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AGENDA

THURSDAY, AUGUST 10, 2023
6:00PM

REGULAR CITY COUNCIL MEETING AND BUDGET WORKSHOP

City of Palacios Council Chambers
311 Henderson
Palacios, Texas 77465

CALL TO ORDER

- a. Quorum Call.
- b. Invocation. Councilmember Hink.
- c. Pledge of Allegiance to the United States Flag.
- d. Pledge of Allegiance to the Texas Flag.
- e. Pledge of Allegiance to the Palacios Flag.

ANNOUNCEMENTS

With respect to items not listed on this agenda, Council Members may announce community events or announce community recognitions.

1. Mayor's Announcements
2. Council Member's Announcements

CITIZEN COMMUNICATION FORUM:

The public is invited to address the City Council and speak on any matter. Please note Council Members may not deliberate on topics not included on this agenda. The presentation shall be no longer than three (3) minutes.

PRESENTATION

- **PALACIOS POLICE DEPARTMENT ACCREDITATION RECOGNITION** Recognition of the Palacios Police Department receiving the Texas Police Chief's Association Accreditation. Presented by Bay City Chief of Police, Christella Rodriguez

DISCUSSION ACTION ITEMS

1. **Minutes** Approve minutes from the regular council meeting and budget workshop of July 13, 2023, public hearing and regular council meeting of July 27, 2023, and special city council budget workshop of August 03, 2023. *Presented by Mayor Gardner*
2. **Final Reading Ordinance No. 2023-O-13 Beachside Voluntary Annexation and Establish Zoning.** Discuss and approve final reading of Ordinance No. 2023-O-13, an ordinance of the City of Palacios, Texas, annexing approximately 19 acres of land locate within the Beachside Subdivision as further described herein, into the City’s municipal boundaries, establishing the permanent zoning of the newly annexed territory, and declaring an effective date. *Presented by City Attorney, Anne Marie Odefey*
3. **Fire Marshal Appointment** Discuss and approve applicants for the position of Fire Marshal for the City of Palacios. *Presented by Mayor Gardner*
4. **First Reading Ordinance No. 2023-O-14** Discuss and approve an Ordinance of the City of Palacios, Texas, amending the code of ordinances by repealing section 10.02.063 “Notice and Hearing Requirements for Certain Replats”; repealing any conflicting ordinances; and providing an effective date. *Presented by City Attorney, Anne Marie Odefey*
5. **Patriot Strategies Consulting Contract** Discuss and approve an agreement with Patriot Strategies Consulting to assist the City of Palacios in grant writing. *Presented by Grant Manager, Tammy McDonald*
6. **Board of Adjustment and Appeal** Consider and take action to appoint a five-member Board of Adjustment and Appeal on an ad hoc basis for the school building project under Art. 3.02.009 of the Code of Ordinances. *Presented by City Attorney, Anne Marie Odefey*

EXECUTIVE/CLOSED SESSION

- Texas Government Code § 551.074, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. (City Attorney)

RECONVENE REGULAR/OPEN SESSION

- City Council shall reconvene in Open Session and may discuss, consider, and take possible action on any item listed above that was considered and discussed in Executive/Closed Session (If necessary).

ADJOURNMENT OF REGULAR MEETING

WORKSHOP

- **FY 23-24 Budget Workshop #3** Discuss and consider goals and plans for the 2023-2024 fiscal year. *Presented by City Manager, Cynthia Raleigh*

ADJOURNMENT OF WORKSHOP

AGENDA NOTICES:

Action by Council Authorized: The City Council may vote and act upon any item within this Agenda. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney

and the governing body if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person or appear in executive session by conference call in accordance with applicable state law.

Attendance By Other Elected or Appointed Officials: It is anticipated that members of other city boards, commissions, and committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions, and committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions, and committees of the City, whose members may be in attendance. The members of the boards, commissions, and committees may participate in discussions on the same items listed on the agenda, which occur at the meeting. Still, such in attendance will not take any action unless such item and action are expressly provided for on the agenda for that board, commission, or committee subject to the Texas Open Meetings Act.

