

THE STATE OF TEXAS §
 COUNTY OF ANDERSON §
 CITY OF PALESTINE §

The City Council of the City of Palestine, Texas convened in a Worksession and Regular Meeting on Monday, April 12, 2010 at 4:00 PM for the Worksession in the Council Conference Room, and at 5:30 PM for the Regular Meeting in the Council Chambers at City Hall, 504 N. Queen Street, Palestine, Texas, with the following people present:

BOB HERRINGTON	:	MAYOR
KATHI MASONHEIMER	:	COUNCILMEMBER
VERNON DENMON, JR.	:	COUNCILMEMBER
VICKEY CHIVERS	:	COUNCILMEMBER
JAMES H. YELVERTON	:	COUNCILMEMBER
ANDREA BAIRD	:	COUNCILMEMBER
STEVE PRESLEY	:	MAYOR PRO TEM
R. DALE BROWN	:	CITY MANAGER
JANELLE WILLIAMS	:	CITY SECRETARY
RONALD D. STUTES	:	CITY ATTORNEY

Councilmember Presley was absent for the worksession; a quorum of the Council was present.

WORKSESSION

Mayor Herrington called the worksession to order at 4:06 PM.

Discussion was held regarding: Fundamentals of Municipal Civil Service Law; Award of Bid for Vegetation Control Management Program (Bid #2010-13); Approval of a Variance to Allow Issuance of a Permit for the Handling of Alcoholic Beverages at 201 W. Crawford Street; Authorizing the City Manager to Issue a Request for Qualifications for Construction Manager at Risk Services for Palestine Public Library and Palestine Regional Education Partnership (PREP) Center Project; Adopting a Resolution of Support for Rusk State Hospital; a Final Report from the Planning and Zoning Commission regarding a Zoning Change and set a time for Public Hearing; a Final Report from the Planning and Zoning Commission regarding a Specific Use Permit request and set a time for Public Hearing; Award of Bid for the former Senior Citizens Building (Bid #2010-12); Approving an Ordinance adjusting the Utility Rates to be effective May 1, 2010; an Ordinance approving Budget Amendment for Crockett Road Sewer; a Request for Proposals relating to Legal Opinion Services with respect to the validity of Authorizing and Issuing Evidences of Indebtedness in connection with the Texas Water Development Board's Clean Water State Revolving Fund; and a Request for Proposals relating to Financial Services in connection with the Texas Water Development Board's Clean Water State Revolving Fund.

With no other business to come before the Council, the worksession was adjourned at 5:20 PM.

CALL TO ORDER – REGULAR MEETING 5:30 PM

Mayor Herrington called the regular meeting to order at 5:35 PM.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Councilmember Denmon, and was followed by the Pledge of Allegiance.

PUBLIC COMMENTS, PUBLIC RECOGNITION AND ANNOUNCEMENTS

Dorothy Edwards addressed Council with concerns about the Police Department not providing escorts for funeral processions.

Ed White, a member of the Palestine Library Board, addressed Council with questions regarding when the new Library will be open.

Kenneth Davidson addressed Council regarding wanting to make an appointment with the City Manager and Police Chief to discuss a threat made by his neighbors.

Gerald Jordan addressed Council with concerns of the Police Department issuing citations for walking on the wrong side of the street and failing to stop at a designated point.

James Smith addressed Council regarding the inappropriate racist email that circulated in the Police Department.

City employees Ester Rorig, Earl Andrews III, and George K. Wilmert were recognized for attaining TCEQ Certification.

City employee Courtney Powers was recognized for attaining Level I Municipal Court Certification.

Bishop L. J. Guillory, Ombudsman at KNET Radio Station, advised Council that Carmelita Pope-Freeman, Department of Justice, could not be at the meeting as planned to discuss community relations. Ms. Pope-Freeman spoke to Council via speaker phone regarding attending a future meeting to discuss community needs.

Mayor Herrington read aloud proclamations for National Library Week and National Volunteer Week.

CITY MANAGER'S REPORT

A report of City Attorney fees was provided to Council. Departmental reports for Development Services, Municipal Court, and Public Works were also provided.

City Manager Brown advised Council that two members of the Police Department that recently retired have made a special request that the city allow them to purchase their firearms (Glocks) at a fair market value of a used pistol of the same make and model. He advised that Council would need to adopt a policy that clearly states who is allowed to purchase the guns, how the price is established, etc.

City Manager Brown advised Council that he suggests adding an additional step at the beginning of the annual strategic planning schedule to insure Council guidance before the staff retreat. Council directed staff to schedule a budget worksession on May 3, 2010.

Finance Director Bobby Pennington provided a report on sales tax collections. He advised Council that monthly sales tax collections have changed considerably and continue to fall well below projections. He has requested staff's assistance by limiting all non-essential purchases, restricting travel, and freezing all open positions that occur through employee departures.

City Manager Brown provided an update on the Library and PREP Center. He advised Council that he hopes to have drawings by the next Council meeting.

OPEN BIDS

Bids were received and opened for U. S. Highway 79 Utility Relocations (Bid #2010-14):

Doughtie Construction Company, Inc., Huntsville, TX	\$260,651.50
Elliott Construction, Ltd., College Station, TX	\$378,394.23
McKinney & McMillen, Jacksonville, TX	\$309,411.00
AAA Sanitation, Inc., Tyler, TX	\$280,210.50

BOARD APPOINTMENTS

Motion was made by Councilmember Denmon, seconded by Councilmember Baird, to appoint Chris Gouras to the Historic Landmarks Commission. Upon vote, motion passed unanimously.

