



GLEN SMITH – Mayor
 JOHNNY TRAN – Councilmember Place 1
 JUDY CHAVEZ – Councilmember Place 2
 MARY CROCKER – Councilmember Place 3
 TROY LEWIS – Councilmember Place 4
 ANDY ERDELT – Councilmember Place 5
 STEPHEN MCGOVERN – Councilmember Place 6

CITY OF PALACIOS CITY COUNCIL REGULAR MEETING AGENDA

Notice is hereby given of a Regular Council Meeting of the Palacios City Council to be held June 13, 2017, beginning at 7:00 p.m. in the Council Chambers of City Hall, 311 Henderson Avenue, Palacios, TX, for the purpose of considering the following items:

REGULAR COUNCIL MEETING

CALL TO ORDER

INVOCATION – Councilmember Erdelt

PLEDGE OF ALLEGIANCE – Councilmember McGovern

PLEDGE TO TEXAS FLAG – Councilmember McGovern

PLEDGE TO PALACIOS FLAG – Councilmember McGovern

VISITOR / CITIZEN FORUM

ADMINISTRATIVE REPORTS

ITEMS TO BE CONSIDERED

1. Discuss and consider approving the 4.69 acre Henson Subdivision Final Replat of Blocks 11 & 12 on the Tres Palacios Bay Front.
2. Discuss and consider action to approve a Park Use Agreement with the Palacios Lion's Club
3. Discuss and consider appointing as Mayor Pro-Tem.
4. Discuss and consider action to approve the following consent agenda items:
 - a) Minutes of the May 23, 2017 Regular Council Meeting
 - b) Excuse absence of Councilmember McGovern and Tran from the May 23, 2017

EXECUTIVE SESSION

In accordance with Chapter 551, Government Code, (Open Meetings Law) the Council May go into Executive (closed) session in order to:

Consult with its attorney (551.071)

- a. Consultation with City Attorney pertaining to the Pavilion Contract
- Discuss Real Estate transaction (551.072)

- Deliberation regarding prospective gifts or donation (551.073)
- Discuss personnel matters (551.074)
- Deliberation regarding security devices (551.076)
- Discuss economic development negotiations (551.087)

ACTION ON EXECUTIVE SESSION:

- b. Consultation with City Attorney pertaining to the Pavilion Contract

ADJOURN

In compliance with the Americans with Disabilities Act, the City of Palacios will provide for reasonable accommodations for persons attending public meetings. To better serve attendees, requests should be received 24 hours prior to the meeting. Please contact City Hall, at 361.972.3605.

CERTIFICATION

I certify that a copy of the June 13, 2017 agenda of items to be considered by the City Council was posted on the City Hall bulletin board by 5:00p.m. on June 9, 2017.

