



GLEN SMITH – Mayor
 JOHNNY TRAN – Councilmember Place 1
 JUDY CHAVEZ – Councilmember Place 2
 MARY CROCKER – Councilmember Place 3
 WAYNE DODD – 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 Public Hearing at the Regular Council Meeting of the Palacios City Council to be held October 25, 2016, 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 – Mayor Smith

PLEDGE OF ALLEGIANCE – Councilmember Tran

PLEDGE TO TEXAS FLAG – Councilmember Tran

PLEDGE TO PALACIOS FLAG – Councilmember Tran

VISITOR / CITIZEN FORUM

ADMINISTRATIVE REPORTS

1. 9th Street Reconstruction Update
2. Harvest Moon Recap
3. Pedal Palacios/Monstrous 5k October 29

ITEMS TO BE CONSIDERED

1. Discuss and consider accepting the Planning & Zoning Commission's Annual Report for the Fiscal Year 2016. –Robert Garrett
2. Discuss and consider adopting on 2nd reading Ordinance 2016-O-8, amendments to Junkyard Ordinance Article 4.04.
3. Discuss and consider adopting on 2nd reading Ordinance 2016-O-9, amendments to Nuisance Ordinance Article 8.01
4. Discuss and consider action to approve Ordinance 2016-O-10 amending the City of Palacios 2015-2016 budget.
5. Discuss and consider adopting Resolution 2016-R-22 awarding the contract for engineering services for the 2017-2018 TxCDBG Program Community Development Fund.
6. Discuss and consider adopting Resolution 2016-R-23 awarding the contract for Administrative services for the 2017-2018 TxCDBG Program Community Development Fund.
7. Discuss and consider accepting the Quarterly Financial Report.
8. Discuss and consider accepting the Quarterly Investment Report.

9. Discuss and accept Mayoral appointments to Committees and Commissions.
10. Discuss and consider action to approve the following consent agenda items:
 - a) Minutes of the October 11, 2016 Regular Council Meeting

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

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 October 25, 2016 agenda of items to be considered by the City Council was posted on the City Hall bulletin board by 5:00p.m. on October 21, 2016.

REGULAR COUNCIL MEETING

CALL TO ORDER

INVOCATION –Mayor Smith

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VISITOR / CITIZEN FORUM

ADMINISTRATIVE REPORTS

1. 9th Street Reconstruction Update
2. Harvest Moon Recap
3. Pedal Palacios/Monstrous 5k October 29

1. Discuss and consider accepting the Planning & Zoning Commission's Annual Report for the Fiscal Year 2016.

CITY OF PALACIOS Planning and Zoning Commission Annual Report FY 2016 Oct, 2015 – Sept, 2016

The City of Palacios Planning and Zoning Commission is submitting this FY 2016 Annual Report for FY 2016 in accordance with Section 10.03(a) of the Home Rule Charter and with Section 12.700 (10) to submit “an annual progress report to the City Council summarizing its activities, major accomplishments for the prior year, and a proposed work program for the coming year. The report shall contain for the year the attendance record of all members and identity of commission officers”.

Commissioners: Robert Garrett, Chair; Patricia Loving, Vice-Chair; Leonard Lamar, Robert Turner, and David McMurray.

City Council Liaison: Judy Chavez

Commission Meetings: October 5, 2015, February 29, 2016, April 18, 2016, July 26, 2016

Membership: Wayne Dodd resigned from the Commission upon his appointment to the City Council. The P & Z Commission reviewed and approved David McMurray's application for the vacated position. This recommendation was forwarded and approved by City Council. The commission is again fully staffed.

Meeting Attendance: There were four regular meetings in FY 2016:

Commissioners Present:

October 5, 2015: Robert Garrett, Patricia Loving, Wayne Dodd, Robert Turner, and Leonard Lamar.
Absent: City Council Liaison Judy Chavez.

February 29, 2016: Robert Garrett, Patricia Loving, Wayne Dodd, Leonard Lamar and City Council Liaison: Judy Chavez.

April 18, 2016: Robert Garrett, Patricia Loving, Wayne Dodd, Leonard Lamar, Robert Turner. City Council Liaison: Judy Chavez absent.

July 18, 2016: Robert Garrett, Patricia Loving, Leonard Lamar. Pending Member: David McMurray
Absent: Robert Turner

Commission/Staff Partnership:

FY 2016 marks an ongoing relationship with city staff to ensure our City Ordinances, under which they work, meet all federal, state, and local requirements; as well as, enhance their ability to perform their daily activities in an efficient and effective manner. The Commission thanks David Kocurek, Angela Flores, and Peggy Georgi for all their hard work this past year.

Accomplishments:

1. Approved FY 2015 FY Annual Report and forwarded to City Council for approval.
2. Approved all meeting minutes.
3. Recommend to Council an Ordinance revising chapter 3.02.002 and 3.02.003 and exhibit B Section 12.400.
4. Approved revision to Appendix A Fee Schedule, Recycling Charges Section A13.04.073.
5. Approved Preliminary Plat for Zamarippa Subdivision.
6. Reviewed Platting of property on Koontz and Ruthven.
7. Reviewed and discussed other municipalities' ordinances for junkyards, nuisances, etc.
8. Discussed revisions and proposed amendments to Chapter 4, Article 4 of the City Code of Ordinances; Junkyards, Wrecking and Salvage Yards scrap tires, fences, abandoned vehicles, water wells, etc.
9. Met with City Attorney regarding proposed revised ordinances.

FY 2017 Plans: The Commission will continue to work on the revised ordinances for review and approval by City Council and focus on other ordinances brought forward by City staff for review.

ORDINANCE NO 2016-O-8.

AN ORDINANCE AMENDING ARTICLE 4.04 “JUNKYARDS, WRECKING YARDS, SALVAGE YARDS” OF THE CODE OF ORDINANCES OF THE CITY OF PALACIOS, TEXAS TO ADOPT DEFINITIONS AND REGULATIONS AS TO THE LOCATION AND OPERATION OF JUNKYARDS, WRECKING YARDS, AND SALVAGE YARDS WITHIN THE CITY; CONTAINING A SAVINGS CLAUSE; REPEALING INCONSISTENT ORDINANCES; ESTABLISHING A PENALTY FOR VIOLATIONS; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, the City Council of the City of Palacios has determined that in order to better regulate and control junkyards, wrecking yards, and salvage yards within the City and thereby protect the health, safety and welfare of the citizens of Palacios, that a uniform set of definitions regarding such operations be adopted, as described within this ordinance; and

WHEREAS, the City Council of the City of Palacios has also determined that it should adopt regulations regarding junkyards, wrecking yards, and salvage yards in order to further protect the health, safety, and welfare of its citizens, such regulations being described herein; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALACIOS, TEXAS:

SECTION 1: That Section 4.04.001, of the Code of Ordinances of the City of Palacios, Texas is hereby amended to read as follows:

Sec. 4.04.001 ~~002~~ Prohibited; exceptions

(a) Any place used or maintained by any person, partnership, or corporation as a junkyard or dumping ground, or for the wrecking or disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn out, wrecked, or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any of the parts thereof, or for the maintenance or operation of such place for the accumulation of rubbish of any description, is hereby declared to be a public and common nuisance, and is prohibited within the city limits, unless the same is conducted in the manner hereinafter stated, following the payment of the license fee prescribed.

