

**MINUTES  
CITY OF TEAGUE  
BOARD OF ALDERMEN  
REGULAR MEETING  
APRIL 16, 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 Marilyn Michaud, Mayor Pro Tempore and Quorum was announced with all present Aldermen seated at their respective places.*
2. INVOCATION: *Alderman Nickleberry*
3. PLEDGE TO THE FLAG: *Alderman Rasbeary*
4. ROLL CALL: Present: *Alderman Place 2, Alderman Place 3, Alderman Place 4, Alderman Place 5*  
Absent: *Alderman Place 1* Vacancy: *Mayor*
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. *None*
6. CONSENT AGENDA:
  - a. Approve Minutes from the March 2018 Regular Meeting of the Board of Aldermen
  - b. Approve the check register for the month of March 2018
  - c. Approve Financial Statement for March 2018
  - d. Accept the Quarterly Investment Report for the 1<sup>st</sup> Quarter of 2018*Motion to approve the Consent Agenda was made by Alderman Rasbeary, seconded by Alderman Hertenberger. Motion carried 4-0.*
7. OLD BUSINESS:
  - a. NONE

*Alderman Mims entered the meeting at 6:05 P.M.*

8. NEW BUSINESS:
  - a. DISCUSSION AND POSSIBLE ACTION ON APPROVING RESOLUTION NUMBER 2018-04-16, AUTHORIZING PAYMENT OF HIRING INCENTIVE; OF AN APPROVED AMOUNT; TO TEXAS COMMISSION ON LAW ENFORCEMENT (TCOLE) CERTIFIED PEACE OFFICERS; WHO ARE HIRED AS TEAGUE POLICE OFFICERS; WITH PAYMENT MADE UPON SUCCESSFUL COMPLETION OF THE FIELD TRAINING PROGRAM:  
*City Administrator Prasil explained that due to the difficulty of being able to hire qualified Police Officer applicants to fill the vacancies we are asking the Board of Alderman to consider offering a hire incentive for newly hired Police Officer.*  
*Police Chief Philpott explained that over the last several months the department has received several applicants and all, but Officer Campbell has been rejected due to their backgrounds. The incentive would be a way to entice qualified applicants to apply with the Teague Police Department.*  
*Alderman Nickleberry asked, how much are we talking about?*  
*City Administrator Prasil replied with \$1,500.*  
*Alderman Rasbeary stated he thinks it should be \$2,000, \$1,000 upon completion of field training and \$1,000 at the end of one-year. He also stated he feels it would entice them to come on in as it would give them some money right now and obligate them to the City where we would know we would have them.*  
*Alderman Nickleberry asked could it vary with experience such as for a Patrol Officer and the Sergeant.*

*City Administrator Prasil replied with yes, we can make those changes if the Board would like. Alderman Nickleberry asked, can we put some wiggle room in the Resolution?*

*City Administrator Prasil stated that yes, the Resolution can be changed to what every specific information the Board would want to put in it.*

*Police Chief Philpott stated that is something that has been on his mind, but we can always come back and revisit it, if by chance this does not work.*

*Alderman Rasbeary stated that if by chance we find someone that is more qualified, like the one you were talking to from Houston, we can always bring it back to the Board for changes.*

*Motion to approve Resolution 2018-04-16, authorizing payment of hiring incentive; in the amount of \$2000; with two payments to be made in the amount of \$1000 at the end of field training and \$1000 at the end of their one-year completion; to Texas Commission On Law Enforcement (TCOLE) Certified Peace Officers; who are hired as Teague Police Officers was made by Alderman Nickleberry, seconded by Alderman Rasbeary. Motion carried 5-0.*

