

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, January 26, 2009 at 5:30 PM, in the Council Chambers at City Hall, 504 N. Queen Street, Palestine, Texas, with the following people present:

CAROLYN SALTER	:	MAYOR
KATHI MASONHEIMER	:	COUNCILMEMBER
VERNON DENMON, JR.	:	COUNCILMEMBER
VICKEY L. CHIVERS	:	COUNCILMEMBER
JIM YELVERTON	:	COUNCILMEMBER
ANDREA BAIRD	:	COUNCILMEMBER
STEVE PRESLEY	:	COUNCILMEMBER
R. DALE BROWN	:	CITY MANAGER
JANELLE WILLIAMS	:	CITY SECRETARY
RONALD D. STUTES	:	CITY ATTORNEY

All Councilmembers were in attendance; a quorum of the Council was present.

#### **CALL TO ORDER**

Mayor Salter called the regular meeting to order at 5:30 PM.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Utilities Director Robert Sedgwick, and was followed by the Pledge of Allegiance.

#### **PUBLIC HEARINGS**

##### **Public hearing on Zone Change Requests**

- 1) Public Hearing on Zone Change Request from RE (Residential Estate) to R-1 (Single Family Detached Low Density District) on Part of a 29.18 Acre Tract on Richland Drive
- 2) Public Hearing on Zone Change Request from RE (Residential Estate) and I-2 (General Industrial District) to C-4 (Highway Commercial District), South Loop 256 Annexed Areas and a Portion of Willow Creek Business Park, Phase 1, Lot 1, Block 2
- 3) Public Hearing on Zone Change Request from from RE (Residential Estate) to C-4 (Highway Commercial District), Annexed Areas Northwest of Medical Drive and East of Willow Creek Parkway

Mayor Salter opened the public hearing. With no speakers for or against the zone changes, the public hearing was closed.

Public Hearing on Specific Use Permit

- 1) Public Hearing on a Specific Use Permit Request for a Used Tire Sales and Installation Shop on Property Zoned C-2 (Local Retail Commercial District) Located at 102 E. Palestine Avenue

Mayor Salter opened the public hearing. With no speakers for or against the specific use permit, the public hearing was closed.

Public hearing on Historic Landmark Designations

- 1) Public Hearing on Historic Landmark Designation, 109 E. Pine Street, Block A, Lot 3B, Ezell Addition, James & Kathleen Pitts/Applicant (HZC-08-11)
- 2) Public Hearing on Historic Landmark Designation, 111 W. Kolstad Street, Block 97 East, Lot 17, Original Addition, Bob Bess/Applicant (HZC-08-12)

Mayor Salter opened the public hearing. With no speakers for or against the landmark designations, the public hearing was closed.

**MAYOR'S REPORT**

Mayor Salter reported that the Palestine Community Fitness Fair is scheduled for January 31<sup>st</sup> at the Civic Center.

**CITY MANAGER'S REPORT**

Municipal Court Judge Bill Curley addressed Council regarding publishing a list of outstanding warrants on the city's website.

City Attorney Fees and Departmental Reports for Main Street, Public Works, and Fire were provided.

**CONSENT AGENDA**

- 1) Consider an Ordinance Designating Historic Landmark Designation, 109 E. Pine Street, Block A, Lot 3B, Ezell Addition, James & Kathleen Pitts/Applicant O-4-09
- 2) Consider an Ordinance Designating Historic Landmark Designation, 111 W. Kolstad Street, Block 97 East, Lot 17, Original Addition, Bob Bess/Applicant O-5-09
- 3) Consider an Ordinance Calling for the City Officer Election to be held on May 9, 2009 O-6-09
- 4) Consider an Amendment to a Revolving Loan Agreement with Jamie's Therapeutic Touch, Inc

Motion was made by Councilmember Masonheimer, seconded by Councilmember Denmon, to approve Consent Items 1 through 4 as submitted adopting **Ordinance No.'s O-4-09, O-5-09 and O-6-09**. Upon vote, motion passed unanimously.

**REGULAR AGENDA****Consider Approval of Easement Acquisition across the Dressell's Property, Lot 8 Wilderswood Addition**

Motion was made by Councilmember Presley, seconded by Councilmember Masonheimer, to table this item. Upon vote, motion passed unanimously.