(b) No junkyard, salvage or wrecking yard shall be maintained, used or operated on any lot, plot or tract of land any part of which is located within 50 feet from any school, daycare facility, hospital, or residence. Furthermore, a minimum of one acre shall be required for a junkyard, salvage or wrecking yard.

SECTION 2: That a new Section 4.04.001 of the Code of Ordinances of the City of Palacios, Texas is hereby adopted and shall read as follows:

Sec. 4.04.001 Definitions:

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Automotive wrecking and salvage yard: an outdoor place where a person stores three or more vehicles for the purpose of dismantling or wrecking the vehicles to remove parts for sale or for use in automotive repair or rebuilding.

Child-care facility: the meaning set forth in the V.T.C.A. (Vernon's Texas Statutes and Codes Annotated), Human Resources Code 42.002, as it may be amended in the future.

Church: a structure where persons who profess a religious belief regularly assemble for religious worship or religious instruction and which is exempt from ad valorem taxes.

Hospital: A legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, and the prolonged care of bed patients. Clinics may have some but not all of these facilities.

Junk: copper, brass, iron, steel, rope, rags, batteries, tires, or other material that has been discarded or sold at a nominal price by a previous owner of the material. The term does not include a wrecked vehicle.

Junkyard: a place where a business that owns junk, and is operated to store, buy, or sell junk, keeps all or part of the junk outdoors until the business disposes of the junk.

Motor vehicle: has the meaning assigned by V.T.C.A. (Vernon's Texas Statutes and Codes Annotated), Transportation Code 541.201.

Person: an individual, partnership, corporation, estate, limited liability Company, trust, association or any other legal entity however formed.

Recycling business: a business primarily engaged in the business of:

- (a) converting metal or other material into raw material products that have:
 - (1) prepared grades; and
 - (2) an existing or potential economic value;
- (b) using raw material products described by Paragraph (a) in the production of new products; or
- (c) obtaining or storing metal or other material for a purpose described by Paragraph (a) or (b).

Residence: any structure which, at the time of the application for a permit, is being used as a dwelling place for residential purposes, whether single-family or multi-family.

Retention bond: Type of performance bond that protects the customer after a job or project is finished. It guarantees that the contractor will carry out all necessary work to correct structural and/or other defects discovered immediately after completion of the contract, even if full payment has been made to the contractor.

School: a public or private elementary, junior high, high school and/or institution of higher education.

T.C.E.Q. (Texas Commission on Environmental Quality): State agency responsible for protecting our state's public health and natural resources through laws and regulations.

V.T.C.A. (Vernon's Texas Statutes and Codes Annotated): a compilation of Texas law that is updated annually.

Wrecking yard: place for dismantling, storage, trading or buying and selling of disabled dismantled and damaged vehicles. A damaged vehicle as used herein means any vehicle, which has been involved in a collision in which a re-inspection is required by state law.

SECTION 3: That Section 4.04.004, of the Code of Ordinances of the City of Palacios, Texas is hereby amended to read as follows:

Sec. 4.04.004 009 Revocation of License

The city council shall have the power to revoke the license provided for herein at any time for good cause, but only after notice has been given to the owner or owners of the business of a hearing to be held not less than ten (10) days after the service of such notice.

SECTION 4: That new Sections 4.04.003 through 4.04.008 of the Code of Ordinances of the City of Palacios, Texas are hereby adopted and shall read as follows:

Sec. 4.04.003 License application and issuance procedures

(a) Junkyard, salvage and wrecking yards shall have all required permits issued from TCEQ and must meet all federal and state requirements.

(b) Junkyard, salvage and wrecking yards shall file a license application with the city secretary and provide a retention bond along with copies of all required permits. Any violations shall be reported to the code enforcement office.

(c) Junkyard, salvage and wrecking yard permit fee shall be \$100 annually, inspection fee of \$100 will include four quarterly inspections; additional inspections will be \$50 per inspection.

Sec. 4.04.004 Fencing

(a) A solid eight foot fence or wall constructed of wood or masonry and must at all times encompass the entire property of a junkyard, salvage or wrecking yard. Fences shall be constructed of all the same material and have the same color and may not have any sign appear on its surface other than a sign indicating the business name.

(b) Openings in the prescribed enclosures which are necessary to permit reasonable access to the junkyard shall be equipped with a solid gate or gates, constructed and maintained in accordance with the requirements for a fence or wall hereinabove set forth. Such gates shall be closed and securely locked at all times, except during normal business hours.

Sec. 4.04.005 Storage and Maintenance

(a) No items shall be placed, stored, dismantled or worked on outside the fenced or walled areas.

(b) All junked items shall be stacked and stored in a manner that would not make it visible over the fence or wall.

(c) All junk car bodies which are located outside of a building shall be stored on racks or supports so that the body makes no contact with the ground so as to provide for easier inspection and control of insects and rodents, and so as to facilitate water drainage.

(d) Salvaged parts for retail shall be stored indoors on racks or shelves two feet above floor for ease of maintenance.

(e) Any junkyard, salvage or wrecking yard shall be kept and maintained in a clean and sanitary condition so as not to attract rodents or insects. Grass and other vegetation shall not be allowed to grow to a height more than twelve (12) inches.

Sec. 4.04.006 Contaminated Liquid and Solid

(a) Upon the metal recycling entity's possession of all salvage materials, contaminated liquid wastes along with other contaminated materials, hazardous waste, and special waste—including Freon—shall be removed from the salvage materials and contained, stored, and disposed in compliance with all applicable state and federal regulations. Disposal of accumulated contaminated liquids and materials shall be accomplished by a duly licensed contractor. The

metal recycling entity shall maintain on premises all completed manifests evidencing legal disposal for a period of three (3) years from the date of disposal.

