work specifies that the contractor will work with a representative from the city who will probably be the Public Works Director.

Alderman Hertenberger commented, Jacob wasn't here when it was built so it doesn't mean a lot to him, so how can he compare a stick of wood out there and know it may mean something more to someone else?

Alderman Rasbeary commented, I don't think any of us was here when it was built.

Chair Satterwhite commented, I don't believe we discussed taking the materials out and saving them in the Scope of Work.

City Administrator Prasil replied, we discussed that it would be up to the contractor.

Chair Satterwhite commented, right, there is nothing saying that they cannot charge for the material because they are having to pay to have this building hauled off. He continued by stating it is more than likely this material is not going to be given away.

Alderman Ballew stated, the Scope of Works does not say that they shall, it says the contractor is requested to do that.

City Administrator Prasil commented, it was discussed that it would be moved off the premises to be given away.

Chair Satterwhite replied, it was, we discussed that it was going to be removed off the premises.

Alderman Ballew commented, that's what the staging area is.

Chair Satterwhite stated, so we have to clarify the staging area.

Alderman Hertenberger replied, right.

Alderman Ballew stated, that is going to be between the Public Works Director and contractor.

Chair Satterwhite replied, we are going to have to designate a general staging area to put all the materials.

Alderman Ballew moved to hire a contractor to remove the pavilion at the 8th Avenue City Park according to the Scope of Work prepared by Director Cowling and Alderman Ballew and to authorize the City Secretary to solicit a minimum of three bids for said work, seconded by Alderman Hertenberger. Motion carried 5-0.

Chair Satterwhite presented the third recommendation as follows:

- The Park Pavilion Committee took action to recommend to the Board of Aldermen that once the fence is taken down and before demolition begins that Jessica Risken be allowed to take a professional photograph of the pavilion to be used for future pavilion remembrance projects. In addition, allow representatives from the local newspapers at the same time to take photographs.*

Motion to accept Item three was made by Alderman Nickleberry, seconded by Alderman Michaud. Motion carried 5-0.

- c. Discussion and possible action on approving the Teague Economic Development Corporation's board approved Façade Grant to Joy Bowers-Linda Buchanan Properties at 518 Main Street in the amount of \$5,220.
Bill Elliott, EDC Director, presented the request and stated that the repairs totaled \$10,440 and that the Façade Grant is for 50% of the total cost. He stated the requested amount is \$5,220.

Motion to approve the Teague Economic Development Corporation's board approved Façade Grant to Joy Bowers-Linda Buchanan Properties at 518 Main Street in the amount of \$5,220 was made by Alderman Hertenberger, seconded by Alderman Rasbeary. Motion carried 5-0.

- d. Discussion and possible action on approving the Teague Economic Development Corporation's request to amend their 2018-2019 Fiscal Year Budget Computer Line Item to total \$2,000.
Mr. Elliott explained that they did not plan on losing a computer which caused their budget to go over when they purchased their new one.

Motion to approve 8 D as written was made by Alderman Rasbeary, seconded by Alderman Ballew. Motion carried 5-0.

- e. Discussion and possible action on approving the purchase of a 2019 Chevrolet 2500HD Silverado from Caldwell Country, for the amount of \$26,568 for the Public Works Department to be expended from the Enterprise Sewer Account Line Item 05-42-5945 Truck.
Public Works Director Cowling explained that the truck was put into the current budget and that this truck was found on the Buy Board at a great price. He also explained that the truck was no longer available in a single cab, but the dealership is going to honor the price and sell us the double cab at the single cab price. He explained that we are having to pay thousands of dollars on our current trucks' maintenance issues.

Motion to approve item 6 E as written was made by Alderman Rasbeary, seconded by Alderman Hertenberger. Motion carried 5-0.

- f. Discussion and possible action on approving the payment to McCreary, Veselka, Bragg, and Allen, P.C. in the amount of \$1,712.37 for eleven outstanding invoices from Fiscal Year 2017-2018.

City Administrator Prasil stated that Judge Mays has asked that we table this item until she can look further into it because the judge does not feel that we owe on these invoices.

Motion to table Item 8 F was made by Alderman Rasbeary, seconded by Alderman Ballew. Motion carried 5-0.

At 6:34 P.M. Open Session convened into Executive Session

9. 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: 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: Duties: Municipal Judge Shirley Mays
- b. § 551.071: Consultation with Attorney regarding pending or contemplated litigation re: City of Teague v. City of Fairfield.
- c. § 551.071: Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter re: Facilities Agreement between the City of Teague, City of Fairfield, and Texas Department of Criminal Justice; Interlocal Definitive Agreement Between the City of Teague and the City of Fairfield; and Agreement Between the City of Teague and City of Fairfield regarding Record Retention.
- d. § 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: Duties and Discipline: Alderman Place II Ron Rasbeary

At 8:42 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 take no action on Item 9 A was made by Alderman Nickleberry, seconded by Alderman Rasbeary. Motion carried 5-0.

Motion to take no action on Item 9 B was made by Alderman Nickleberry, seconded by Alderman Ballew. Motion carried 5-0.

Motion to take no action on Item 9 C was made by Alderman Nickleberry, seconded by Alderman Rasbeary. Motion carried 5-0.

Alderman Ballew moved to censure Alderman Rasbeary for exhibiting behavior unbecoming of a City Official, seconded by Alderman Michaud. Motion carried 3-1 (Alderman Nickleberry voting No)-1 (Alderman Rasbeary Abstaining)

11. CONTINUATION OF NEW BUSINESS:

- a. Discussion and possible action on appointing a Mayor Pro Tempore.
Motion to appoint Alderman Ballew as Mayor Pro Tempore was made by Alderman Nickleberry, seconded by Alderman Michaud. Motion carried 4-1 (Alderman Ballew Abstained)

12. PRESENTATION AND DISCUSSION OF DEPARTMENT HEAD REPORTS:

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

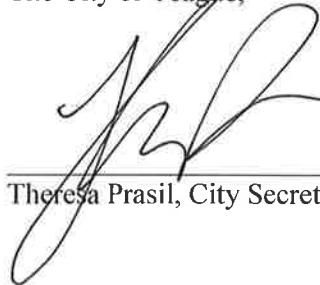
City Administrator Prasil presented the Administrator's report followed by department reports presented by Public Works Director Cowling, Police Chief Philpott, Librarian Willis and EDC Director Elliot.

13. ANNOUNCEMENTS: *None*

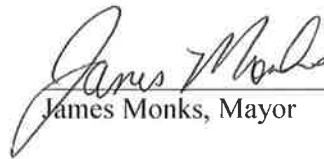
14. ADJOURNMENT: *Mayor Monks adjourned the meeting at 8:56 P.M.*

The meeting adjourned.

The City of Teague,



Theresa Prasil, City Secretary / Adm



James Monks, Mayor