Executive Sessions Authorized: This agenda has been reviewed and approved by the City's legal counsel, and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally addressed in the closed portion of the meeting considering public views of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c). The meeting is conducted by all participants in reliance on this opinion.

Certification of Posting: This is to certify that the above notice of a Regular Called Council Meeting was posted on the front bulletin board of the City Hall of the City of Palacios, Texas, on **Friday, August 04, 2023, before 6:00 PM**. If you have any questions concerning the above items, please contact City Manager Cynthia Raleigh at (361) 972-3605. This Notice was posted under the Texas Open Meeting Act (TEXAS GOVERNMENT CODE. Chapter 551) and recent guidelines from the Texas Attorney General.

Posting of Agenda Packet: The posting of the agenda packet on the City's website is for transparency and convenience of the public. All documents such as ordinances and resolutions are presented in draft form in the packet and are presented to City Council for use in their deliberations at the council meeting. It is not the intent of the City Administration or City Council to consider the draft documents as adopted or not subject to revision. All draft documents discussed at duly called city council meetings will be revised pursuant to action taken at the meeting and the final form of such adopted documents are subject to review by the public through the public information act.

Aleisha C. Galvan
Aleisha C. Galvan, City Secretary

This facility is accessible in accordance with the Americans with Disabilities Act. Accessible parking spaces are available. If you require special assistance or have a request for sign interpretative services or other services, please call 361-972-3605 at least 24 hours before the meeting.

The next regular City Council meeting will
be held on August 24, 2023, at 6:00 p.m.

CITY OF PALACIOS, TEXAS
REGULAR CITY COUNCIL MEETING and BUDGET
WORKSHOP

MINUTES

July 13, 2023

REGULAR CITY COUNCIL MEETING

A regular City Council meeting and Budget Workshop was held by the City Council of the City of Palacios on July 13, 2023, at 6:00 p.m., in Council Chambers located at 311 Henderson, Palacios, Texas 77465.

CALL TO ORDER

Mayor Jim Gardner called the City Council meeting to order at 6:00PM.

CERTIFICATION OF A QUORUM

Mayor Jim Gardner certified a quorum was present.

ATTENDANCE ROLL CALL

Mayor, Jim Gardner, Present
Councilmember Place 6, Donna Schulman, Present
Councilmember Place 5, Jason Hink, Present
Councilmember, Place 4, Margie Wier, Absent
Councilmember Place 3, Chip Woolf, Present
Councilmember, Place 2, Sharon Trainor, Present
Councilmember Place 1, Larry Glenn, Present

CITY STAFF IN ATTENDANCE:

Cynthia Raleigh, City Manager
Aleighta Galvan, City Secretary
Anne Marie Odefey, City Attorney
Tammy McDonald, HR / Grant Manager
Maria Ayala, Office/ Finance Manager
Tobie Bias, Palacios Police Chief
Ryan Adams, Public Works Director
Manuel Guevara, Public Works Foreman

INVOCATION & PLEDGES

Mayor Gardner led the Council, Staff, and Citizens in prayer and pledges to the U.S., Texas, and Palacios Flags.

ANNOUNCEMENTS:

- *Mayor's Announcements ~ Mayor announced the annual Texas Municipal League Conference would take place in October and encouraged Council to contact City Hall to register for the event. Mayor stated there was a need to appoint a Fire Marshall and encouraged any interested applicants to apply at City Hall. The City will also be accepting applications for a Charter Review Committee to be filled by 5 registered voters who are not elected officials.*
- *Council Members Announcements ~ none*

CITIZEN COMMUNICATION FORUM:

None in person or on ZOOM

CONSENT AGENDA ITEMS

1. **Minutes** Approve the regular City Council meeting minutes of June 22, 2023.