- b. DISCUSSION AND POSSIBLE ACTION ON APPROVING THE INSTALLATION OF 40' CULVERT AT THE 8<sup>TH</sup> AVENUE CITY PARK, SOUTH OF THE RESTROOMS TO ASSIST WITH PARKING FOR THE ANNUAL TEAGUE RODEO; AND APPROPRIATING \$4,000 FROM THE FUND RESERVE; AND AMENDING THE 2017-2018 FISCAL YEAR BUDGET EXPENSE LINE ITEM 03-48-5319 8<sup>TH</sup> AVE PARK RENOVATIONS IN THE AMOUNT OF \$4,000:

*Alderman Rasbeary stated he has been trying to get this done for the last 4 years because it is a big problem trying to park the big trailers in the back area by the tennis and basketball courts.*

*Motion to approve the installation of 40' culvert at the 8<sup>th</sup> Avenue City Park, south of the restrooms to assist with parking for the annual Teague Rodeo; and appropriating \$4,000 from the Fund Reserve; and amending the 2017-2018 Fiscal Year Budget Expense Line Item 03-48-5319 8<sup>th</sup> Ave Park Renovations in the amount of \$4,000 was made by Alderman Rasbeary, seconded by Alderman Hertenberger. Motion carried 5-0.*

*Randy Barger, representative of the Teague Rodeo Association, thanked the City and the Board of Aldermen for helping with this matter and stated that they would contact local groups to help with the parking.*

- c. DISCUSSION AND POSSIBLE ACTION ON APPROVING THE ESTIMATE FROM B AND B CONSTRUCTION FOR REPAIRS TO THE 8<sup>TH</sup> AVENUE CITY PARK'S OLD POOL AREA, TO INCLUDE THE REMOVAL OF THE CONCRETE RING DOWN TO A DEPTH OF 5' AROUND OLD POOL, REMOVAL OF CONCRETE WHERE THE FILTER BUILDING SAT AND REARRANGE DRAINAGE LEVEL OUT AND PUT ON GRADE; AND APPROPRIATING \$3,040 FROM ACCOUNT NUMBER 03-1062 PROPOSED POOL PROJECT; AND AMENDING THE 2017-2018 FISCAL YEAR BUDGET EXPENSE LINE ITEM 03-48-5319 8<sup>TH</sup> AVE PARK RENOVATIONS IN THE AMOUNT OF \$3,040:

*Alderman Hertenberger asked, why we are doing this?*

*City Administrator Prasil stated that the original bid approved in December 2016 from B and B Construction was only to fill the pool in with dirt. She also stated that since then City employees have dug part of the dirt out and collapsed part of the walls in, but we still have the cement ring around the area in addition to new area that need to be repaired from where the City employees took down the old chlorine area.*

*Alderman Hertenberger asked will this area continue to sink where the spring is?*

*Public Works Director Cowling stated that in the time he has been here that area has never sunk.*

*Alderman Nickleberry jokingly stated so we are not going to have the garden anymore.*

*Motion to approve the estimate from B And B Construction for repairs to the 8<sup>th</sup> Avenue City Park's Old Pool Area, to include the removal of the concrete ring down to a depth of 5' around old pool, removal of concrete where the filter building sat and rearrange drainage level out and put on grade; and appropriating \$3,040 from account number 03-1062 Proposed Pool Project; and amending the 2017-2018 Fiscal Year Budget Expense Line Item 03-48-5319 8<sup>th</sup> Ave Park Renovations in the amount of \$3,040 was made by Alderman Rasbeary, seconded by Alderman Hertenberger. Motion carried 5-0.*

- d. DISCUSSION AND POSSIBLE ACTION ON APPROVING ORDINANCE NO. 2018-04-16; AN ORDINANCE APPROVING THE INVESTMENT POLICY FOR FUNDS FOR THE CITY OF TEAGUE AND PROVIDING AN EFFECTIVE DATE:

*City Administrator Prasil explained the City is required to readopt the Investment Policy each year and the policy being presented does not contain any changes from the current policy adopted April 2017.*

*Motion to approve Ordinance No. 2018-04-16; an Ordinance approving the Investment Policy for funds for the City of Teague and providing an effective date was made by Alderman Rasbeary, seconded by Alderman Nickleberry. Motion carried 5-0.*