(b) All storage of liquid waste shall be subject to applicable local, state and federal regulations. In no event shall any metal recycling entity maintain a volume and weight of stored liquid waste inventory in excess of the lesser of the maximum exempt amounts allowed by the fire code as adopted within the City Code or state and federal regulations for a small quantity generator. All liquid waste shall be stored only in above ground containers in accordance with applicable federal, state and local laws and administrative regulations. It is unlawful for any waste to be held in a container that leaks, is in any other manner not in compliance with state and federal regulations, or in any manner fails to completely contain the material in question.

(c) All solid waste, regardless of character or category, shall be so contained as to cause or allow no release or spill of the material in question.

Sec. 4.04.007 Fire Safety

All metal recycling entities, as defined by this division, shall have a fire safety path. No salvage materials shall be placed within ten (10) feet of the surrounding wall or screen fence. The fire chief shall oversee fire safety path specifications and compliance for each metal recycling entity and may alter the required number of feet in accordance with the location, use, size, and other characteristics of an individual metal recycling entity.

Sec. 4.04.008 Existing Junkyards, Wrecking Yards, Salvage Yards

All existing junk yards, salvage and wrecking yards shall comply with the requirements of these regulations within one year of the effective date of the regulations, except for location.

SECTION 5: If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

SECTION 6: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 7: Any person who shall violate any provision or provisions of this ordinance shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than \$500.00 for each violation. Each day in which any violation shall occur or continue shall constitute a separate offense.

SECTION 8: This Ordinance shall become effective after its approval and adoption upon second and final reading and its publication pursuant to law.

PASSED AND APPROVED on first reading this _____ day of _____, 2016.

PASSED, APPROVED AND ADOPTED on second and final reading this _____ day of _____, 2016.

CITY OF PALACIOS, TEXAS

GLEN SMITH, Mayor

ATTEST:

ANGELA FLORES, City Secretary

APPROVED AS TO FORM:

RANDALL B. STRONG, City Attorney

...ordinances\amending junkyards

ORDINANCE NO.2016-O-9

AN ORDINANCE AMENDING ARTICLE 8.01 “GENERAL PROVISIONS” OF THE CODE OF ORDINANCES OF THE CITY OF PALACIOS, TEXAS TO ADOPT DEFINITIONS FOR NUISANCES WITHIN THE CITY AND INCLUDE REGULATIONS ON THE STORAGE OF TIRES ON PRIVATE PROPERTY; CONTAINING A SAVINGS CLAUSE; REPEALING INCONSISTENT ORDINANCES; ESTABLISHING A PENALTY FOR VIOLATIONS; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, the City Council of the City of Palacios has determined that in order to better regulate and control nuisances within the City and thereby protect the health, safety and welfare of the citizens of Palacios, that a uniform set of definitions regarding nuisances be adopted, as described within this ordinance; and

WHEREAS, the City Council of the City of Palacios has also determined that it should adopt regulations on the storage of tires in order to further protect the health, safety, and welfare of its citizens, such regulations being described herein; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALACIOS, TEXAS:

SECTION 1: That Article 8.01, “General Provisions”, of the Code of Ordinances of the City of Palacios, Texas is hereby amended to read as follows:

ARTICLE 8.01 GENERAL PROVISIONS

Sec.8.01.001 Definitions

For the purposes of this article, all the terms used herein shall be interpreted as follows:

Air contaminant means particulate matter, dust, fumes, gas, mist, smoke, vapor or odor, or any combination thereof, produced by processes other than natural.

Air pollution means the presence in the atmosphere of one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect humans, animal life, vegetation or property, or as to interfere with the normal use and enjoyment of animal life, vegetation or property.

Alley any street herein defined having no legal or official name other than “alley” of twenty feet (20') or less in width.

Brush shall mean scrub vegetation or dense undergrowth.

Carrion shall mean the dead and putrefying flesh of any animal, fowl or fish.

Commercial solid waste container shall mean a container used to store municipal solid waste which has a volume greater than two cubic yards.

Easement A strip of land reserved for the use of the public by the grantor, usually at the rear or side of lots or parcels of land, in which to install and maintain utility lines, drainage ditches or channels, or for other city or public services; the ownership or title to the land encompassed by the easement being retained by the owner. In granting the easement, the grantor is in effect vesting the public with authority to control the use of land within the easement and, in exercising such control, the city may specify that no buildings or part of a building or other permanent structure or fence, in case of a drainage easement, may be located within the limits of the easement.

Encroachment shall mean any object, structure or vegetation which obstructs or otherwise impedes or is likely to obstruct or otherwise impede the lawful passage of traffic, vehicular and pedestrian, over any street, alley, alley easement, utility easement greater than 10 feet in width, or sidewalk in the City.

Filth shall mean any matter in a putrescent state.

Improper storage shall mean the outdoor storage, for a period greater than 24 hours, in a residential district, as defined by the zoning ordinance, of articles and material subject to deterioration by the elements, including but not limited to furniture and appliances other than those customarily installed or used out-of-doors, boxes, vehicle parts, and paper; any material which is stored in a disorderly manner or in such a manner as to offer harborage to vermin; any cut wood, firewood, lumber, or other building material, except masonry, which is not stored a minimum of six inches above the ground.

Impure or unwholesome matter shall mean any putrescible or nonputrescible condition, object or matter which tends to, may, could produce injury, death or disease to human beings.

Notice shall mean given personally or delivered by U.S. Postal Service, certified or regular mail, in writing by a letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; to the occupant or person in charge, or if personal service cannot be obtained, by publication at least once in a paper of general circulation within the City of Palacios; or, by posting notice on or near the front door of each building on the property to which the violation relates, or by posting notice on a placard attached to a stake driven into the ground on the property to which the violation relates. In a notice provided under this section, the City may by regular mail and a posting on the property, or by personally delivering the notice, notify the owner that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the City may without further notice correct the violation at the owner's expense and assess the expense against the property.

Nuisance shall include stagnant or unwholesome water, sinks, privies, filth, carrion, weeds, rubbish, brush and refuse, impure or unwholesome matter of any kind, sewage exposed to the atmosphere, objectionable, unsightly or unsanitary matter of whatever nature, litter as defined elsewhere in this Code, harborage for rodents or parasitic insects, open wells, abandoned refrigerators, animal pen or enclosures which have become offensive, improper storage, graffiti, encroachment, substandard premises, junk motor vehicles, junked boats, junked off-road motorcycles or junked all terrain vehicles, poison ivy, poison oak, or poison sumac (within 50 feet of an occupied dwelling,) and potable water nuisances.

Objectionable, unsightly or unsanitary matter shall mean any matter, condition or object which is objectionable, unsightly or unsanitary to a person of ordinary sensitivity.

Open well shall mean any well, or cistern having a depth of ten (10) feet or greater and a width not greater than six (6) feet or any manmade pit, hole or excavation not sufficiently protected or guarded so as to insure the safety of all passing by or near same.