2. **Ratify Resolution No. 2022-R-19** Ratify Resolution No. 2022-R-19 to be renamed to 2022-R-23. Presented by City Secretary, Aleigha Galvan

Mayor Pro Tem Woolf made a motion to approve the consent agenda items as presented. Councilmember Schulman seconded the motion. Motion approved unanimously.

ACTION ITEMS:

1. **First Reading of Golf Cart Ordinance No. 2023-O-11** Discuss and approve Ordinance No. 2023-O-11 amending Ordinance No. 2022-O-14, to-wit: An Ordinance regulating the use of golf carts, neighborhood vehicles, and other types of recreational off-highway vehicles; providing for codification; fixing a penalty for failure to comply with such ordinance; repealing any conflicting ordinances; and setting an effective date. Presented by Councilmember Donna Schulman. Councilmember Schulman made a recommendation to take no action after researching her request further. Council took no action on this item.

EXECUTIVE/CLOSED SESSION

- Executive session pursuant to Texas Government Code Section 551.087 (1) to discuss or deliberate regarding commercial or financial information that the City of Palacios has received from a business prospect that the City of Palacios seeks to have locate, stay, or expand in the City of Palacios and with which the City of Palacios is conducting economic development negotiations; and/or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- Texas Government Code § 551.072, to deliberate the purchase, exchange, lease, or value of real property interests, due to the fact that deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party.

Council recessed into Executive/ Closed session at 6:12pm

Mayor Gardner closed Executive Session at 7:14pm

RECONVENE REGULAR/OPEN SESSION

- City Council shall reconvene in Open Session and may discuss, consider, and take possible action on any item listed above that was considered and discussed in Executive/Closed Session (If necessary).

Council reconvened into Regular/Open session at 7:15pm and took No Action on both items.

ADJOURNMENT OF REGULAR MEETING

Regular meeting by Mayor Gardner at 7:16pm.

WORKSHOP

- **FY 23-24 Budget Workshop** Discuss and consider goals and plans for the 2023-2024 fiscal year. Presented by City Manager, Cynthia Raleigh. Raleigh presented to Council the first proposed budget for FY 2032-24 and overview of the plans for the City of Palacios. Raleigh asked Council to review and explained they would go over the proposed budget in more detail at the next workshop.

ADJOURNMENT OF WORKSHOP

Mayor Gardner adjourned the budget workshop at 7:57pm

ADJOURNMENT

Meeting Adjourned by Mayor Gardner at 7:57 PM.

Jim Gardner, MAYOR

ATTEST:

Aleigha Galvan, CITY SECRETARY

**CITY OF PALACIOS, TEXAS
PUBLIC HEARIG AND REGULAR CITY COUNCIL
MEETING**

MINUTES

July 27, 2023

REGULAR CITY COUNCIL MEETING

A public hearing and regular City Council meeting was held by the City Council of the City of Palacios on July 27, 2023, at 6:00 p.m., in Council Chambers located at 311 Henderson, Palacios, Texas 77465.

CALL TO ORDER

Mayor Jim Gardner called the City Council meeting to order at 6:00PM.

CERTIFICATION OF A QUORUM

Mayor Jim Gardner certified a quorum was present.

ATTENDANCE ROLL CALL

*Mayor, Jim Gardner, Present
Councilmember Place 6, Donna Schulman, Present
Councilmember Place 5, Jason Hink, Absent
Councilmember, Place 4, Margie Wier, Present
Councilmember Place 3, Chip Woolf, Present
Councilmember, Place 2, Sharon Trainor, Absent
Councilmember Place 1, Larry Glenn, Present*

CITY STAFF IN ATTENDANCE:

*Cynthia Raleigh, City Manager
Aleigha Galvan, City Secretary
Anne Marie Odefey, City Attorney
Maria Ayala, Office/ Finance Manager
Tobie Bias, Palacios Police Chief
Interim Municipal Judge, Suzanne Thompson
Municipal Court Clerk, Sonia Martinez
Municipal Court Clerk, Heather Pena~Fitts*

INVOCATION & PLEDGES

Councilmember Wier led the Council, Staff, and Citizens in prayer and pledges to the U.S., Texas, and Palacios Flags.

