

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

The City Council of the City of Palestine, Texas convened in a Regular Meeting on Monday, July 13, 2009 at 5:30 PM, in the Council Chambers at City Hall, 504 N. Queen Street, Palestine, Texas, with the following people present:

BOB HERRINGTON	:	MAYOR
VERNON DENMON, JR.	:	COUNCILMEMBER
JAMES H. YELVERTON	:	COUNCILMEMBER
ANDREA BAIRD	:	COUNCILMEMBER
STEVE PRESLEY	:	COUNCILMEMBER
R. DALE BROWN	:	CITY MANAGER
RONALD D. STUTES	:	CITY ATTORNEY
TERESA HERRERA	:	DEPUTY CITY SECRETARY

Council Members Masonheimer and Chivers were absent. A quorum of the City Council was present.

WORKSESSION – 4:30 PM

Mayor Herrington called the worksession to order at 4:30 PM.

Worksession was adjourned at 5:25 PM.

CALL TO ORDER – REGULAR MEETING 5:30 PM

Mayor Herrington called the Regular Meeting to order at 5:30 PM.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Council Member Denmon and was followed by the Pledge of Allegiance.

PUBLIC COMMENTS

Frank Fulgham commented that the Sanctuary House assists the community and that each year they are short on funds. Mr. Fulgham handed Council a copy of their 2010 Sanctuary House Budget – Expense.

PUBLIC RECOGNITION AND ANNOUNCEMENTS

Mayor Herrington read aloud proclamation honoring Fire Fighter Eric Gartman proclaiming July 13, 2009 Eric Gartman Day.

MAYOR'S REPORT

Mayor Herrington did not present a report.

CITY MANAGER'S REPORT

- 1) ISO Rating Survey
- 2) Report of City Attorney Fees
- 3) Departmental Report
 - a) Library
 - b) Municipal Court
 - c) Development Services
 - d) Police
 - e) Public Works
 - f) Fire

City Manager Dale Brown advised Council that members of Staff were available for any questions regarding the departmental reports submitted.

CONSENT AGENDA

- 1) Consider Existing Police Department Badges as Surplus Property and Authorize the City Manager to Dispose of the Property
- 2) Consider a Resolution Accepting the Construction of the Town Creek Wastewater Treatment Plan Headworks and RAS Pump Improvements under the City's Texas Water Development Board Loan Project ID No. 71717, CWSRF Wastewater Loan 136400 (CWSRF ID 3369-03) and Authorizing Final Payment to the Contractor
- 3) Consider Award of Bid for Utility Relocations on Loop 256 (Bid #B2009-13)
- 4) Minutes of the Worksession and Regular Meeting of May 11, 2009
- 5) Minutes of the Worksession and Regular Meeting of May 18, 2009
- 6) Minutes of the Worksession and Regular Meeting of June 8, 2009

Motion was made by Council Member Presley, seconded by Council Member Baird, to pull Consent Items 6 until it was corrected. Upon vote, motion passed unanimously.

Motion was made by Council Member Presley, seconded by Council Member Baird, to approve Consent Items 1 through 5 as submitted, adopting **Resolution No. R-21-09**. Upon vote, motion passed unanimously.

REGULAR AGENDA**Consider Approval of 'Wall of Fame' Project**

Motion was made by Council Member Presley, seconded by Council Member Denmon to approve the 'Wall of Fame' project with conditions subject to the location of the wall. Upon vote motion passed unanimously.

Consider Approval of a Management Agreement for Professional Services between the City of Palestine and Palestine Economic Development Corporation

Motion was made by Council Member Denmon, seconded by Council Member Baird to approve the contract with PEDC to provide management services and authorize the mayor to sign the agreement. Upon vote, motion passed unanimously.

Consider an Ordinance Amending Chapter 40-134 of the Palestine Code of Ordinances Regarding Standards for Screening of Telecommunication Towers and Facilities

Motion was made by Council Member Yelverton, seconded by Council Member Baird to adopt **Ordinance No. O-40-09** amending the Telecommunication Regulations as presented. Upon vote, motion passed unanimously.

Consider an Ordinance Adopting a Schedule of On-Street Parking for the Downtown Area

Motion was made by Council Member Yelverton, seconded by Council Member Denmon to table this item. Upon vote, motion passed unanimously.

Consider an Ordinance Granting Zone Change from MF-3 (Multi-Family High Density District) to C-4 (Highway Commercial District), Southwest corner of the intersection of Pershing Street & South Sycamore Street, Lots 1, 4, 2A & 5A of Block B, Wm. Broyles Addition

Motion was made by Council Member Denmon, seconded by Council Member Presley to adopt **Ordinance No. O-41-09** granting the zone change request as presented. Upon vote, motion passed unanimously.

Discuss Final Report from Planning and Zoning Commission Regarding a Zone Change from RE (Residential Estate) to C-3 (General Retail Commercial District) located at the Texas State Railroad Park and Set a Public Hearing on July 27, 2009

Motion was made by Council Member Denmon, seconded by Council Member Baird to set a public hearing on July 27, 2009 for the zone change request. Upon vote, motion passed unanimously.

Discuss Final Report from Planning and Zoning Commission Regarding a Zone Change from MF-1 (Multi-Family Low Density District) to C-3 (General Retail Commercial District) on a .150 acre tract in Volume 1870, Page 661, a 1.2 Acre Tract in Volume 2124, Page 573 (804 Gardner Drive), part of a .644 Acre Tract in Volume 1870, Page 661 (802 Gardner Drive), and part of a 2 Acre Tract in Volume 879, Page 908 of the Anderson County Deed Records (927 Gardner Drive)

Motion was made by Council Member Denmon, seconded by Council Member Baird to set a public hearing on July 27, 2009 for the zone change request. Upon vote, motion passed unanimously.

Consider Award of 2009 Annual Chip Seal Program

Motion was made by Council Member Baird, seconded by Council Member Yelverton to accept bid of Lone Star Equipment for 2009 Annual Chip Seal Program in the amount of \$55,140.00. Upon vote, motion passed unanimously.

Consider Approval of Change Order #1 for the 2009 Annual Chip Seal Program

Motion was made by Council Member Presley, seconded by Council Member Denmon to authorize change Order #1 for the 2009 Annual Chip Seal Program in the amount of \$13,547.25. Upon vote, motion passed unanimously.

Consider Authorizing the City Manager to Execute an Airport Entitlement Transfer Agreement

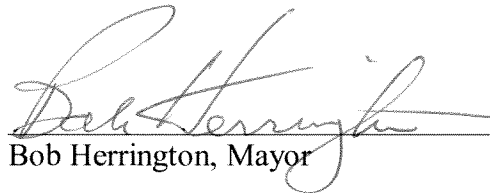
Motion was made by Council Member Presley, seconded by Council Member Yelverton to authorize the City Manager to execute the Entitlement Transfer Agreement. Upon vote, motion passed unanimously.

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

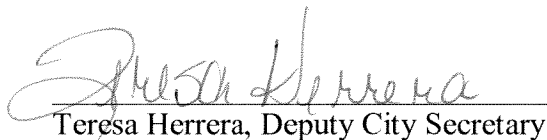
Motion was made by Council Member Baird, seconded by Council Member Yelverton, to approve **Ordinance No. O-42-09** as presented. Upon vote, motion passed unanimously.

ADJOURN

Motion was made by Council Member Denmon to adjourn at 7:11 PM. Upon vote, motion passed unanimously. Mayor Herrington declared the meeting adjourned.


Bob Herrington, Mayor

ATTEST:


Teresa Herrera, Deputy City Secretary