Outdoor decorative lighting shall mean electrical wiring with one or more bulbs or illuminated fixtures placed on a building or in a yard for an indefinite period.

Potable water nuisance means the presence of pooled or standing water from a potable water supply in a quantity and location that may provide a breeding place for mosquitoes, the discharge of potable water to adjacent property in a volume or at a rate that damages vegetation, buildings, fences or other structures on the adjacent property, or the discharge of potable water to a street or other public property that creates a hazard to traffic due to the presence of accumulated water or ice.

Refuse shall mean any homogeneous or heterogeneous accumulation of worn out, used up, broken, rejected or worthless materials.

Rubbish shall mean trash, debris, rubble, stone, fragments of building materials, mounds of dirt or rock and any other material.

Scrap tire A tire that is no longer suitable for use on vehicles due to wear or irreparable damage. Scrap tire does not include repurposed tires for ornamental use.

Sewage shall mean wash water and water-carried animal, culinary, and industrial wastes; liquid waste containing human excreta, and other matter, flowing in or from a property drainage system or sewer. Excreta include feces, urine, secretions from the skin, expectoration, liquid wastes from dwellings and institutions, stables, and business buildings.

Source means any point of origin of an air contaminant.

Temporary portable storage container shall mean a portable storage building or container with an interior volume greater than 400 cubic feet and that is rented, leased, or loaned to a person and intended for short-term storage of personal property.

Unmanaged landscape vegetation shall mean:

- (1) Landscape trees, bushes, shrubs, vines, brush and ground cover plants that, due to lack of trimming, pruning and shaping, have become unsightly to persons of ordinary sensibilities;
- (2) Dead trees, shrubs, vines, brush or ground cover; and
- (3) Trees that represent a safety hazard due to disease or damage.

Weeds shall mean uncultivated or cultivated vegetation, including grass, having a height in excess of twelve (12) inches.

Any word not herein defined shall be construed in the context used in ordinary interpretations.

Sec. 8.02.001 Enumeration

The following are hereby declared and deemed to be public nuisances and may be abated as herein provided:

- (1) All diseased animals running at large.
- (2) All ponds or pools of stagnant water.
- (3) Accumulations of refuse.
- (4) The pollution of any well used for drinking purposes.
- (5) All noxious weeds and other rank growth in excess of twelve (12) inches in height upon private property.
- (6) Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds, except under such conditions as allowed by the city council for the public good.
- (7) All trees, hedges, shrubs, signs, billboards, or other obstructions which prevent persons from having a clear view of traffic approaching.
- (8) Whatever is injurious to health or offensive to the senses of a person of ordinary sensibilities or an obstruction to free use of property so as to essentially interfere with the comfortable enjoyment of life or property.

Sec. 8.02.002 Unlawful to create or maintain

The creation or maintenance of a nuisance is prohibited, and whenever any public nuisance as defined in [section 8.02.001](#) above is found upon any private property, the code enforcement official may order the removal or abatement of such nuisance and may serve or cause to be served upon the owner, occupant, or person in charge of the property on which said nuisance [exists] a written notice by delivering or offering to deliver a copy of such notice to such person, requiring the removal or abatement of the nuisance within a reasonable specified time after the service of such notice. (1996 Code, sec. 7.702)

Sec. 8.02.003 Abandoned airtight containers

No person may leave outside of any building any icebox, refrigerator, or any other container designed to be airtight, if such container has a door equipped with a catch or lock which may not be released from the inside. (1996 Code, art. 7.800)

State law reference—Regulation of abandoned refrigerators, freezers, and similar containers, V.T.C.A., Health and Safety Code, sec. 756.011 et seq.

Sec. 8.02.004 Tires

- a) It shall be unlawful to store tires of any kind on private property unless stored indoors, example, garage, storage shed, or lean to.
- b) Tires found in easement will be the considered a nuisance violation, Article 6.04 Trash, Rubbish, Tall Grass and Weeds, enforced by the code enforcement official.
- c) Notification of violation will be sent by a certified letter with return receipt. Violators will be given ten (10) days to remove tires. Second notification will be copied and sent to the municipal court for processing.

Sec. 8.02.005 Service of notice

The notice to abate shall be served by code enforcement official upon the named person or persons. In the event personal service cannot be made, service may be by certified mail. (1996 Code, sec. 7.703)

SECTION 2: If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

SECTION 3: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 4: Any person who shall violate any provision or provisions of this ordinance shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than \$2,000.00 for each violation. Each day in which any violation shall occur or continue shall constitute a separate offense.

SECTION 5: This Ordinance shall become effective after its approval and adoption upon second and final reading and its publication pursuant to law.

PASSED AND APPROVED on first reading this _____ day of _____, 2016.

PASSED, APPROVED AND ADOPTED on second and final reading this _____ day of _____, 2016.

CITY OF PALACIOS, TEXAS

GLEN SMITH, Mayor

ATTEST:

ANGELA FLORES, City Secretary

APPROVED AS TO FORM:

RANDALL B. STRONG, City Attorney

...ordinances/amending.nuisances

ORDINANCE NO 2016-O-10

AN ORDINANCE OF THE CITY OF PALACIOS, TEXAS REVISING BUDGETED LINE ITEMS WHICH SHALL SUPERSEDE ALL PREVIOUSLY ADOPTED ORDINANCES AND AMENDMENTS

WHEREAS, the City Council has determined that there is a need to adjust certain line items in the 2015-2016 budget due to changed circumstances; and

WHEREAS, the budget requires amendment to reallocate funds due to unforeseen changes in expenditures; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALACIOS TEXAS,

SECTION 1. That the appropriation for the fiscal year beginning October 1, 2015, and ending September 30, 2016, of the different departments and purposes of the City of Palacios is amended to read as follows as to the listed line items:

		Dr.	Cr.
GENERAL FUND			
Administration			
Supplies	01-12-05050	750.00	
Office Supplies	01-12-05060		750.00
Maint-Comp Software/System	01-12-05135	120.00	
Telephone	01-12-05250	200.00	
Electricity	01-12-05260	100.00	
Drug Testing Services	01-12-05301	275.00	
Travel & Training	01-12-05310		5,000.00
Subscriptions & Dues	01-12-05315	600.00	
Capital Outlay	01-12-05530	19,000.00	
Health Insurance	01-12-05710		10,000.00
Retirement	01-12-05740		4,000.00
Municipal Court			
Salaries & Wages	01-16-05000	2,300.00	
Office Supplies	01-16-05060	100.00	
Maint-Comp Software/System	01-16-05135	315.00	
Social Security	01-16-05700	175.00	
Retirement	01-16-05740	275.00	
Fines & Court Costs	01-04080		3,200.00
Police Dept.			
Salaries & Wages	01-20-05000	18,750.00	
Overtime	01-20-05010	7,020.00	
Cell Phone Allowance	01-20-05021		600.00
Personnel Related costs	01-20-05025	260.00	
Guns & Ammunition	01-20-05055		400.00
Office Supplies	01-20-05060		2,000.00
Clothing	01-20-05080		1,000.00
Maint Office Equip	01-20-05130		1,500.00
Maint-Comp Software/system	01-20-05135	5,510.00	
Maint Radios-Radar	01-20-05140		1,000.00
Maint of Building	01-20-05160		800.00
Investigative Expense	01-20-05215	4,800.00	
Telephone	01-20-05250	2,650.00	
Electricity	01-20-05260		650.00
Contractual Services	01-20-05300		1,300.00
Travel-Training	01-20-05310		1,000.00
Social Security	01-20-05700	750.00	
Health Insurance	01-20-05710		15,000.00
Reimbursement SANE	01-04311		3,000.00

Fines & Court Costs	01-04080		10,000.00
Police Grant	01-04950		7,100.00
Recycle Center			
Salaries & Wages	01-35-05000	85.00	
Supplies	01-35-05050		70.00
Office Supplies	01-35-05060	50.00	
Electricity	01-35-05260	250.00	
Contractual Services	01-35-05300	440.00	
Tire Disposal	01-35-05304	395.00	
Travel, Training	01-35-05310		175.00
Retirement	01-35-05740	10.00	
Sale of Recyclable Materials	01-04800		1,000.00
Parks			
Salaries & Wages	01-42-05000		1,000.00
Supplies	01-42-05050	900.00	
Clothing	01-42-05080	25.00	
Maint Building & Facilities	01-42-05160	10,000.00	
Electricity	01-42-05260		8,500.00
Contractual Services	01-42-05300	9,100.00	
Capital Outlay	01-42-05530	27,500.00	
Health Insurance	01-42-05710		2,200.00
Retirement	01-42-05740		180.00
Park Improvement	01-04805		3,700.00
Trull Foundation Donation	01-04820		7,600.00
Streets			
Salaries & Wages	01-43-05000		7,700.00
Supplies	01-43-05050		500.00
Chemicals	01-43-05070		2,000.00
Street Signs & Repairs	01-43-05170	2,600.00	
Reconstruction material	01-43-05180	34,500.00	
Electricity	01-43-05260	3,500.00	
Contractual Services	01-43-05300	75,000.00	
Health Insurance	01-43-05710		1,900.00
Retirement	01-43-05740		1,300.00
Animal Control			
Supplies	01-55-05050		400.00
Dog/Cat Food	01-55-05051	350.00	
Chemicals	01-55-05070		1,000.00
Maint Building	01-55-05160	475.00	
Telephone	01-55-05250	70.00	
Electricity	01-55-05260	250.00	
Contractual Services	01-55-05300	250.00	
Special Items			
Unemployment	01-70-05732	2,150.00	
Prop, GL, & Wind Insurance	01-70-05750	4,900.00	
Development Agreement Rebate	01-70-05780	9,800.00	
Taxes	01-04020		8,000.00
Taxes Delinquent	01-04021		34,325.00
Penalty & Interest	01-04022		50,000.00
Sales Tax	01-04070		24,000.00
Property Tax Reduct	01-04071		12,000.00
Chamber Contract	01-04200		6,700.00
Insurance Reimbursement	01-04730		4,000.00
		<u>246,550.00</u>	<u>246,550.00</u>
WATER FUND			
Water Department			
Salaries & Wages	02-22-05000	34,600.00	
Overtime	02-22-05010		18,400.00

Supplies	02-22-05050	15,000.00	
Tools	02-22-05052	1,200.00	
Chemicals	02-22-05070		3,500.00
Clothing	02-22-05080	800.00	
Stationary Equip	02-22-05122	660.00	
Maint-Building	02-22-05160	350.00	
Water Samples & Testing	02-22-05230		2,500.00
inspection & Permit Fees	02-22-05240	2,000.00	
Telephone	02-22-05250		1,200.00
Electricity	02-22-05260	5,950.00	
Contractual Services	02-22-05300	80,500.00	
Building Lease	02-22-05302	800.00	
Statement Print/Mail Service	02-22-05303		2,000.00
Other Capital	02-22-05530	2,800.00	
Social Security	02-22-05700	840.00	
Health insurance	02-22-05710	1,150.00	
Retirement	02-22-05740	2,125.00	

Sewer Department

Salaries & Wages	02-23-05000		20,700.00
Overtime	02-23-05010		7,700.00
Supplies	02-23-05050	5,600.00	
Tools	02-23-05052	40.00	
Chemicals	02-23-05070		1,800.00
Stationary Equip Maint	02-23-05120	2,860.00	
Main-Building	02-23-05160		500.00
Water Samples & Testing	02-23-05230	415.00	
Telephone	02-23-05250	40.00	
Electricity	02-23-05260	1,220.00	
Contractual Services	02-23-05300	24,000.00	
Other capital Outlay	02-23-05530	23,000.00	
Social security	02-23-05700		2,000.00
Health Insurance	02-23-05710		6,000.00
Retirement	02-23-05740		5,000.00

Special Items

Unemployment	02-25-05732		3,000.00
Hazard Mitigation Match	02-25-05765		28,750.00
CDBG Match	02-25-05770		52,500.00
Sewer Revenues	02-04501		30,000.00
Water Taps	02-04510		4,500.00
Sewer Taps	02-04520		1,400.00
Garbage Retainage	02-04601		4,500.00
Fund Balance	02-03700		10,000.00
		<u>205,950.00</u>	<u>205,950.00</u>

AIRPORT FUND

Chemicals	04-41-05070	300.00	
Maint-Mach-Tools	04-41-05120	2,000.00	
Maint-Heat & Air	04-41-05150	700.00	
Maint-Buildings	04-41-05160	400.00	
Telephone	04-41-05250	150.00	
Contractual Services	04-41-05300	400.00	
Hangar Rental & Tiedowns	04-04306		1,000.00
Fixed Base Operator Lease	04-04340		1,400.00
TxDOT Reimbursement	04-04860		2,000.00
		<u>3,950.00</u>	<u>4,400.00</u>

EQUIPMENT FUND

Vehicle Parts	05-51-05030		1,000.00
Heavy Equip Parts & Supplies	05-51-05035	12,000.00	
Fuel & Oil	05-51-05040		25,000.00
Supplies	05-51-05050	1,500.00	
Vehicle Repair & Maint	05-51-05110	10,500.00	

Heavy Equip Repair & Maint	05-51-05125	7,000.00	
Contractual Services	05-51-05300	7,000.00	
Capital Outlay	05-51-05530		
		<u>26,000.00</u>	<u>26,000.00</u>

SECTION 2. That the budget amendments above be made in accordance with the Budget of the City Manager as revised by the City Council, and in accordance with the provisions in the State of Texas and adopted by the City Council, which Budget is made a part of this ordinance by reference thereto and shall be considered in connection with the expenditure of the above appropriations.

