

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, August 24, 2009 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:

|                    |   |                |
|--------------------|---|----------------|
| 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  |

Mayor Herrington was absent; a quorum of the Council was present.

**WORKSESSION – 4:00 PM**

Councilmember Denmon called the worksession to order at 4:40 PM.

Discussion was held regarding a Memorandum of Understanding between the City of Palestine and Mountain Pure, LLC, an Agreement with Crouch Environmental, Inc. for Consulting Services relating to Section 404 Permitting from Army Corp of Engineers for the Willow Creek Business Park Detention Facility, proposed budget for 2009-2010, changes to graffiti ordinance and recent graffiti incidents in the Downtown area, Main Street Boundary Expansion, and revisions to the Development Code regarding Off-Street Parking and Driveway Standards.

With no other business to come before the Council, the worksession was adjourned at 5:25 PM.

**CALL TO ORDER – REGULAR MEETING 5:30 PM**

Mayor Pro Tem Presley 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**

Kenneth Talbott, who resides at 306 Fayway Street, commented on flooding problems at Fayway and Trailhollow, and drainage problems at the street and property next door to his property.

Cody Harris, a member of Palestine Young Professionals Network, presented Council with a proposed ordinance to ban smoking in public places, a petition supporting the smoke-free ordinance, a group membership list on facebook.com, ordinances from other Texas cities that have adopted similar ordinances, and statistical data regarding health risks associated with second hand smoke.

**PUBLIC HEARINGS**

Historic Landmark Designation, HZC-09-11, 712 S. Royall Street, Owner: Justin Hilton, Legal Description: Reagan & Word, Block 9 (Sec), Lot 3

Mayor Pro Tem Presley opened the public hearing. With no speakers regarding the designation, the public hearing was closed.

Historic Landmark Designation, HZC-09-12, 609 N. Fowler Street, Owner: Glen & Kerrie Averhoff, Legal Description: Original, Block 99 (West), Lots 11B & 13

Mayor Pro Tem Presley opened the public hearing. With no speakers regarding the designation, the public hearing was closed.

Historic Landmark Designation, HZC-09-13, 601 S. Sycamore Street, Owner: Jack and Julie Thompson, Legal Description: Larkin & Campbell, Block 17, Lot 17E, Block 18, Lot 18C, Block 19, Lots 19A & 19B1, Block 20, Lots 20C1, 20D & 20E

Mayor Pro Tem Presley opened the public hearing. With no speakers regarding the designation, the public hearing was closed.

Historic Landmark Designation, HZC-09-14, 823 S. Magnolia Street, Owner: Frank C. Moore, Jr., Legal Description: Reagan & Word, Block N, Lot 1B

Mayor Pro Tem Presley opened the public hearing. With no speakers regarding the designation, the public hearing was closed.

Historic Landmark Designation, HZC-09-15, 218A W. Park Avenue, Owner: James J. and Jocelyn Mezik, Legal Description: Reagan & Word, Block G, Lot 4C

Mayor Pro Tem Presley opened the public hearing. With no speakers regarding the designation, the public hearing was closed.

Historic Landmark Designation, HZC-09-16, 324 S. Sycamore Street, Owner: Daniel P. & Esther DeLeon, Legal Description: Larkin & Campbell, Block 26, Lot 2

Mayor Pro Tem Presley opened the public hearing. With no speakers regarding the designation, the public hearing was closed.

**CITY MANAGER’S REPORT**

The Quarterly Hospitality Award was presented to Jean Mollard by Tourism Director Susan Cottle-Leonard and Tourism Advisory Board Members Robert Vineyard, Lori Pennington, Lynn Scribner, Lois Durant, and Sam Aryanpur.

A report of city attorney fees and the Main Street monthly report were provided.

**OPEN BIDS**

Bids were received and opened for Demolition of Substandard Structures (Bid #2009-16) as follows:

|                     |             |                |
|---------------------|-------------|----------------|
| J & R Dirt Service  | \$99,961.50 | items 1-13     |
| Northern Excavation | \$94,300.00 | items 1-13     |
| Burnett Trucking    | \$43,600.00 | items 1-13     |
| Merle Shivers       | \$0.00      | item #4 only   |
| Israel Moncera      | \$0.00      | item #1 only   |
| Lee Construction    | \$77,800.00 | except item #3 |
| Drury Construction  | \$72,500.00 | items 1-13     |
| AAR, Inc.           | \$65,950.00 | items 1-13     |

