

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

The City Council of the City of Palestine, Texas convened in a Worksession and Regular Meeting on Monday, June 27, 2009 at 4:00 PM, 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 L. CHIVERS	:	COUNCILMEMBER
JAMES H. YELVERTON	:	MAYOR PRO TEM
ANDREA BAIRD	:	MAYOR PRO TEM
STEVE PRESLEY	:	COUNCILMEMBER
R. DALE BROWN	:	CITY MANAGER
JANELLE WILLIAMS	:	CITY SECRETARY
RONALD D. STUTES	:	CITY ATTORNEY

Councilmember Presley was absent for the worksession; Councilmembers Baird and Masonheimer arrived at 4:30 PM; a quorum of the Council was present.

WORKSESSION – 4:00 PM

Mayor Herrington called the worksession to order at 4:00 PM.

Discussion was held regarding amendments to Current Health Insurance Plan, a zone change at Texas State Railroad Park, a specific use permit for Texas State Railroad Park, a zone change on Gardner Drive, Water Treatment Plant TCEQ Inspection Enforcement Action, budget amendments for Fiscal Year 2008-09, a refund for overpayment of utility bill, an on-street parking schedule for the Downtown Area, and the Farmer's Market.

Motion was made by Councilmember Denmon to adjourn. The 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 Councilmember Denmon, and was followed by the Pledge of Allegiance.

PUBLIC COMMENTS

Billie Bledsoe and Don Brown commented that Council should consider freezing property taxes for over 65 taxpayers.

PUBLIC HEARINGS

Public Hearing on Zone Change from RE (Residential Estate) to C-3 (General Retail Commercial District) located at the Texas State Railroad Park

Mayor Herrington opened the public hearing. With no speakers regarding the zone change, the public hearing was closed.

Public Hearing on a Specific Use Permit Application to Allow Outdoor Commercial Amusement at the Texas State Railroad Park

Mayor Herrington opened the public hearing. Steve Burriss of 1314 S. Royall Street spoke in opposition to the zone change. With no other speakers regarding the specific use permit, the public hearing was closed.

Public Hearing on 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)

Mayor Herrington opened the public hearing. Speaking in favor of the zone change were Chapter 83 Commander Gordon Brett, Veteran's Auxiliary Member Ann Coleman, VFW Member Henry Kitchens, and Chapter 991 President Allen Ayo. With no other speakers regarding the zone change, the public hearing was closed.

MAYOR'S REPORT

Mayor Herrington reported on a recent trip to Texas State Technical College in Marshall, and advised that they are planning to locate in Palestine.

CITY MANAGER'S REPORT

A report of city attorney fees and a monthly departmental report for Main Street were provided.

CONSENT AGENDA

- 1) Consider a Resolution Adopting a Water Conservation Plan
- 2) Consider an Ordinance Approving a Negotiated Resolution between the Atmos Cities Steering Committee and Atmos Energy Corporation, Mid-Tex Division regarding the Company's Rate Review Mechanism Filing in all Cities Exercising Original Jurisdiction
- 3) Minutes of the Worksession and Regular Meeting of June 8, 2009

Motion was made by Councilmember Denmon, seconded by Councilmember Yelverton, to approve Consent Items 1, 2 and 3 as presented, adopting **Resolution No. R-22-09** and **Ordinance No. O-43-09**. Upon vote, motion passed unanimously.

REGULAR AGENDA**Consider Amendments to Current Health Insurance Plan**

Insurance Consultant Jerry Guy presented proposed changes to the current employee health insurance plan. Motion was made by Councilmember Presley, seconded by Councilmember Denmon, to adopt the following changes: (1) change dependent child(ren) definition to age 19 unless a full-time enrolled student (to age 25 if student), (2) HIPAA Opt-Out - plan will continue to administer its current pre-existing conditions exclusion for new hires, and will no longer adjust the waiting period for pre-existing conditions based on a certificate of creditable coverage from a previous employer's plan, (3) deductibles will accumulate and will be satisfied only by charges incurred during the current plan year, (4) contract for disease management services, and (5) increase co-insurance maximums per calendar year: in-network for individual to \$5,000 and family to \$10,000; out-of-network for individual and family remains unlimited. Upon vote, motion passed unanimously.

Consider an Ordinance Granting a Zone Change from RE (Residential Estate) to C-3 (General Retail Commercial District) located at the Texas State Railroad Park

Motion was made by Councilmember Presley, seconded by Councilmember Masonheimer, to adopt **Ordinance No. O-44-09** as presented. Upon vote, motion passed unanimously.

Consider an Ordinance Granting a Specific Use Permit to Allow Outdoor Commercial Amusement at the Texas State Railroad Park (Approximately 2.3 Miles East of the Intersection of Highway 84 and Loop 256

Motion was made by Councilmember Denmon, seconded by Councilmember Baird, to adopt **Ordinance No. O-45-09** as presented. Upon vote, motion passed unanimously.

Consider an Ordinance Granting 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 Councilmember Denmon, seconded by Councilmember Chivers, to adopt **Ordinance No. O-46-09** as presented. Upon vote, motion passed unanimously.

Consider Authorizing the City Manager to Execute an Agreed Order with TCEQ in the Amount of \$13,275.00

Motion was made by Councilmember Denmon, seconded by Councilmember Yelverton, to authorize the City Manager to execute the agreed order with TCEQ in the amount of \$13,275.00 as presented. Upon vote, motion passed unanimously.

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

Motion was made by Councilmember Denmon, seconded by Councilmember Masonheimer, to adopt **Ordinance No. O-47-09** as presented. Upon vote, motion passed unanimously.

Consider Authorizing Refund for Overpayment of Utility Bill

Motion was made by Councilmember Denmon, seconded by Councilmember Baird, to postpone until staff places back on the agenda for consideration. Upon vote, motion passed unanimously.

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

After discussion, motion was made by Councilmember Presley, seconded by Councilmember Denmon, to approve the revised map of on-street parking as presented except: (1) posted thirty minute parking areas expanded on Oak Street between Queen and Sycamore Streets, and on Main Street between Magnolia and Sycamore Streets, (2) eliminate two hour parking and remove signs, and (3) allow parallel parking on Queen Street in front of Carnegie Building, on Crawford Street adjacent to Palestine Church, with 8-1/2 foot parking lanes, still restricting parking at the corners, subject to City Engineer's recommendation regarding line of sight at Palestine Church. Upon vote, motion passed 6-1 with Councilmember Masonheimer voting nay.

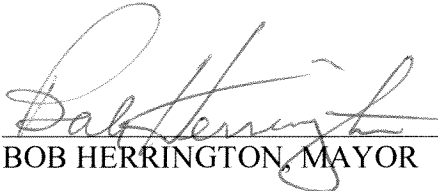
ITEMS FROM COUNCIL

Councilmember Presley reported on upcoming activities at the Texas State Railroad:


- Wild West Dinner Train on August 1st at Rusk Depot
- New event called Railfest on September 5th at Palestine Depot – including appearance from 2009 Miss Texas, motor car rides, model train, children's train, bounce house, petting zoo, Chamber of Commerce beer garden, rededication of Steam Engine 300, and live music

ADJOURN

With no other business for Council to consider the meeting was adjourned at 6:55 PM.


BOB HERRINGTON, MAYOR

ATTEST:


JANELLE WILLIAMS, CITY SECRETARY