SECTION 3. If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

SECTION 4. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 5. That this Ordinance shall take effect and be in full force and effect from and after that date of its passage and publication as required by the laws of the State of Texas.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Palacios, Texas upon one reading this 25th day of October, 2016.

CITY OF PALACIOS, TEXAS

GLEN SMITH, Mayor

ATTEST:

ANGELA FLORES, City Secretary

APPROVED AS TO FORM:

RANDALL B. STRONG, City Attorney

RESOLUTION 2016-R-22

A RESOLUTION OF THE CITY OF PALACIOS, TEXAS, AUTHORIZING THE AWARD OF ENGINEERING SERVICE PROVIDER CONTRACTS FOR THE 2017-2018 TXCDBG PROGRAM COMMUNITY DEVELOPMENT FUND.

WHEREAS, the anticipated award of a 2017-2018 TxCDBG Program Fund contract requires implementation by professionals experienced in the engineering of federally-funded community development projects;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Qualifications (RFQ) for engineering services has been completed in accordance with the TXCDBG requirements;

WHEREAS, the submissions received by the due date have been scored to determine the most qualified and responsive providers for each professional service;

NOW, THEREFORE, BE IT RESOLVED:

Section 1A. That _____ be awarded a contract to provide Texas CDBG project-related **professional engineering services** for the 2017-2018 Contract.

Section 2. That any and all contracts or commitments made with the above-named services providers are dependent on the successful negotiation of a contract with the service provider;

PASSED AND APPROVED ON _____, 2016.

APPROVED:

Mayor Glen Smith

ATTEST:

City Secretary Angela Flores

RESOLUTION 2016-R-23

A RESOLUTION OF THE CITY OF PALACIOS, TEXAS, AUTHORIZING THE AWARD OF ADMINISTRATIVE SERVICE PROVIDER CONTRACTS FOR THE 2017-2018 TXCDBG PROGRAM COMMUNITY DEVELOPMENT FUND.

WHEREAS, the anticipated award of a 2017-2018 TxCDBG Program Fund contract requires implementation by professionals experienced in the Administrative Services of federally-funded community development projects;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Proposals (RFP) for professional services has been completed in accordance with the TXCDBG requirements;

WHEREAS, the submissions received by the due date have been scored to determine the most qualified and responsive providers for each professional service;

NOW, THEREFORE, BE IT RESOLVED:

Section 1A. That _____ be awarded a contract to provide Texas CDBG project-related **professional administrative services** for the 2017-2018 Contract.

Section 2. That any and all contracts or commitments made with the above-named services providers are dependent on the successful negotiation of a contract with the service provider;

PASSED AND APPROVED ON _____, 2016.

APPROVED:

Mayor Glen Smith

ATTEST:

City Secretary Angela Flores

7. Discuss and consider accepting the Quarterly Financial Report.

City of Palacios
Financial Statement
As of September 30, 2016

General Fund

Percent of Year Complete 100%

Revenues	Budget	Y-T-D Actual	Percent of Budget
Property taxes	\$ 1,465,626	\$ 1,541,200	105%
Licenses & Permits	30,600	34,201	112%
Other Local Taxes	605,100	645,171	107%
Fines & Court Costs	75,000	88,396	118%
Miscellaneous	7,500	21,359	285%
Fund to Fund Transfers	150,600	150,600	100%
Leases & Contributions	107,900	114,927	107%
Recycling Revenues	8,900	10,013	113%
Park Reservation Fees	3,000	7,595	253%
Community Improv / Weedlots	47,690	58,689	123%
Total Revenues	\$ 2,501,916	\$ 2,672,149	107%

Expenditures			
Council	\$ 28,550	\$ 26,346	92%
Elections	2,300	70	3%
Administration	544,080	515,043	95%
Legal	8,000	1,733	22%
Corporation Court	93,160	95,602	103%
Library	30,000	30,000	100%
Police Department	1,105,080	1,115,075	101%
Fire Department	48,920	50,820	104%
Recycle	15,270	16,188	106%
Swimming Pool	23,406	23,406	100%
Parks	138,480	172,281	124%
Streets	181,980	229,896	126%
Animal Control	7,400	5,852	79%
Special Items	275,290	286,477	104%
Total Expenditures	\$ 2,501,916	\$ 2,568,790	103%

Revenue Over/ (Under)			
Expenditures	\$ -	\$ 103,360	

Beginning Fund Balance		\$ 802,754	
Ending Fund Balance		\$ 906,114	

City of Palacios
 Financial Statement
 As of September 30, 2016

Water Fund

Percent of Year Complete 100%

Revenues	Budget	Y-T-D Actual	Percent of Budget
Water & Sewer	\$ 1,562,000	\$ 1,583,056	101%
Service & Penalty Charges	\$ 47,500	\$ 45,383	96%
Garbage	40,000	44,988	112%
Miscellaneous	26,515	31,113	117%
Total Revenues	\$ 1,676,015	\$ 1,704,540	102%

Expenditures

Water Department	\$ 591,965	\$ 708,869	120%
Sewer	302,350	313,419	104%
Special Items	781,700	697,153	89%
Total Expenditures	\$ 1,676,015	\$ 1,719,441	103%

Revenue Over/ (Under)

Expenditures	\$ -	\$ (14,901)
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Beginning Fund Balance	\$ 483,563
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Ending Fund Balance	\$ 468,662
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City of Palacios
 Financial Statement
 As of September 30, 2016

Airport Fund

Percent of Year Complete 100%

Revenues	Budget	Y-T-D Actual	Percent of Budget
Fuel Sales	\$ 20,000	\$ 12,448	62%
Hangar Rent & Tiedowns	5,000	6,525	131%
PISD School Barn Lease	150	148	99%
Golf Assoc Lease	100	104	104%
Fixed Based Operator	-	1,400	0%
T Hangar Lease	6,000	6,000	100%
Farming Lease	1,900	1,800	95%
Grazing Lease	21,900	21,938	100%
Interest Income	-	14	
Misc Receipts	25	45	178%
TxDot Reimbursement	5,000	\$ 7,060	141%
Total Revenues	\$ 60,075	\$ 57,480	96%

Ependitures			
Airport	\$ 38,330	\$ 29,161	76%
Special Items	18,170	18,165	100%
Total Expenditures	\$ 56,500	\$ 47,326	84%

Revenue Over/ (Under)		
Expenditures	\$ 3,575	\$ 10,154

Beginning Operating Balance	\$ (11,902)
Ending Operating Balance	\$ (1,748)

Beginning Fund Balance Including Fuel Inventory	\$ 3,874
Ending Fund Balance Including Fuel Inventory	\$ 14,028

8. Discuss and consider accepting the Quarterly Investment Report.

**CITY OF PALACIOS, TEXAS
QUARTERLY INVESTMENT REPORT
FOR THE QUARTER ENDED SEPTEMBER 30, 2016**

The investment portfolio detailed in the attached report includes all investment transactions made during the above referenced period. The investment portfolio and all related transactions comply with the investment policy of the City of Palacios, Texas and the Public Funds Investment Act of the State of Texas.