CONSENT AGENDA

- 1) Consider Award of Bid for the Vegetation Control Management Program (Bid #2010-13)

Councilmember Denmon requested that the Award of Bid be pulled from the Consent Agenda.

REGULAR AGENDA**Consider Award of Bid for the Vegetation Control Management Program (Bid #2010-13)**

Discussion was held regarding what types of herbicides will be used for the Vegetation Control Management Program. Motion was made by Councilmember Denmon, seconded by Councilmember Yelverton, to award the bid to Edko, LLC, for a total bid of \$25,815.33 which includes two annual applications for all areas. Upon vote, motion passed unanimously.

Consider Approval of a Variance to Allow Issuance of a Permit for the Handling of Alcoholic Beverages at 201 W. Crawford Street

Richard Park and J. D. Woodward addressed Council regarding a request for variance from the requirement that a business selling alcoholic beverages be at least 300 feet from a church. They advised Council that Palestine Church has indicated that they have no objections to their plans of opening a restaurant that will serve alcoholic beverages. Motion was made by Councilmember Presley, seconded by Councilmember Masonheimer, to approve a variance to allow issuance of a permit for the handling of alcoholic beverages at 201 W. Crawford Street based on Code of Ordinances, Sections 10-2(e)(1) that issuance would be in the best interest of the public, and 10-2(e)(6) that it would be in the best interest of the community. Upon vote, motion passed 6-1, with Councilmember Denmon voting nay.

Consider Authorizing the City Manager to Issue a Request for Qualifications for Construction Manager at Risk Services for Palestine Public Library and Palestine Regional Education Partnership (PREP) Center Project

City Manager Brown advised Council that Corgan Associates, the architect hired by the city for the improvements to the Palestine Mall recommends that the Construction Manager at Risk construction delivery method be used for the Palestine Mall renovation project which includes the City Library and PREP Center. Motion was made by Councilmember Baird, seconded by Councilmember Masonheimer, to authorize the City Manager to issue a Request for Qualifications for Construction Manager at Risk Services for Palestine Public Library and Palestine Regional Education Partnership (PREP) Center Project. Upon vote, motion passed 6-1, with Councilmember Chivers voting nay.

Consider Adopting a Resolution of Support for Rusk State Hospital

Motion was made by Councilmember Masonheimer, seconded by Councilmember Baird, to adopt **Resolution No. R-08-10** as presented. Upon vote, motion passed unanimously.

Consider a Final Report from the Planning and Zoning Commission regarding a Zoning Change and set a time for Public Hearing

Motion was made by Councilmember Denmon, seconded by Councilmember Masonheimer, to set a public hearing on April 26, 2010. Upon vote, motion passed unanimously.

Consider a Final Report from the Planning and Zoning Commission regarding a Specific Use Permit request and set a time for Public Hearing

Motion was made by Councilmember Baird, seconded by Councilmember Chivers, to set a public hearing on April 26, 2010. Upon vote, motion passed unanimously.

Consider Approving an Ordinance adjusting the Utility Rates to be effective May 1, 2010

Discussion was held regarding proposed increases in utility rates as recommended by Finance Director Bobby Pennington. Motion was made by Councilmember Denmon, seconded by Councilmember Masonheimer, to approve **Ordinance No. O-20-10** as presented. Upon vote, motion passed 6-0, with Councilmember Yelverton voting neither aye nor nay.

Consider an Ordinance approving Budget Amendment for Crockett Road Sewer

Motion was made by Councilmember Denmon, seconded by Councilmember Baird, to approve **Ordinance No. O-21-10** as presented by Finance Director Pennington. Upon vote, motion passed unanimously.

Consider a Request for Proposals relating to Legal Opinion Services with respect to the validity of Authorizing and Issuing Evidences of Indebtedness in connection with the Texas Water Development Board's Clean Water State Revolving Fund

Motion was made by Councilmember Denmon, seconded by Councilmember Chivers, to authorize a request for proposals relating to legal opinion services with respect to the validity of authorizing and issuing evidences of indebtedness in connection with the Texas Water Development Board's Clean Water State Revolving Fund. Upon vote, motion passed unanimously.

Consider a Request for Proposals relating to Financial Services in connection with the Texas Water Development Board's Clean Water State Revolving Fund

Motion was made by Councilmember Denmon, seconded by Councilmember Presley, to authorize a request for proposals relating to financial services in connection with the Texas Water Development Board's Clean Water State Revolving Fund. Upon vote, motion passed unanimously.

Consider Award of Bid for the former Senior Citizens Building (Bid #2010-12)

Discussion was held regarding whether Council could accept the high bid from Ms. Patricia Davis, although the required cashier's check for \$25,000.00 earnest money was not received when her bid was submitted. After reviewing the bid document, City Attorney Ron Stutes advised Council that the bid could be accepted. Motion was made by Councilmember Denmon, seconded by Councilmember Chivers, to award the bid to Patricia Davis in the amount of \$75,000.00 for the property at 125 Kickapoo Street. Upon vote, motion passed unanimously.

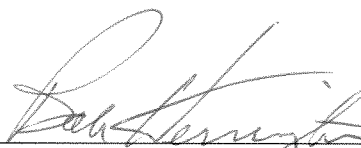
ITEMS FROM COUNCIL

Councilmember Baird reported on the success of the annual trash off event, sponsored by Keep Palestine Beautiful, and part of the Great American Clean Up.

Councilmember Chivers reminded the public on the importance of filling out the Census information.

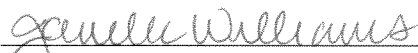
ADJOURNMENT

With no other business to come before the Council, the meeting was adjourned at 7:48 PM.



 Bob Herrington, Mayor

ATTEST:



 Janelle Williams, City Secretary