REGULAR COUNCIL MEETING

CALL TO ORDER

INVOCATION –Councilmember Erdelt

PLEDGE OF ALLEGIANCE – Councilmember McGovern

PLEDGE TO TEXAS FLAG – Councilmember McGovern

PLEDGE TO PALACIOS FLAG – Councilmember McGovern

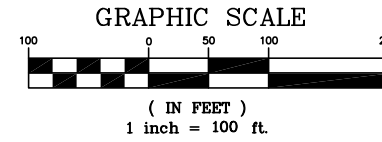
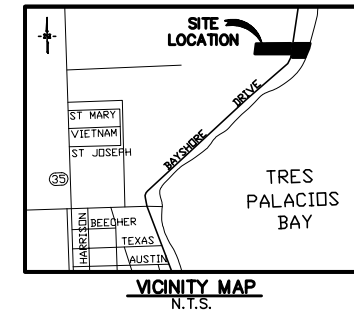
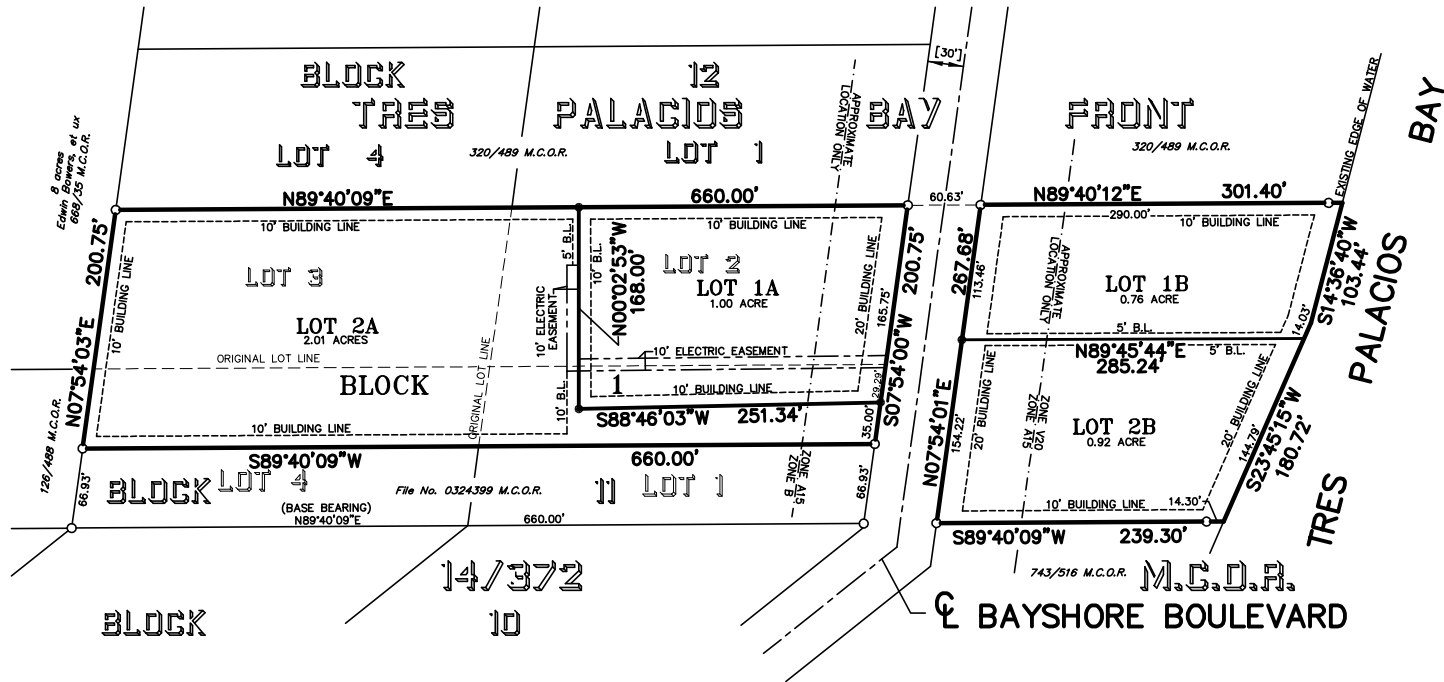
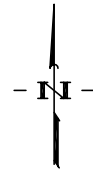
VISITOR / CITIZEN FORUM

ADMINISTRATIVE REPORTS

1. Discuss and consider approving the 4.69 acre Henson Subdivision Final Replat of Blocks 11 & 12 on the Tres Palacios Bay Front.