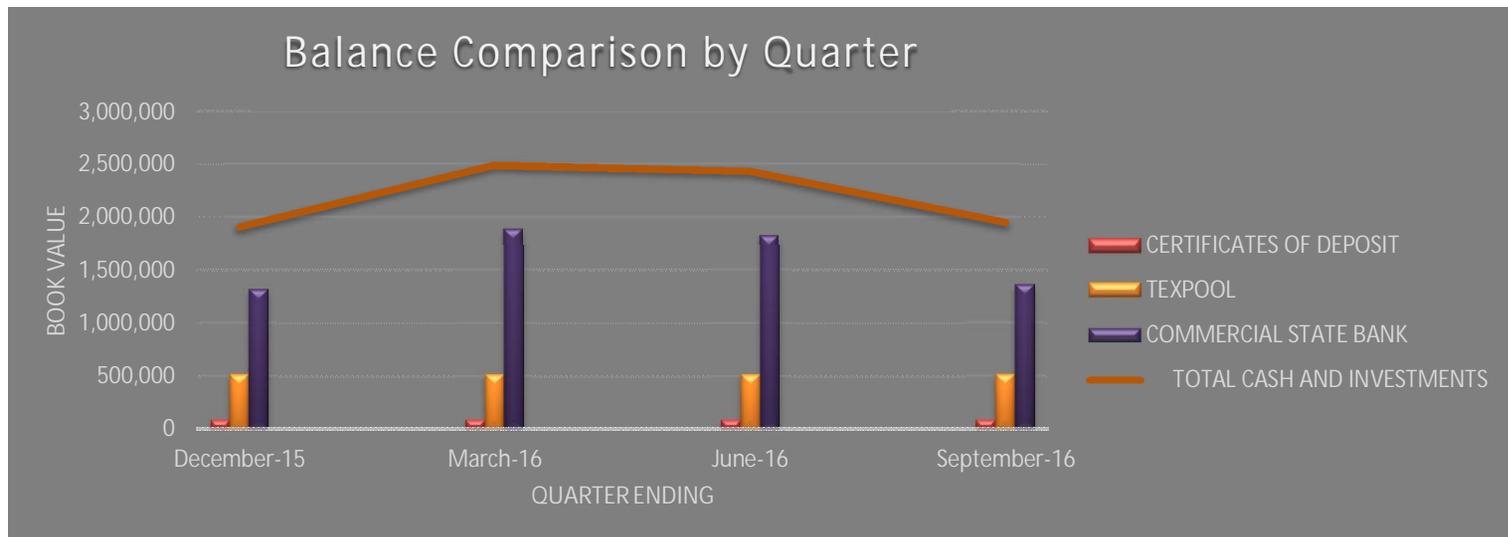
Investment Officer: _____
Jackie Miller, City Treasurer

Date: _____

CITY OF PALACIOS, TEXAS
Quarterly Investment Report
As of September 30, 2016

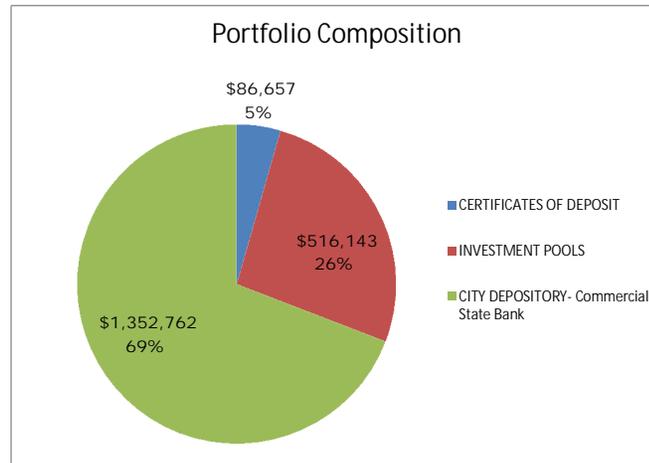
Balance Comparison by Quarter

INVESTMENT BALANCES BY TYPE	Book Value 12/31/2015	Book Value 3/31/2016	Book Value 6/30/2016	Book Value 9/30/2016
CERTIFICATES OF DEPOSIT	\$ 86,560	\$ 86,592	\$ 86,624	\$ 86,657
TEXPOOL	\$ 514,836	\$ 515,219	\$ 515,665	\$ 516,143
COMMERCIAL STATE BANK	\$ 1,312,419	\$ 1,893,128	\$ 1,834,009	\$ 1,352,762
TOTAL CASH AND INVESTMENTS	<u>\$ 1,913,815</u>	<u>\$ 2,494,939</u>	<u>\$ 2,436,298</u>	<u>\$ 1,955,562</u>