- e. DISCUSSION AND POSSIBLE ACTION ON APPROVING ORDINANCE NO. 2018-04-16-2; AN ORDINANCE ESTABLISHING A PROCEDURE FOR DISPOSING OF SURPLUS, SALVAGE, AND JUNK PROPERTY, AUTHORIZING DISPOSAL OF SURPLUS AND SALVAGE PROPERTY, PROVIDING PROCEDURES FOR DISPOSITION OF SUCH PROPERTY; PROVIDING EFFECTIVE DATE, SEVERABILITY, AND OPEN MEETING CLAUSE:

*City Administrator Prasil explained that currently we have so much property that is broken and surplus and due to the fact, we do not have an Ordinance in place we are not allowed to dispose or sell the property.*

*Alderman Rasbeary asked when you say property do you mean like computers?*

*Alderman Nickleberry replied anything we own.*

*Alderman Rasbeary stated not land but property.*

*City Administrator Prasil replied this does not mean real property such as land but all personal properties such as chairs and equipment. Also stating, as of right now the City does not have an Ordinance in place to allow for such disposal of property.*

*Alderman Hertenberger asked how is it done in other cities?*

*City Administrator Prasil replied most cities handle it the way it is outlined in the Ordinance being presented, which will allow for us to dispose and sell surplus property.*

*Motion to approve Ordinance No. 2017-04-16-2; an ordinance establishing a procedure for disposing of surplus, salvage, and junk property, authorizing disposal of surplus and salvage property, providing procedures for disposition of such property; providing effective date, severability, and open meeting clause was made by Alderman Nickleberry, seconded by Alderman Rasbeary. Motion carried 5-0.*

- f. DISCUSSION AND POSSIBLE ACTION ON AUTHORIZING THE CITY ADMINISTRATOR TO SEEK OUT LEGAL COUNCIL, TO ASSIST AND REVIEW POSSIBLE CHANGES TO THE INTERLOCAL DEFINITIVE AGREEMENT BETWEEN THE CITY OF TEAGUE AND THE CITY OF FAIRFIELD:

*City Administrator Prasil (CA) explained that on Friday, at the last minute, she was contacted by the City Attorney Linda Sjogren that represents both the City of Teague and the City of Fairfield regarding the City of Fairfield's request to amend the current Interlocal Definitive Agreement due to the fact the City of Fairfield is wanting to make big changes to the TDCJ Boyd Unit's*

water and wastewater facilities. Also stating from what she been told the City of Fairfield is looking at taking out a \$3.4-\$4 million bond to make the necessary changes and wants the City of Teague to sign an agreement that would state that the City of Teague would have no financial obligation nor rights to the proposed project. During the conversation with the Mrs. Sjogren it was apparent that the City of Fairfield was trying to rush the agreement and Ms. Sjogren requested to be put on the Agenda for tonight's meeting to speak to the Board of Aldermen and present the proposed Interlocal Definitive Agreement Amendment to the board, but CA stated she felt rushed and after speaking with Mayor Pro Tempore Michaud they both felt that the City of Teague needed to do more research on the situation and bring all of the Aldermen up to speed on the situation before discussing such matter. CA also stated after reading the Interlocal Definitive Agreement that was signed in 1992 that it is very apparent that the City of Fairfield has not held up to their part of the agreement. She also stated that the City of Fairfield is 55% owners and the City of Teague is 45% owners of the water and wastewater facilities and that the City of Teague is the actual bond holder for the TDCJ project which dates back to 1990 when the Facilities Agreement was signed. CA explained that the City of Fairfield has been working on the proposed project at the TDCJ facilities for several months and are now trying to rush the City of Teague into an agreement when in the first place the City of Fairfield should have involved the City of Teague from the beginning since the facilities are jointly owned. CA also explained that both cities are currently represented by Attorney Linda Sjogren with Bojorquez Law Firm and at this time she has been actively working this situation with the City of Fairfield and this could present a possible conflict of interest. CA also explained that Ms. Sjogren respected our wishes and did not come to tonight's meeting but requested I present an email she sent me regarding the situation. Outlined in the email she stated that she is legally and ethically able to represent both cities regarding this matter without being bias. CA stated that Ms. Sjogren is a good attorney but unfortunately how the City of Fairfield has handled this matter and how they have not held up to their part of the Interlocal Definitive Agreement and the Facilities Agreement.