### CONSENT AGENDA

- 1) Consider Award of Bid for Public Works/Utilities Uniforms (Bid #2009-17)
- 2) Consider an Ordinance Designating 712 S. Royall Street as a Palestine Historic Landmark , Owner: Justin Hilton, Legal Description: Reagan & Word, Block 9 Sec, Lot 3
- 3) Consider an Ordinance Designating 609 N. Fowler Street as a Palestine Historic Landmark, Owner: Glen & Kerrie Averhoff, Legal Description: Original, Block 99 (West), Lots 11B & 13
- 4) Consider an Ordinance Designating 601 S. Sycamore Street as a Palestine Historic Landmark, Owner: Jack and Julie Thompson, Legal Description: Larkin & Campbell, Block 17, Lot 17E, Block 18, Lot 18C, Block 19, Lots 19A & 19B1, Block 20, Lots 20C1, 20D & 20E
- 5) Consider an Ordinance Designating 823 S. Magnolia Street as a Palestine Historic Landmark, Owner: Frank C. Moore, Jr., Legal Description: Reagan & Word, Block N, Lot 1B
- 6) Consider an Ordinance Designating 218A W. Park Avenue as a Palestine Historic Landmark, Owner: James J. and Jocelyn Mezik, Legal Description: Reagan & Word, Block G, Lot 4C
- 7) Consider an Ordinance Designating 324 S. Sycamore Street as a Palestine Historic Landmark, Owner: Daniel P. & Esther DeLeon, Legal Description: Larkin & Campbell, Block 26, Lot 2
- 8) Consider Approval of Quarterly Investment Report

Motion was made by Councilmember Yelverton, seconded by Councilmember Baird, to approve Consent Items 1 through 8, adopting **Ordinance No.'s O-50-09, O-51-09, O-52-09, O-53-09, O-54-09, and O-55-09** as presented. Upon vote, motion passed unanimously.

### REGULAR AGENDA

Consider Approval of Memorandum of Understanding between the City of Palestine and Mountain Pure, LLC

Council passed on consideration of this item.

Consider an Agreement with Crouch Environmental, Inc. for Consulting Services relating to Section 404 Permitting from Army Corp of Engineers for the Willow Creek Business Park Detention Facility

Motion was made by Councilmember Baird, seconded by Councilmember Yelverton, to authorize the City Manager to contract with Crouch Environmental, Inc. for consulting services regarding a Section 404 permit for the Willow Creek Business Park Detention Facility. Upon vote, motion passed unanimously.

Discuss Proposed Budget for Fiscal Year 2009-10 and Schedule Public Hearing on Proposed Budget

Motion was made by Councilmember Baird, seconded by Councilmember Denmon, to schedule a public hearing on the proposed budget for fiscal year 2009-10 for September 8, 2009. Upon vote, motion passed unanimously.

Consider Approval of Main Street Boundary Expansion

Motion was made by Councilmember Baird, seconded by Councilmember Denmon, to approve the Main Street Boundary Expansion as presented by Main Street Manager Neely Plumb. Upon vote, motion passed unanimously.

Consider an Ordinance Amending Section 46-201 of the City of Palestine Code of Ordinances in Order to Require the Removal of Graffiti

Motion was made by Councilmember Denmon, seconded by Councilmember Chivers, to adopt **Ordinance No. O-56-09** as presented. Upon vote, motion passed unanimously.

**ITEMS FROM COUNCIL**

Lori Pennington reported on upcoming activities at the Texas State Railroad:

- Railfest event on September 5<sup>th</sup> 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. TSRR is honoring local peace officers and fire fighters with free admission to Railfest.
- Pumpkin Patch, Thomas the Tank, and Polar Express

Mayor Herrington announced that Council will go into Closed Session pursuant to Section 51.072 regarding real estate.

**CLOSED SESSION**

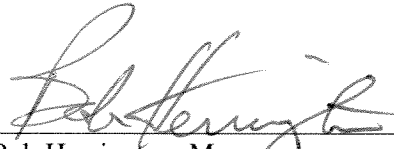
Acquisition of Real Estate

**RECONVENE INTO REGULAR SESSION**

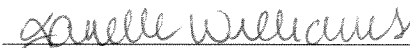
No action was taken regarding Acquisition of Real Estate

**ADJOURNMENT**

With no other business for Council to consider the meeting was adjourned at 6:40 PM.

  
\_\_\_\_\_  
Bob Herrington, Mayor

ATTEST:

  
\_\_\_\_\_  
Janelle Williams, City Secretary