Mayor Gardner opened the public hearing at 6:03pm.

PUBLIC HEARING Annexation for Phase 4 Section 2 of the Beachside Subdivision

- The public is invited to speak regarding the proposed Annexation for Phase 4, Section 2 of the Beachside Subdivision. *Public hearing to be opened and closed by Mayor Gardner. There were no public comments.*

PUBLIC HEARING Zoning Change for Phase 4, Section 2 of the Beachside Subdivision

- The public is invited to speak regarding the proposed Zoning Change for Phase 4, Section 2 of the Beachside Subdivision. *Public hearing to be opened and closed by Mayor Gardner. There were no public comments.*

Mayor Gardner closed the public hearing at 6:04pm.

ANNOUNCEMENTS:

- Mayor’s Announcements ~ none
- Council Members Announcements ~ none

CITIZEN COMMUNICATION FORUM:

None in person or on ZOOM

PRESENTATIONS:

- **City Manager Update** Presented by City Manager, Cynthia Raleigh. Raleigh updated Mayor and Council on various projects within the City including; water plant upgrades and repairs, Bethany Park Lift Station and drainage, University Lift Station, downtown sidewalks, fire hydrants, smoke testing repairs, burn site, WIFIA, water meters, bridge repairs, TxDOT drainage and crosswalk, Activity Complex, Palacios marketing, and website.

DISCUSSION AND ACTION ITEMS:

1. **Minutes** Approve the regular City Council and Budget Workshop meeting minutes of June 22, 2023, City Council Meeting. Presented by Mayor Gardner. This item was skipped for reason of a typo on the date listed on the agenda. Item will be corrected and approved at next meeting.
2. **Municipal Court Judge** Discuss and approve the extension of the interim “temporary” appointment of Suzanne Thompson the Municipal Court Judge for the City of Palacios and establish a date by which time applications will be accepted for a permanent Municipal Court Judge Appointment for the City of Palacios. Presented by Mayor Gardner. City Manager, Raleigh read

a letter of support from Municipal Court Clerks, Martinez and Pena~ Fitts. Mayor Gardner explained the issue of keeping Thompson as Municipal Judge full time would go against the charter since she lives in precinct 4 and not in 3 as Charter states as a requirement. Mayor asked City Attorney, Odefey to explain if it would be permissible to allow Thompson to remain Interim. Odefey explained Home Rule cities allow Council's discretion as to appointments for however long Council wanted. Councilmember Glenn made a public apology for bringing up the issue but questioned the City going against the Charter. Glenn suggested training someone to fill the position, and told Thompson he supported her as Municipal Judge for the City of Palacios. Councilmember Wier made a motion to nominate Suzanne Thompson as interim Municipal Court Judge for the City of Palacios for a term of 12 months. Councilmember Glenn seconded the motion. Motion passed unanimously.

