

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, May 10, 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
ADAM HARDING	:	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
TERESA HERRERA	:	DEPUTY CITY SECRETARY
RONALD D. STUTES	:	CITY ATTORNEY

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

**WORKSESSION**

Mayor Herrington called the worksession to order at 4:04 PM.

Discussion was held regarding: Bush Disposal Program; establishing a Downtown Empowerment Zone; Approving an Online Auctioneering Services; Approving the Swimming Pool Summer Schedule for the 2010 Swim Season; Adopting a Resolution authorizing the City Manager to enter into a Lease Agreement between the City of Palestine and Government Capital Corporation for financing vehicles; Adopting an Ordinance for the abandonment of a portion of undeveloped Medical Drive Right-of-Way; Approving a Preliminary Replat of Lots 1 and 2, creating Lot 1-R, Block 1 of the Trinity Valley Medical Park Unit 2, located approximately 200 feet to the West of the developed portion of Medical Drive; Approving a Final Replat of Lots 1 and 2, creating Lot 1-R, Block 1 of the Trinity Valley Medical Park Unit 2, located approximately 200 feet to the West of the developed portion of Medical Drive; Final Report from Planning and Zoning Commission regarding a requested Zoning Change from C-3 (General Retail Commercial District) to CBD (Central Business District), in an area generally bounded by N. Queen Street on the West, N. Sycamore Street on the East, W. Crawford Street on the South, and W. Debard Street approximately 250 feet South of W. Lacy Street, and set public hearing on May 24, 2010; Approving a Final Plat for Lots 1, 2, 3 and 4 of Paradise Park, being 8.241 acres of land, located approximately 350 feet North of the intersection of Kickapoo Street and State Highway 155 North; Approving a Final Plat for Reserve A, B and C of the Mercedes Business Park, being 16.598 acres of land, located approximately 600 feet to the West of the terminus of Medical Drive; Proposed amendments and additions to Appendix A, Zoning Ordinance of the City of Palestine, Section 4.6 Zoning Use Graphs and Section 3.3 Use Definitions, and set public hearing on May 24, 2010; and a Request for Planning and Zoning Commission to review Chapter 40, Development Code.

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 Herrington called the regular meeting to order at 5:34 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**

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

Mayor Herrington read aloud proclamation for Grace Methodist Church.

Jerry Nowlin, President of the Palestine Area Chamber of Commerce Recognized Dogwood Trails Volunteers.

**CONSIDERATION OF ACTION ON THE RESIGNATION OF DISTRICT 1 COUNCILMEMBER**

Consider Accepting the Resignation of Councilmember Kathi Masonheimer Effective May 1, 2010, and Declare Vacancy in District #1

Motion was made by Councilmember Presley, seconded by Councilmember Yelverton to accept the resignation of Kathi Masonheimer as presented. Upon vote, motion passed unanimously.

Consider Appointment to Fill Unexpired Term for Vacated City Council District #1 Position

Motion was made by Councilmember Presley, seconded by Councilmember Yelverton to appoint Adam Harding to fill the unexpired term for vacated City Council District #1. Upon vote, motion passed unanimously.

**ADMINISTRATION OF THE OATH OF OFFICE FOR NEWLY ELECTED AND APPOINTED COUNCILMEMBERS BY JUDGE CURLEY**

Municipal Court Judge Bill Curley administered the Oath of Office to Vickey Chivers, Andrea Baird, and Adam Harding.

**ELECT MAYOR PRO TEM**

Motion was made by Councilmember Presley, seconded by Councilmember Yelverton, to elect Councilmember Baird as Mayor Pro Tem. Upon vote, motion passed unanimously.

**PUBLIC HEARINGS**

Public Hearing for the abandonment of a portion of undeveloped Medical Drive Right-of-Way

Mayor Herrington opened the public hearing. Jeff Lyons, GIS Technicians spoke in favor of abandonment. With no other speakers regarding the abandonment of a portion of undeveloped Medical Drive right-of-way the public hearing was closed.

Public Hearing for a Final Replat of Lots 1 and 2, creating Lot 1-R, Block 1 of the Trinity Valley Medical Park Unit 2, located approximately 200 feet to the West of the developed portion of Medical Drive

Mayor Herrington opened the public hearing. With no speakers regarding the final replat, the public hearing was closed.

**MAYOR'S REPORT**

Mayor Herrington reported of his trip to Mobile, AL. Informed that April 24 was World Tai Chi Day. Mayor Herrington reported that he is receiving a lot of calls regarding the Utility Bills; and informed that this was his last year of his 1<sup>st</sup> term as Mayor.

**CITY MANAGER'S REPORT**

City Manager Brown provided an updated on the Library and PREP Center.

Departmental Reports for Development Services and Municipal Court were provided. City Manager Brown advised Council that staff members were present to answer questions.

### **OPEN BIDS**

Proposals were received and opened for City Attorney and Municipal Prosecutor Services (RFP-15):

Attorney/Municipal Prosecutor  
 Stephen Evans, Palestine, TX  
 Jamie Bennett Kraft/James D. Hankins, Palestine, TX  
 Charles W. Nichols, Palestine, TX  
 Birdsong & Armstrong, Tyler, TX  
 Potter Minton, Tyler, TX

Municipal Prosecutor Only  
 Brenda Hicks Cobble, Palestine, TX

### **CONSENT AGENDA**

- 1) Consider Approval of Online Auctioneering Service
- 2) Minutes of the Worksession and Regular Meeting of April 12, 2010

Motion was made by Councilmember Baird, seconded by Councilmember Chivers to approve Consent Items as presented. Upon vote, motion passed unanimously.