HENSON SUBDIVISION

4.69 ACRE SUBDIVISION
SUSAN PERKINS SURVEY, A-371, MATAGORDA COUNTY, TEXAS



- LEGEND**
- EXISTING 1/2" IRON ROD UNLESS NOTED
 - SET 5/8" IRON ROD WITH PLASTIC CAP
 - M.C.D.R. MATAGORDA COUNTY DEED RECORDS
 - M.C.O.R. MATAGORDA COUNTY OFFICIAL RECORDS
 - [] PLAT OR DEED CALL

DRAWN BY:
J.H.D.
CHECKED BY:
H.A.D.
DATE:
MAY 23, 2017
SCALE:
1" = 100'

G & W ENGINEERS, INC.
ENGINEERING • SURVEYING • PLANNING
205 W. LIVE OAK STREET, PORT LAVACA, TEXAS 77979
TBPLS FIRM NO.: 10022100
(361) 552-4509; PORT LAVACA (979) 523-7100; BAY CITY

CERTIFICATE OF OWNERSHIP

STATE OF TEXAS
COUNTY OF MATAGORDA

I, KEITH HENSON, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS HENSON SUBDIVISION AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSE, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

KEITH HENSON

CHRISTINA HENSON

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED KEITH HENSON, KNOWN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2017.

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED CHRISTINA HENSON, KNOWN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2017.

NOTARY PUBLIC, STATE OF TEXAS

CITY COUNCIL CERTIFICATE APPROVAL

STATE OF TEXAS
COUNTY OF MATAGORDA

APPROVED THIS _____ DAY OF _____
BY THE CITY COUNCIL OF THE CITY OF PALACIOS, TEXAS.

GLEN SMITH, MAYOR

DAVID KOCUREK, CITY MANAGER

COUNTY CLERK CERTIFICATE

STATE OF TEXAS
COUNTY OF MATAGORDA

I, _____, CLERK OF COUNTY COURT AND COUNTY CLERK OF MATAGORDA COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING SUBDIVISION PLAT OF MMC SUBDIVISION, WITH CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 2017, _____ O'CLOCK _____ M., AND WAS DULY RECORDED ON THE _____ DAY OF _____, 2017 IN VOLUME _____, PAGE _____ OF THE MATAGORDA COUNTY DEED RECORDS, SLIDE NO. _____

COUNTY CLERK
COUNTY OF MATAGORDA
STATE OF TEXAS

FLOOD PLAIN APPROVAL

ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) FOR THE COUNTY OF MATAGORDA, TEXAS, COMMUNITY PANEL NUMBER 485489 0502 C, REVISED MARCH 18, 1985, THE SUBJECT PROPERTY IS LOCATED IN ZONE V20, ZONE A15 AND ZONE B.

MATAGORDA COUNTY REQUIRES THAT STRUCTURES BUILT WITHIN THE 100 YEAR FLOOD PLAIN, ZONES A AND V, BE ELEVATED A MINIMUM OF 12-INCHES ABOVE THE PUBLISHED FEMA BASE FLOOD ELEVATION.

DAVID KOCUREK, CITY MANAGER

CITY PLANNING COMMISSION CERTIFICATE OF APPROVAL

APPROVED THIS _____ DAY OF _____, 2017 BY THE PALACIOS PLANNING COMMISSION OF THE CITY OF PALACIOS, TEXAS.

ROBERT GARRETT, CHAIRMAN

I, HENRY A. DANYSH, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON REPRESENTS THE RESULT OF A SURVEY MADE ON THE GROUND UNDER MY DIRECTION ON MAY 23, 2017.

G & W ENGINEERS, INC.
HENRY A. DANYSH
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5088



FINAL PLAT

HENSON SUBDIVISION

BEING THE SAME PROPERTY DESCRIBED AS TRACT ONE AND TRACT TWO IN SPECIAL WARRANTY DEED DATED APRIL 3, 2014 FROM WILLIAM D. VONGONTEN, JR., TRUSTEE OF THE ANN DONAN VONGONTEN IRREVOCABLE TRUST TO KEITH HENSON AND CHRISTINA HENSON RECORDED IN FILE NO. 2014-1797 OF THE OFFICIAL RECORDS OF MATAGORDA COUNTY, TEXAS

FILE NO.:
7549-001
JOB NO.:
7549-001
SHEET NO.:
1 OF 1

2. Discuss and consider action to approve a Park Use Agreement with the Palacios Lion's Club

THE STATE OF TEXAS §
 § PARK USE AGREEMENT
COUNTY OF MATAGORDA §

This Agreement is made and entered into by and between the CITY OF PALACIOS, a municipal corporation located in Matagorda County, Texas; hereinafter called "City," and PALACIOS LIONS CLUB of Matagorda County, Texas, hereinafter called "Contractor."