- 3. First Reading Ordinance No. 2023-O-13 Beachside Voluntary Annexation and Establish Zoning** Discuss and approve first reading of Ordinance No. 2023-O-13, an ordinance of the City of Palacios, Texas, annexing approximately 19 acres of land located within the Beachside Subdivision as further described herein, into the City's municipal boundaries, establishing the permanent zoning of the newly annexed territory, and declaring an effective date. *Presented by Legal Counsel, Anne Marie Odefey. City Attorney, Odefey explained the property that was to be annexed. A map of the property was shown to Council. Councilmember Glenn made a motion to approve the ordinance as written. Councilmember Schulman seconded the motion. Motion passed with a 5/0 vote. City Secretary polled the votes showing Councilmembers Glenn, Woolf, Wier, Schulman, and Mayor Gardner voting "yea" and Councilmembers Hink and Trainor being absent.*
- 4. Bills Paid and Financials for the Month of June 2023** Discuss and approve bills paid and financials for the month of June 2023. *Presented by Finance Manager, Maria Ayala. Councilmember Schulman made a motion to approve bills paid and financials as presented. Councilmember Glenn seconded the motion. Motion passed unanimously.*
- 5. Public Works Equipment Grant** Discuss and approve a grant for Public Works Equipment from the Ed Rachal Foundation. *Presented by City Manager, Cynthia Raleigh. Raleigh explained what the public works department plans to purchase with the grant money provided by the Ed Rachal Foundation, and how they plan to use the remaining funds. Councilmember Glenn made a motion to approve the grant. Councilmember Wier seconded the motion. Motion passed unanimously.*
- 6. Generator Maintenance Agreement** Discuss and approve a proposal for one-year generator maintenance city-wide. *Presented by City Manager, Cynthia Raleigh. City Manager, Raleigh notified Council the lowest qualified bidder for the job was Devall Diesel Services, LLC. Jody*

Degan with Devall answered questions from Council. Councilmember Glenn made a motion to accept Devall Diesel Services, LLC's bid for generator maintenance for the City of Palacios. Councilmember Wier seconded the motion. Motion passed unanimously.

- 7. Professional Services for Grant Management and Project Management for Future Disaster Events** Discuss and approve a proposal for one-year professional services for post disaster grant and federal fund management. *Presented by City Manager, Cynthia Raleigh. Raleigh explained to Council why she believed the City of Palacios could benefit from the services provided by CSRS. Brooks Andrews with CSRS answered questions from Council. Council was notified by Brooks that no payment would be necessary unless the contracted services were enacted. Councilmember Woolf made a motion to approve CSRS to provide professional services for grant management and project management for future disaster events if needed. Councilmember Glenn seconded the motion. Motion passed unanimously.*
- 8. D301 Plan Approval** Discuss and approve the Harvey Mitigation 5 Million Grant Plans and authorize Mayor to sign Letter of Approval to GLO. *Presented by City Manager, Cynthia Raleigh. Raleigh explained the letter needed to be signed by Mayor Gardner to go forward with the Harvey Mitigation grant. Councilmember Woolf made a motion to approve the letter. Seconded by Councilmember Glenn. Motion passed unanimously.*
- 9. D227 Plan Approval** Discuss and approve the Coastal Resiliency Grant Plans and authorize Mayor to sign Letter of Approval to GLO. *Presented by City Manager, Cynthia Raleigh. Raleigh explained this letter like the previous letter on the agenda was to approve Mayor Gardner to sign so the City could go forward with the Coastal Resiliency Grant. Councilmember Schulman made a motion to approve. Councilmember Glenn seconded the motion. Motion passed unanimously.*
- 10. Resolution No. 2023-R-19 Approving the Texas Department of Transportation Aviation Capital Improvement Project** Discuss and approve the matching grant funds for the FY 2023-24 Capital Improvement Project at the Palacios Municipal Airport. *Presented by City Manager, Cynthia Raleigh. Raleigh explained where the funds would come from for the match for this grant. Councilmember Glenn made a motion to approve Resolution No. 2023-R-19. Councilmember Schulman seconded the motion. Motion approved unanimously.*

ADJOURNMENT

Meeting Adjourned by Mayor Gardner at 7:03 PM.

Jim Gardner, MAYOR

ATTEST:

Aleighta Galvan, CITY SECRETARY

CITY OF PALACIOS, TEXAS
CITY COUNCIL SPECIAL BUDGET WORKSHOP

MINUTES

August 03, 2023

SPECIAL BUDGET WORKSHOP

A special City Council Budget Workshop was held by the City Council of the City of Palacios on August 03, 2023, at 6:00 p.m., in Council Chambers located at 311 Henderson, Palacios, Texas 77465.