### **REGULAR AGENDA**

Consider Approval of Swimming Pool Summer Schedule for the 2010 Swim Season

Motion was made by Councilmember Presley, seconded by Councilmember Denmon to approve Swimming Pool Summer Schedule for the 2010 Swim Season. Upon vote, motion passed unanimously.

Consider a Resolution authorizing the City Manager to enter a Lease Purchase Agreement between the City of Palestine and Government Capital Corporation for financing vehicles

Motion was made by Councilmember Chivers, seconded by Councilmember Baird to postpone Lease Purchase Agreement until the next meeting of May 24, 2010. Upon vote, motion passed unanimously.

Consider an Ordinance for the abandonment of a portion of undeveloped Medical Drive Right-of-Way

Motion was made by Councilmember Chivers, seconded by Councilmember Baird to adopt Ordinance O-25-10 as presented. Upon vote, motion passed unanimously.

Consider approval of a Preliminary Replat of Lots 1 and 2, creating Lot 1-R, Block 1 of the Trinity Valley Medical Park Unit 2, located approximately 200 feet to the West of the developed portion of Medical Drive

Motion was made by Councilmember Presley, seconded by Councilmember Denmon to approve the preliminary replat of Lot 1-R, Block 1 of the Trinity Valley Medical Park, Unit 2 with staff conditions as presented. Upon vote, motion passed unanimously.

Consider approval of a Final Replat of Lots 1 and 2, creating Lot 1-R, Block 1 of the Trinity Valley Medical Park Unit 2, located approximately 200 feet to the West of the developed portion of Medical Drive

Motion was made by Councilmember Yelverton, seconded by Councilmember Denmon to approve the final replat for Lot 1-R, Block 1 of the Trinity Valley Medical Park Unit 2 with staff conditions as presented. Upon vote, motion passed unanimously.

Discuss Final Report from Planning and Zoning Commission regarding a requested Zoning Change from C-3 (General Retail Commercial District) to CBD (Central Business District), in an area generally bounded by N. Queen Street on the West, N. Sycamore Street on the East, W. Crawford Street on the South, and W. Debard Street approximately 250 feet South of W. Lacy Street, and set public hearing on May 24, 2010

Discussion was held on Final Report from Planning and Zoning Commission regarding a requested Zoning Change from C-3 (General Retail Commercial District) to CBD (Central Business District), in an area generally bounded by N. Queen Street on the West, N. Sycamore Street on the East, W. Crawford Street on the South, and W. Debard Street approximately 250 feet South of W. Lacy Street. Motion was made by Councilmember Baird, seconded by Councilmember Presley to set a public hearing on May 24, 2010 City Council Meeting. Upon vote, motion passed unanimously.

Consider approval of a Final Plat for Lots 1, 2, 3 and 4 of Paradise Park, being 8.241 acres of land, located approximately 350 feet North of the intersection of Kickapoo Street and State Highway 155 North  
Motion was made by Councilmember Chivers, seconded by Councilmember Denmon to approve the final plat of Lots 1, 2, 3 and 4 of Paradise Park with staff conditions as presented. Upon vote, motion passed unanimously.

Consider approval of a Final Plat for Reserve A, B and C of the Mercedes Business Park, being 16.598 acres of land, located approximately 600 feet to the West of the terminus of Medical Drive

Motion was made by Councilmember Chivers, seconded by Councilmember Presley to approve the final plat of Reserve A, B and C of the Mercedes Business Park subject to the temporary street easements on the subject property being filed and the recording information indicated on the final plat. Upon vote, motion passed unanimously.

Discuss proposed amendments and additions to Appendix A, Zoning Ordinance of the City of Palestine, Section 4.6 Zoning Use Graphs and Section 3.3 Use Definitions, and set public hearing on May 24, 2010

Discussion was held regarding the proposed amendments and additions to Appendix A, Zoning Ordinance of the City of Palestine, Section 4.6 Zoning Use Graphs and Section 3.3 Use Definitions. Motion was made by Councilmember Presley, seconded by Councilmember Chivers to set a public hearing on May 24, 2010 City Council meeting. Upon vote, motion passed unanimously.

Consider a Request for Planning and Zoning Commission to review Chapter 40, Development Code

Motion was made by Councilmember Yelverton, seconded by Councilmember Chivers to approve request for Planning and Zoning Commission to review Chapter 40, Development Code. Upon vote, motion passed unanimously.

### **ITEMS FROM COUNCIL**

Councilmember Presley informed the Texas State Railroad is working on a Master Plan, final plans on Railroad Museum in Palestine, TX and looking for a way to have package deals with Hotels to keep visitors overnight.

Mayor Herrington announced that the Council will retire into closed session pursuant to the provisions of the Texas Government Code, in accordance with the authority contained in Section 551.087 regarding economic development negotiations. The time was 6:42 PM.

### **CLOSED SESSION**

Memorandum of Understanding between Mountain Pure, LLC and Palestine Economic Development Corporation

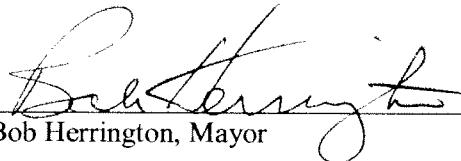
### **RECONVENE IN REGULAR SESSION**

Mayor Herrington reconvened the Council into open session at 7:40 PM. Motion was made by Councilmember Presley, seconded by Councilmember Yelverton to approve memorandum of

understanding between Mountain Pure, LLC and Palestine Economic Development Corporation. Upon vote, motion passed unanimously.

**ADJOURNMENT**

With no other business to come before the Council, the meeting was adjourned at 7:51 PM.

  
Bob Herrington, Mayor

ATTEST:

  
Teresa Herrera, Deputy City Secretary