

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, August 25, 2008 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 was present.

WORKSESSION

Mayor Salter called the worksession to order at 4:50 PM.

Discussion of Juvenile Curfew Ordinance

Council discussed pros and cons of adopting a juvenile curfew ordinance. Councilmembers Denmon and Yelverton asked Police Chief Coutorie to poll the Police Department on the impact of a juvenile curfew.

Discussion of Annual Budget for Fiscal Year 2008-2009

Dan Bochsler of the Palestine Chamber of Commerce presented Council with a summary of plans for upcoming chamber events and activities. He requested that the Council increase the city's contribution to the chamber from \$7,200 to \$9,000 for fiscal year 2008-2009.

Motion was made by Councilmember Yelverton to adjourn. The worksession was adjourned at 5:28 PM.

REGULAR MEETING

Mayor Salter called the regular meeting to order at 5:34 PM.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by David Bergman of Bethlehem Lutheran Church, and was followed by the Pledge of Allegiance.

PUBLIC HEARINGS

Public Hearing on proposal to increase total tax revenues for properties on the tax roll in preceding tax year by 4.179064%

Mayor Salter opened the public hearing at 5:50 PM. Roberta Price addressed Council with a question regarding increases in taxable value. With no other speakers, the public hearing was closed.

MAYOR'S REPORT

Mayor Salter reminded everyone that school started today and to be especially careful in school zones.

CITY MANAGER'S REPORT

- 1) Report on Airport Entitlement Funds
- 2) Report on City Attorney Fees
- 3) Monthly Departmental Reports
 - a) Development Services
 - b) Public Works

City Manager Dale Brown reported that the airport entitlement funds have not been expended in this budget year and TxDOT has requested that the money be turned back over to them. He advised that the Airport Board will meet and report back to Council with a list of projects prioritized.

Council discussed city attorney fees and directed staff to report back in September with a policy on these fees.

CONSENT AGENDA

- 1) Minutes of the Regular Meeting of June 9, 2008
- 2) Minutes of the Worksession and Regular Meeting of June 23, 2008
- 3) Consider Adoption of Quarterly Investment Report

Motion was made by Councilmember Denmon, seconded by Councilmember Chivers, to approve the Consent Agenda as submitted. Upon vote, motion passed unanimously.

REGULAR AGENDA

Discussion of citizen complaints regarding traffic citations at railroad crossings

City Manager Brown advised Council that traffic citations were written by the Police Department on August 12, 2008 for disregarding a railroad crossing at Reagan Street at the railroad tracks.

Erma Crist addressed Council regarding a traffic citation that she received. She provided photographs of the crossing in question. She indicated that the crossing lights are

constantly malfunctioning. City Attorney Stutes advised Ms. Crist that the Council does not have the authority to determine who is prosecuted in Municipal Court, nor can they interfere with the police department on execution of their job. Council directed staff to evaluate the railroad crossing and to open dialogue with Union Pacific Railroad regarding the signal working properly.

Consider a Resolution adopting City of Palestine Economic Development Incentive Policy

Motion was made by Councilmember Denmon, seconded by Councilmember Baird, to table the resolution. Upon vote, motion passed unanimously.

Consider a Resolution of Support for an application for the HOME Grant

Motion was made by Councilmember Denmon, seconded by Councilmember Baird, to adopt **Resolution No. R-22-08** supporting an application for the HOME Grant. Upon vote, motion passed unanimously.

Consider an Ordinance for a Zone Change request from I-2 (General Industrial District) to C-3 (General Retail Commercial District), a 6 acre tract in Volume 1722, Page 640 of the Anderson County Deed Records

Motion was made by Councilmember Presley, seconded by Councilmember Yelverton, to adopt **Ordinance No. O-67-08** approving the zone change as presented. Upon vote, motion passed unanimously.

Discussion of a Zone Change request from RE (Residential Estate) to R-3 (Single Family Detached High Density District) on Fort Houston Subdivision Properties and schedule a public hearing on September 8, 2008

Motion was made by Councilmember Baird, seconded by Councilmember Denmon, to schedule a public hearing for the zone change request on September 8, 2008. Upon vote, motion passed unanimously.

Consider authorizing the City Manager to negotiate with Crafton Communications, Inc. for lease of space on North Jackson Water Tower for Cellular Antennas

Motion was made by Councilmember Masonheimer, seconded by Councilmember Chivers, to authorize the City Manager to negotiate on the city's behalf with Crafton Communications, Inc. for the use of the North Jackson Street Water Tower to be used for the location of cellular antennas. Upon vote, motion passed unanimously.

Consider a Resolution authorizing the execution of the Atmos Cities Steering Committee Participation Agreement and authorizing the payment of 5 cents per capita to the Atmos Steering Committee to fund regulatory and related activities

Motion was made by Councilmember Presley, seconded by Councilmember Denmon, to adopt **Resolution No. R-23-08** as presented. Upon vote, motion passed unanimously.

Consider an Ordinance approving a negotiated rate resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division

Motion was made by Councilmember Masonheimer, seconded by Councilmember Presley, to adopt **Ordinance No. O-68-08** approving a negotiated rate resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division as presented. Upon vote, motion passed 6-1, with Councilmember Denmon voting nay.

Consider an Ordinance amending the existing Gas Franchise Fee for Atmos Energy Corporation to 5% of Gross Sales

Motion was made by Councilmember Yelverton, seconded by Councilmember Presley, to adopt an Ordinance amending the existing gas franchise fee for Atmos Energy Corporation to 5% of gross sales. After a brief discussion, motion to adopt the ordinance was withdrawn by Councilmember Yelverton and second to motion was withdrawn by Councilmember Presley. Item died for lack of motion.

Consider Authorization of Expenditure of Library Equipment

Motion was made by Councilmember Baird, seconded by Councilmember Denmon, to approve authorization of expenditure to Tech Logic in the amount of \$19,310.20 for Library Equipment. Upon vote, motion passed unanimously.

Consider an Ordinance approving budget amendments for fiscal year 2008-2009

Motion was made by Councilmember Chivers, seconded by Councilmember Masonheimer, to adopt **Ordinance No. O-69-08** approving budget amendments for Police Department Radio Console (\$5,034) and Animal Control (\$1,833). Upon vote, motion passed unanimously.

Discussion of a set fee for City Attorney Services for fiscal year 2008-2009

This item was pulled from the agenda.

ITEMS FROM COUNCIL

Councilmember Presley requested that the city consider placing motorcycle warning signs in town.

Councilmember Denmon reported that a dedication ceremony of Martin Luther King, Jr. Boulevard will be held on September 5th at 10:00 AM, hosted by Reverend Roy Duncan at 2020 Martin Luther King, Jr. Boulevard.

Councilmember Masonheimer reported that the Chamber of Commerce will be sponsoring an Energy Expo at the Civic Center.

Councilmember Baird reminded everyone not to speed in the school zones.

Mayor Salter reported that the soil contamination letters should be going out to residents soon.

ADJOURN

Motion was made by Councilmember Baird to adjourn the regular meeting and reconvene into the worksession. Upon vote, motion passed unanimously. Mayor Salter declared the regular meeting adjourned at 7:50 PM.

WORKSESSION

Discussion of Annual Budget for Fiscal Year 2008-2009

Council discussed the budget for fiscal year 2008-2009. Areas of discussion included cemeteries, parks, and travel and training expenses.

The worksession was adjourned at 8:35 PM.

CAROLYN SALTER, MAYOR

ATTEST:

Janelle Williams
JANELLE WILLIAMS, CITY SECRETARY