CALL TO ORDER

Mayor Jim Gardner called the City Council meeting to order at 6:00PM.

CERTIFICATION OF A QUORUM

Mayor Jim Gardner certified a quorum was present.

ATTENDANCE ROLL CALL

*Mayor, Jim Gardner, Present
Councilmember Place 6, Donna Schulman, Present
Councilmember Place 5, Jason Hink, Absent
Councilmember, Place 4, Margie Wier, Present
Councilmember Place 3, Chip Woolf, Present
Councilmember, Place 2, Sharon Trainor, Absent
Councilmember Place 1, Larry Glenn, Present*

CITY STAFF IN ATTENDANCE:

*Cynthia Raleigh, City Manager
Aleigha Galvan, City Secretary
Tammy McDonald, HR / Grant Manager
Tobie Bias, Palacios Police Chief*

INVOCATION & PLEDGES

Mayor Gardner led the Council, Staff, and Citizens in prayer and pledges to the U.S., Texas, and Palacios Flags.

ANNOUNCEMENTS:

- Mayor's Announcements ~ *Mayor Gardner let Council know the importance of attending as many meetings as they can.*
- Council Members Announcements ~ *none*

CITIZEN COMMUNICATION FORUM:

None in person or on ZOOM

Councilmember Hink joined the meeting in person at 6:06pm.

WORKSHOP

- **FY 23-24 Budget Workshop** Discuss and consider goals and plans for the 2023-2024 fiscal year. Presented by City Manager, Cynthia Raleigh. Raleigh presented to Council the second proposed budget for FY 2032-24 and overview of the plans for the City of Palacios. Raleigh asked Council to review and bring forth questions by Monday for her to address at the next budget workshop scheduled for next Thursday.

ADJOURNMENT

Meeting Adjourned by Mayor Gardner at 7:08 PM.

Jim Gardner, MAYOR

ATTEST:

Aleighta Galvan, CITY SECRETARY

CITY COUNCIL MEMORANDUM

City Council Meeting: July 27, 2023
Department: Administration
Subject: Beachside Phase 4 Section 1 Annexation and Rezoning

BACKGROUND:

Beachside subdivision is expanding into Phase 4 section 2. As a part of their expansion, they are requesting that the City of Palacios annex approximately 19 acres, depicted on the attached Preliminary Plat.

When new territory is annexed into the city of Palacios, the city code requires that it receives an initial zoning designation of AG, which is limited to agricultural use. SAL Holdings LLC, the current owner of the property, is requesting that the territory be simultaneously rezoned to R1, for single-family residential use.

ANNEXATION PROCESS:

Section 43.0671 allows a home rule city to annex an area if each owner of the land in the area requests the annexation. TEX. LOC. GOV'T CODE ANN. § 43.0671 (West). The territory depicted on the Preliminary Plat is owned by SAL Holdings LLC, which has requested annexation.

Section 43.0673 requires a public hearing prior to adopting the ordinance annexing territory. The notice of the public hearing was published in the Palacios Beacon on July 12, 2023.

ZONING PROCESS:

State and local laws regulate the process used to change the zoning designation of a parcel.

Section 12.302 of the City Code states that "All territory, hereafter annexed to the City, shall be temporarily classified as AG Agricultural District until permanent zoning is established by the City Council," and that "The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of the original zoning regulations." State law requires notice and a public hearing before Council can amend the zoning boundaries:

"A regulation or boundary is not effective until after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard. Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the municipality." TEX. LOC. GOV'T CODE ANN. § 211.006 (West)

The required newspaper notice was published in the Palacios Beacon on July 12, 2023.

Section 12.1000 (c) of the City's Zoning Ordinance states that "The City Council may not enact any proposed amendment until the Planning and Zoning Commission makes its final report to the City Council." The Planning and Zoning Commission held a public hearing and voted on the proposed zoning change at their regular meeting on July 12, 2023. Chairman Thomas Chando reports that the Commission recommends the City Council amend the zoning designation for Beachside Subdivision Phase 4 Section 2 from AG to R1.