**CITY OF PALACIOS, TEXAS
INVESTMENTS OUTSTANDING AS OF SEPTEMBER 30, 2016**

Purchase Date	Description	Maturity Date	# Days to Maturity	Cost	Par Value	Coupon Yield	6/30/2016		Quarterly Activity			9/30/2016			Unrealized Gain/Loss
							Book Value	Market Value	Purchases	Maturities	Interest	Book Value	Market Price	Market Value	
CERTIFICATES OF DEPOSIT															
	Commercial State Bank	5/5/2017	365	\$ 86,624	\$ 86,278	0.15%	\$ 86,624	\$ 86,624	\$ -	\$ -	\$ 33	\$ 86,657	\$ -	\$ 86,657	-
							\$ 86,624	\$ 86,624	\$ -	\$ -	\$ 33	\$ 86,657	\$ -	\$ 86,657	
															4% OF TOTAL
INVESTMENT POOLS															
N/A	Texpool - Pooled	N/A	N/A		462,195	0.37%	\$ 461,768	\$ 461,768		\$ -	\$ 427	\$ 462,195	\$ -	\$ 462,195	
N/A	Texpool - Escrow Acct Beachside Dev	N/A	N/A		53,948	0.37%	53,897	53,897	-	-	51	53,948	-	53,948	
N/A	Texpool - CO 2011	N/A	N/A		-	0.37%	-	-	-	-	-	-	-	-	
							515,665	515,665	-	-	478	516,143	-	516,143	
															26% OF TOTAL
CITY DEPOSITORY- Commercial State Bank															
N/A	Pooled Cash Savings	N/A	N/A		1,296,257	0.25%	1,677,843	1,677,843	1,432,191	(1,814,633)	856	1,296,257	-	1,296,257	
N/A	Pooled Cash	N/A	N/A		49,416	0.00%	149,077	149,077	1,784,069	(1,883,730)	-	49,416	-	49,416	
N/A	Police Dept Drug Seized Funds	N/A	N/A		4,802	0.00%	4,802	4,802	-	-	-	4,802	-	4,802	
N/A	City Escrow Fund	N/A	N/A		787	0.00%	787	787	-	-	-	787	-	787	
N/A	TDHCA Home Program	N/A	N/A		-	0.00%	-	-	-	-	-	-	-	-	
N/A	TCDP	N/A	N/A		-	0.00%	-	-	27,700	(27,700)	-	-	-	-	
N/A	Disaster Recovery Supp Rd 2.2	N/A	N/A		1,500	0.00%	1,500	1,500	-	-	-	1,500	-	1,500	
							1,834,009	1,834,009	3,243,960	(3,726,063)	856	1,352,762	-	1,352,762	
															69% OF TOTAL
TOTAL PORTFOLIO					\$ 1,950,381	0.27%	\$ 2,436,298	\$ 2,436,298	\$ 3,243,960	\$ (3,726,063)	\$ 1,367	\$ 1,955,562	\$ -	\$ 1,955,562	



City of Palacios
 Financial Statement
 As of September 30, 2016

Economic Development Fund

Percent of Year Complete 100%

	Budget	Y-T-D Actual	Percent of Budget
Revenues	\$ 169,300	\$ 180,242	106%
Expenditures	\$ 169,300	\$ 154,968	92%
Revenue Over/ (Under) Expenditures	\$ -	\$ 25,274	
Beginning Fund Balance		\$ 408,764	
Ending Fund Balance		\$ 434,038	

9. Discuss and accept Mayoral appointments to Committees and Commissions.



JOHN C. SARDELICH – Mayor
JOHNNY TRAN – Mayor Pro-Tem – Councilmember Place 1
JUDY CHAVEZ – Councilmember Place 2
MARY CROCKER – Councilmember Place 3
GLEN SMITH – Councilmember Place 4
ANDY ERDELT – Councilmember Place 5
TROY LEWIS – Councilmember Place 6

CITY OF PALACIOS CITY COUNCIL MEETING MINUTES October 11, 2016

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, Chief Miles and Peggy Georgi
Council Absent: Councilmember Chavez and Councilmember McGovern

INVOCATION – Councilmember McGovern

PLEDGE OF ALLEGIANCE – Councilmember Smith

PLEDGE TO TEXAS FLAG – Councilmember Smith

PLEDGE TO PALACIOS FLAG – Councilmember Smith

VISITOR / CITIZEN FORUM – Patricia Loving gave praise on the National Night Out saying it was a great success. She asks that the Council accepts items 3 and 4 as a member of the Planning and Zoning Commission as they have been working on them for over a year. Chip Woolf spoke about junkyard being very restrictive and making it so a junkyard could never come to town and the City would lose any revenue provided with that. He also had concerns about the words “unsightly” and “offensive” which could include many things. Says there is no time frame on anything except tires and that is up to a Public Health Director which he doesn’t know who that is.

ADMINISTRATIVE REPORTS

1. Bay Fest Recap- Went well with new location and setup
2. 9th Street Reconstruction Update- Going smoothly and ahead of schedule
3. National Night Out Recap- Was a tremendous turnout. 400 hotdogs eaten and 150 children fingerprinted.
4. Harvest Moon October 22- City has a table reserved.
5. Pedal Palacios October 29
6. Monstrous 5k By The Bay October 16th 7 PM- is actually on the 29th.
7. New Public Works Director- David Kauffman started today.

ITEMS TO BE CONSIDERED

1. Discuss and consider the 2015 CDBG Water Improvements Change Order No.1
Councilmember Chavez motioned to accept the 2015 CDBG Water Improvements Change Order No.1.
Councilmember Crocker seconded.
There was no opposition.
With no opposition, the motion carried.
2. Discuss and consider adopting Resolution 2016-R-21 awarding the contract for engineering services for the 2016 FEMA Hazard Mitigation Fund.
Councilmember Crocker motioned to adopt Resolution 2016-R-21.
Councilmember McGovern seconded.
There was no opposition.
With no opposition, the motion carried.
3. Discuss and consider accepting amendments to the Junkyard Ordinance 2016-O-8.
Mayor Smith motioned to adopt Ordinance 2016-O-8.
Councilmember McGovern seconded.
There was no opposition.
With no opposition, the motion carried.
4. Discuss and consider accepting amendments to the Nuisance Ordinance 2016-O-9.

Councilmember Crocker motioned to adopt Ordinance 2016-O-9.

Councilmember Tran seconded.

There was no opposition.

With no opposition, the motion carried.

5. Discuss and consider reappointing Patricia Loving to the Planning & Zoning Commission for 2-year term.

Councilmember Chavez motioned to accept reappointment of Patricia Loving.

Councilmember Trans seconded.

There was no opposition.

With no opposition, the motion carried.

6. Discuss and consider action to approve the following consent agenda items:

- a) Minutes of the September 27, 2016 Regular Council Meeting

Councilmember Erdelt motioned to accept the Consent Agenda.

Councilmember Tran seconded.

There was no opposition.

With no opposition, the motion carried.

EXECUTIVE SESSION- 7:42 PM

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)

A. Discuss and review City Manager's Performance Annual Evaluation

Deliberation regarding security devices (551.076)

Discuss economic development negotiations (551.087)

ACTION ON EXECUTIVE SESSION- 8:38 PM

A.) City Manager's Annual Performance Evaluation

ADJOURN

Councilmember Dodd motioned to adjourn at 8:39 pm.

Councilmember Crocker seconded.

There was no opposition.

With no opposition, the motion carried.

Glen Smith, Mayor

Angela Flores, City Secretary

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 October 25, 2016 agenda of items to be considered by the City Council was posted on the City Hall bulletin board by 5:00p.m. on October 21, 2016.