**Consider an Ordinance Granting a Change in Zoning from RE Residential Estate to R-1 Single Family Detached Low Density District on Part of a 29.18 Acre Tract on Richland Drive**

Motion was made by Councilmember Presley, seconded by Councilmember Denmon, to adopt **Ordinance No. O-7-09** as presented. Upon vote, motion passed unanimously.

**Consider an Ordinance Granting a Change in Zoning from RE (Residential Estate) and I-2 (General Industrial District) to C-4 (Highway Commercial District), South Loop 256 Annexed Areas and a Portion of Willow Creek Business Park, Phase 1, Lot 1, Block**

Motion was made by Councilmember Denmon, seconded by Councilmember Baird, to adopt **Ordinance O-8-09** as presented. Upon vote, motion passed unanimously.

**Consider an Ordinance Granting a Change in Zoning from RE (Residential Estate) to C-4 (Highway Commercial District), Annexed Areas Northwest of Medical Drive and East of Willow Creek Parkway**

Motion was made by Councilmember Chivers, seconded by Councilmember Baird, to adopt **Ordinance No. O-9-09** as presented. Upon vote, motion passed unanimously.

**Consider an Ordinance Granting a Specific Use Permit for a Used Tire Sales and Installation Shop on Property Zoned C-2 (Local Retail Commercial District) Located at 102 E. Palestine Avenue**

Motion was made by Councilmember Yelverton, seconded by Councilmember Chivers, to adopt **Ordinance No. O-10-09** as presented, with the following additions: (1) Section II, 2. No outdoor display "or storage" of new or used tires, and (2) Section II, 4. Hours of operation from 7:00 AM-7:00 PM. Upon vote, motion passed unanimously.

**Discuss Final Report from Planning and Zoning Commission on Zone Change Request from MF-3 (Multi-Family High Density District) to C-4 (Highway Commercial) at 3101 South Loop 256 and Set Public Hearing for February 9, 2009**

Motion was made by Councilmember Denmon, seconded by Councilmember Masonheimer, to set a public hearing to hear the zone change request on February 9, 2009.

**Consider Approval of Preliminary Plat of Palestine Nursing Center Addition, Block 1, Lot 1**

Motion was made by Councilmember Presley, seconded by Councilmember Masonheimer, to approve the preliminary plat of Palestine Nursing Center Addition as submitted. Upon vote, motion passed unanimously.

Consider an Ordinance Approving Budget Amendments for Fiscal Year 2008-09

Motion was made by Councilmember Presley, seconded by Councilmember Masonheimer, to adopt **Ordinance No. O-11-09** approving the budget amendments as presented. Upon vote, motion passed unanimously.

**ITEMS FROM COUNCIL**Upcoming Activities and Report on Attendance at Texas State Railroad

Councilmember Presley reported on upcoming activities at the TSRR:

- \$10.00 train rides for local residents and neighboring counties in January from Rusk and in February from Palestine
- Snoopy will be on board the Valentine Express on February 7<sup>th</sup> and 14<sup>th</sup>
- Valentine's Dinner train leaves from Palestine, cost is \$100.00 which includes a special champagne reception, meal and music
- The new schedule for 2009 is on the web at [www.texasstaterr.com](http://www.texasstaterr.com)

At 6:35 PM, Mayor Salter announced that Council would go into Closed Session pursuant to Section 551.072 regarding real property.

**CLOSED SESSION**

Discuss possible purchase of real property

**RECONVENE INTO REGULAR SESSION**

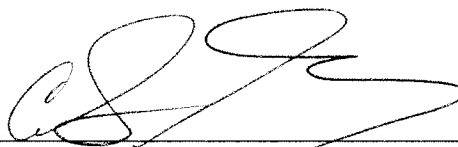
At 7:28 PM, Mayor Salter reconvened the Council into open session.

Motion was made by Mayor Salter, seconded by Councilmember Yelverton, to direct Utilities Director Robert Sedgwick to pursue the diagonal option on the Berkley Drive utility easement. Upon vote, motion passed unanimously.

Motion was made by Councilmember Yelverton, seconded by Councilmember Masonheimer, to authorize the City Manager to negotiate the purchase of real estate. Upon vote, motion passed unanimously.

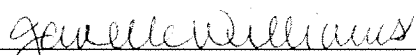
**ADJOURNMENT**

Motion was made by Councilmember Chivers to adjourn. Upon vote, motion passed unanimously. Mayor Salter declared the meeting adjourned at 7:29 PM.



CAROLYN SALTER, MAYOR

ATTEST:



JANELLE WILLIAMS, CITY SECRETARY