RECOMMENDATION:

Legal counsel recommends that the City Council hold a public hearing, in which any member of the public is permitted to address the Council on reasons for or against the annexation and change in zoning designation from AG to R1.

Legal counsel further recommends that the Council, after the public hearing, vote on the first reading of the ordinance annexing the property and changing the zoning designation.

ATTACHMENT:

Preliminary Plat

Ordinance No. 2023-O-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALACIOS, TEXAS, ANNEXING APPROXIMATELY 19 ACRES OF LAND LOCATED WITHIN THE BEACHSIDE SUBDIVISION AS FURTHER DESCRIBED HEREIN, INTO THE CITY'S MUNICIPAL BOUNDARIES, ESTABLISHING THE PERMANENT ZONING OF THE NEWLY ANNEXED TERRITORY, AND DECLARING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the City Council has received petitions (collectively, "Petition"), requesting that a geographic area consisting of approximately 19 acres, in the extraterritorial jurisdiction of the City of Palacios, Texas ("City"), as depicted as Beachside Subdivision Phase 4, Section 2, Lots 877-822 and lots 828-842 and Lot CC, in **Exhibit A** (collectively, "Land"), be annexed into the municipal boundaries of the City, under the provisions of Chapter 43 of the Texas Local Government Code, specifically Subchapter C-3 of Chapter 43, as amended ("Act"); and

WHEREAS, the Petition was submitted by the owners of the Land; and

WHEREAS, the City and the Petitioners have negotiated and entered into a written Development Agreement ("Agreement"), for the provision of services to the Land, which is attached as **Exhibit B**; and

WHEREAS, the City held a public hearing on July 27, 2023, where the City provided an opportunity for persons interested in the annexation of the Land to be heard; and

WHEREAS, the City posted notice of the hearing on the proposed annexation on the City's website and published notice of the hearing in a newspaper of general circulation in the City and the Land proposed for annexation, in accordance with Section 43.0673 of the Act; and

WHEREAS, evidence was received and presented at the public hearing in favor of the proposed annexation of the Land; and

WHEREAS, after due consideration, the City Council desires to annex the Land as depicted in **Exhibit A**, into the municipal boundaries of the City;

WHEREAS, Section 12.302 of the City Code states that "All territory, hereafter annexed to the City, shall be temporarily classified as AG Agricultural District until permanent zoning is established by the City Council,"

WHEREAS, the Planning and Zoning Commission held a public hearing and voted on the proposed zoning change at their regular meeting on July 12, 2023.

WHEREAS, Chairman Thomas Chando reports that the Commission recommends the City Council amend the zoning designation for the portions of Beachside Subdivision Phase 4 as depicted in the petition from AG to R1.

WHEREAS, the City held a public hearing on July 27, 2023, where the City provided an opportunity for persons interested in the zoning of the Land to be heard; and

WHEREAS, the City posted notice of the hearing on rezoning on the City's website and published notice of the hearing in a newspaper of general circulation in the City and the Land proposed for annexation, in accordance with Section 211.006 of the Texas Local Government Code;

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

Section 1. That the findings contained in the preamble of this Ordinance are declared to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. The Land is hereby annexed into the municipal boundaries of the City.

Section 3. The Agreement marked **Exhibit B** is hereby acknowledged as applying to this Petition.

Section 4. The City Secretary is directed to 1) notify the Texas Comptroller and Matagorda County Central Appraisal District of this annexation pursuant to Texas Tax Code Sections 6.07 and 321.102, 2) file a certified copy of this Ordinance with the office of the Matagorda County Clerk pursuant to Texas Local Government Code Section 41.0015, and 3) if relevant, notify all Certified Telecommunications Providers of the annexation.