WITNESSETH

WHEREAS, the PALACIOS LIONS CLUB has conducted a Fourth of July Celebration for a number of years, and demonstrated its ability to successfully conduct and manage such an event;

WHEREAS, the City desires to have a city wide Fourth of July celebration at the East Bay Park, but does not have the staff or experience to conduct such an event;

NOW THEREFORE, for and in consideration of the mutual covenants, contracts, and benefits to both parties, the City and the Contractor hereby agree as follows:

I Services

The Contractor, as independent contractor, agrees to provide the following: Contractor will plan, staff, conduct, and manage a Fourth of July Celebration at East Bay Park (the "Event") which will be open to all residents of the City of Palacios. Contractor shall be responsible for paying all applicable fees necessary to hold the Event, including rental or other fees typically charged by the City. Contractor shall maintain the Park during the Event, and following the Event, Contractor agrees to restore the Park to its original condition prior to the Event, or better.

II Compensation

The City agrees to provide exclusive use of the East Bay Park from July 1 to July 8 to Contractor so that the Contractor can prepare the Event, conduct the Event, and clean up the Park after the Event. In addition, Contractor shall be entitled to 100% of any revenue from sales of goods and fees from concessionaires and/or vendors during the Event.

III Term

The term of this Agreement shall be for one year beginning on July 1, 2017, and shall automatically renew for four successive one year terms, unless either party terminates the same by mailing the other party notice of non-renewal at least ninety (90) days prior to the end of any

term.

IV
Compliance with Applicable Laws

In its performance of the terms of the Contract, the Contractor shall comply with all rules, regulations, and laws of the United States of America, the State of Texas, and all laws, regulations, and ordinances of the City of Palacios as they now exist or may hereafter be enacted or amended.

V
Independent Contractor

It is expressly agreed and understood by all parties hereto that the Contractor is an independent contractor in its relationship to the City. Nothing herein contained at any time or in any manner shall be construed to effect a contract of partnership or joint venture or render any party hereto the employer or master of any other party and/or its employees, agents or representatives. All necessary personnel shall be deemed employees of the Contractor.

VII
Termination

The City, besides all other rights or remedies it may have, shall have the right to terminate this Agreement at any time, with or without cause, upon thirty (30) days' written notice from the City Manager to the Contractor of the City's election to do so. Furthermore, the City may immediately and without notice terminate this Agreement if the Contractor breaches this Agreement. Upon delivery of any notice of termination required herein, the Contractor shall discontinue all services in connection with the performance of the Agreement.

VIII
Notice

All notices required to be given hereunder shall be given in writing either by telecopier, overnight, or facsimile transmission, certified or registered mail at the respective addresses of the parties set forth herein or at such other address as may be designated in writing by either party. Notice given by mail shall be deemed given three (3) days after the date of mailing thereof to the following addresses:

CONTRACTOR

PALACIOS LIONS CLUB
P O Box 1
Palacios, Texas

CITY

CITY OF PALACIOS
311 Henderson
P O Box 845
Palacios, Texas 77465

IX
Assignment

Contractor shall not sell, assign, or transfer any of its rights or obligation under this contract in whole or in part without prior written consent of the City, nor shall Contractor assign any monies due or to become due to it hereunder without the previous consent of the City.

X
Non-Waiver

Failure of either party hereto to insist on the strict performance of any of the agreements herein or to exercise any rights or remedies accruing thereunder upon default or failure of performance shall not be considered a waiver of the right to insist on and to enforce by an appropriate remedy, strict compliance with any other obligation hereunder to exercise any right or remedy occurring as a result if any future default or failure of performance.