Alderman Nickleberry asked what do you mean they have not held up to their part?

Mayor Pro Tempore Michaud stated the reports or anything.

CA stated that the City of Fairfield is responsible for the operations and maintenance of the facilities. In addition, they are responsible for the accounting and receipt of the monies for the utilities and the TDCJ bond payment. CA confirmed that the City of Fairfield does indeed send the payment each month that they receive from TDCJ for the bond payment. CA also explained that the City of Fairfield is supposed to present their prepared budget for the facilities to both City Councils each year and in the last 28 years she has not been able to locate that this procedure has been followed as agreed upon.

Alderman Nickleberry stated this has never come before us.

CA also explained that when there are expenditures that exceed the approved budget, that both cities approved, it requires approval by both City Councils to approve the budget amendment. CA also explained that we have not seen the financials that they are required to prepare and submit to both City Councils in October of each year for the preceding 12-months. CA also explained that the City of Teague is responsible for 45% of all expenditures that exceed the revenues from the utilities sold and she has not been able to locate any records indicating that the City of Fairfield has requested any payment for expenditures. She also stated there is another clause in the Agreement that states that if the revenues exceed the expenditures, 45% of the revenues are to be disbursed to the City of Teague TDCJ Bond Account and she has not been able to locate any records of this type of transaction either.

Alderman Nickleberry stated, so we do not know if they have been making any money. He also asked, so when are we going to get our money?

CA explained that the City of Fairfield is now wanting the City of Teague to sign an agreement stating that the City of Teague no longer wishes to be responsible for the facilities nor be responsible for the \$3-\$4 million bond the City of Fairfield wishes to obtain and make changes at

the facilities. CA also stated please keep in mind that with TCEQ the City of Teague has ownership of the facilities and can be held responsible for the facilities.

Alderman Nickleberry and Alderman Mims both stated that they, "TCEQ", look at ownership. CA explained once again that the City Attorney wanted to be present at today's meeting, but she felt that 48-72 hours was not enough time for herself and the Council to research and read the current executed documents. CA also stated that Ms. Sjogren represents both cities and from conversation with her and the rush she and the City of Fairfield are trying to put on this matter she does not see how this matter is being handled equally. CA also stated she immediately called the Mayor Pro Tempore and Public Works Director Cowling on Friday after receiving the initial call from Ms. Sjogren. CA also explained that her response to Ms. Sjogren's request to address the Board at tonight's meeting was met with an immediate no and that she told Ms. Sjogren that the earliest she may be able to address the Board on this matter and present the document she drafted for the City of Fairfield would be the May meeting, as it was my obligation as the City Administrator to inform and educate our Board of Aldermen of the issue at hand. CA also stated she did ask Ms. Sjogren would the City of Fairfield be willing to pay off the remaining debt obligation for the current TDCJ Bond because at that time our Board of Aldermen may entertain the thought of signing off Teague's ownership to the facilities and cutting all ties to the facilities. CA also stated unfortunately at this time we do not know if we may have lost money owed to us or if owe Fairfield money because no one has looked at the financials for 28-years. Alderman Nickleberry stated I bet they owe us money because if we owed them they would have already asked for it.

CA asked the Board of Aldermen if they would like to consider hiring an outside attorney to represent the City of Teague in this matter due to the fact Bojorquez Law Firm, Ms. Sjogren, also represents the City of Fairfield and has already been working with them on the matter.

Alderman Nickleberry stated yes, we need to look for another attorney.

Alderman Rasbeary states I don't trust Bojorquez, I don't like him as our City Attorney. We need to get rid of him as our City Attorney. I didn't like him in 2004 when we got rid of him last time.

Alderman Nickleberry agreed with Alderman Rasbeary and also stated they are not aggressive enough for him.

CA also explained that it is apparent through conversations and emails, Ms. Sjogren is having to communicate the details of this matter with her boss, Alan Bojorquez. CA also stated she finds it upsetting that in the Interlocal Definitive Agreement the City of Fairfield is to contact our Mayor and City Administrator with issues as the Mayors and City Administrators from both cities are the Management Board for the facilities. CA also explained that through correspondence with Ms. Sjogren she was made aware that there have been occasions that TDCJ was put on rations for some length of time and had to limit showers, had to eat lots of sandwiches that were served on paper plates due to the condition of the TDCJ water facilities. CA also stated the City of Teague has not ever been informed of this matter and that this is a great example on why she personally has trust issues and is requesting the Board to consider seeking an outside attorney to review and represent the City of Teague regarding this matter.

Alderman Nickleberry stated they have told us because its about that money. He also stated that we can do our part and hire an attorney and go to battle.

CA stated she does not know what the financials look like as she has not seen them.

Alderman Rasbeary stated when we get this new attorney I also want the financial for the last 28 years.

Mayor Pro Tempore Michaud stated there is supposed to be a separate bank account for the TDCJ funds.

CA stated she can do open records request for all of this.

Alderman Nickleberry stated we are going to have to do it.

*Motion to authorize the City Administrator to seek out legal counsel, to assist and review possible changes to the Interlocal Definitive Agreement between the City of Teague and the City of Fairfield and have the City Administrator do a Public Information Request for all records was made by Alderman Rasbeary, seconded by Alderman Hertenberger. Motion carried 5-0.*

*At 6:30 P.M. Open Session convened into Executive Session*

9. ADJOURN INTO EXECUTIVE SESSION: The Board of Aldermen will adjourn into executive session to consider the following items:

a. **Personnel Matters:** Conduct an executive session as authorized by Texas Government Code, Section 551.074(a)(1) to deliberate the appointment, employment, **evaluation**, reassignment, duties, discipline, or dismissal of a public officer or employee: **Theresa Prasil, Annual Evaluation**

10. OPEN SESSION: *At 6:55 P.M Executive Session Adjourned into Open Session*

11. RECONVENE INTO REGULAR SESSION AND TAKE ACTION AS NECESSARY ON ITEMS DISCUSSED IN EXECUTIVE SESSION:

*Motion to give Theresa Prasil our City Administrator a \$7,500 per year raise was made by Alderman Rasbeary, seconded by Alderman Mims. Motion carried 5-0.*

12. PRESENTATION AND DISCUSSION OF DEPARTMENT HEAD REPORTS:

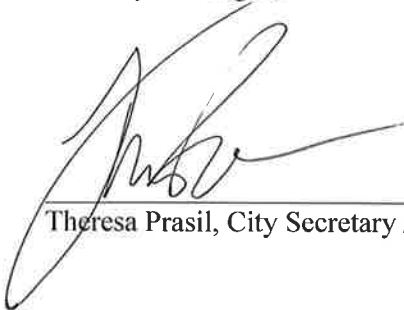
*City Administrator Prasil presented the Administrator's report followed by department reports presented by Public Works Director Cowling, Police Chief Philpott and Librarian Willis.*

13. ANNOUNCEMENTS: *None*

14. ADJOURNMENT: *At 7:15 P.M. motion to adjourn was made by Alderman Nickleberry, seconded by Alderman Rasbeary. Motion carried 5-0.*

*The meeting adjourned.*

The City of Teague,



Theresa Prasil, City Secretary / Adm



Marilyn Michaud, Mayor Pro Tempore