XI
Severability

All parties agree that should any provision of this contract be determined to be invalid or unenforceable, such determination shall not effect any other term of this contract, which shall continue in full force and effect.

XII
Entire Agreement

This Agreement contains all the agreements of the parties relation to the subject matter hereof and is the full and final expression of the agreement between the parties. This Agreement shall not be amended or modified without the express written consent of both parties hereto.

XIII
Authority

The officers executing this Agreement on behalf of the parties hereby represent that such officers have full authority to execute this Agreement and to bind the party he/she represents.

SIGNED, this the 13th day of June, 2017.

CITY OF PALACIOS

GLEN SMITH, Mayor

ATTEST:

ANGELA FLORES, City Secretary

PALACIOS LIONS CLUB

By:

3. Discuss and consider appointing as Mayor Pro-Tem.



GLEN SMITH – MAYOR
JOHNNY TRAN – Mayor Pro-Tem – Councilmember Place 1
JUDY CHAVEZ – Councilmember Place 2
MARY CROCKER – Councilmember Place 3
TROY LEWIS – Councilmember Place 4
ANDY ERDELT – Councilmember Place 5
STEPHEN MCGOVERN – Councilmember Place 6

**CITY OF PALACIOS
PUBLIC HEARING & CITY COUNCIL MEETING MINUTES
May 23, 2017**

PUBLIC HEARING 6PM (6:15 open-6:19 closed)

Vanessa Ruiz spoke as the property owner. Said the family financially has no other choice than to replace with a manufactured home. The current home is falling apart and there a several small children that stay there often.

REGULAR COUNCIL MEETING

CALL TO ORDER – Mayor Smith called the Regular Meeting to order at 7:00 p.m.
City Staff present: David Kocurek, Angela Flores, Lieutenant Smith, Peggy Georgi

CALL TO ORDER

INVOCATION – Councilmember Dodd

PLEDGE OF ALLEGIANCE – Councilmember Erdelt

PLEDGE TO TEXAS FLAG – Councilmember Erdelt

PLEDGE TO PALACIOS FLAG – Councilmember Erdelt

VISITOR FORUM- Patricia Loving, wants to know when the Budget workshop will be posted. Would also like conclusions on the Pavilion and for street signs to be completed. She invited Council and staff to the last meeting of the Palacios Conversation.

ADMINISTRATIVE REPORTS

ITEMS TO BE CONSIDERED

1. Discuss and consider action to approve the following consent agenda items:
 - a) Minutes of the April 25, 2017 Regular Council Meeting
 - b) Excuse absence of Councilmember McGovern from the May 9, 2017 Regular MeetingCouncilmember Crocker motioned to accept the Consent Agenda
Councilmember Chavez seconded
There was no opposition
With no opposition, the motion carried
2. Issue Certificate of Election to Mary Crocker for City Council Position 3
3. Issue Certificate of Election to Troy Lewis for City Council Position 4
4. Issue Certificate of Election to Andy Erdelt for City Council Position 5

EXECUTIVE SESSION

In accordance with Chapter 551, Government Code, (Open Meetings Law) the Council May go into Executive (closed) session in order to:

Consult with its attorney (551.071)

Discuss Real Estate transaction (551.072)

Deliberation regarding prospective gifts or donation (551.073)

Discuss personnel matters (551.074)

Deliberation regarding security devices (551.076)

Discuss economic development negotiations (551.087)

ACTION ON EXECUTIVE SESSION

ADJOURN

Councilmember Lewis motioned to adjourn at 7:14pm.
Councilmember Chavez seconded.

There was no opposition.
With no opposition, the motion carried.

Glen Smith, Mayor

Angela Flores, City Secretary

b) Excuse absence of Councilmember McGovern and Tran from the May 23, 2017

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- d. Consultation with City Attorney pertaining to the Pavilion Contract

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