Section 5. The City Council hereby establishes the permanent zoning of the Land as R1, in accordance with the Zoning Ordinance of the City of Palacios and the relevant provisions of the Texas Local Government Code.

Section 6. Any and all ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 7. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining provisions of this Ordinance shall not be affected, it being the intent of the City Council in adopting this Ordinance that no portion, provision, or regulation herein shall become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity of any other portion, provision or regulation, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 8. That the City Council officially finds, determines, recites and declares a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting as required by the Open Meetings Act, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally

acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

Section 9. This Ordinance shall take effect immediately from and after its passage and approval by the City Council of the City of Palacios.

[SIGNATURE PAGE FOLLOWS]

First Reading this ____ day of _____, 2023.

RECORD OF VOTE

Council Member:	Voted Aye	Voted No	Absent
Jim Gardner, Mayor	_____	_____	_____
Larry Glenn	_____	_____	_____
Sharon Trainor	_____	_____	_____
Chip Woolf	_____	_____	_____
Margie Wier	_____	_____	_____
Jason Hink	_____	_____	_____
Donna Schulman	_____	_____	_____

Second Reading this the ____ day of _____, 2023.

RECORD OF VOTE

Council Member:	Voted Aye	Voted No	Absent
Jim Gardner, Mayor	_____	_____	_____
Larry Glenn	_____	_____	_____
Sharon Trainor	_____	_____	_____
Chip Woolf	_____	_____	_____
Margie Wier	_____	_____	_____
Jason Hink	_____	_____	_____
Donna Schulman	_____	_____	_____

PASSED AND APPROVED this _____ day of _____ 2023.

Jim Gardner, Mayor

ATTEST:

Aleigha Galvan, City Secretary

APPROVED AS TO FORM AND CONTENT:

Anne Marie Odefey, City Attorney

Attachments:

Exhibit A – Preliminary Plat containing depiction and Legal Description of the Land

Exhibit B –Development Agreement

EXHIBIT A

Preliminary Plat containing depiction and Legal Description of the Land

(see attached)

Exhibit B

Development Agreement

(see attached)

CITY COUNCIL MEMORANDUM

Meeting: August 10, 2023
From: Anne Marie Odefey, City Attorney
Subject: Council Approval of Ordinance repealing errant code provision 10.02.063

BACKGROUND

City Secretary Aleigha Galvan and I were reviewing matters related to a replat of a lot within the city limits of the City of Palacios. In doing so, I ran a search for any code of ordinance provisions that applied to replats which would supplement state law. In doing so, I came upon section 10.02.063.

10.02.063 Notice and hearing requirements for certain replats.

In the event a proposed replat involves property previously developed or zoned as single-family or duplex residential use, the following shall be required:

(1) After application for a replat affecting single-family or duplex property has been filed, the city secretary shall give notice of the application to be published in the official newspaper of the city at least fifteen (15) days prior to the meeting of the city council at which the application shall be considered. Such notice must include a statement of the time and place at which the city council will meet to consider the replat and to hear protests thereto at a public hearing. Additionally, written notice must be sent to all owners of property located within 200 feet of the property upon which the replat is requested. Such notice may be served by depositing said notice, properly addressed and postage paid, at the local post office.

(2) If twenty percent (20%) or more of the property owners to whom notice has been required to be given a file a written protest of the replatting before or at the hearing, then the affirmative vote of at least three-fourths (3/4) of the city council is required to approve the replat.

This provision is found under the subtitle, “Guarantee of Performance” which is not remotely related and it puts an unnecessary burden on persons replatting their property in a single family/duplex subdivision. The correct provision, I contend, is contained in 12.100, Amendments to Zoning and provides:

12.1000, D. Public Hearing And Notice. Prior to making its report to the City Council, the Planning and Zoning Commission shall hold at least one (1) public hearing thereon. Written notice of all public hearings on proposed changes in district boundaries shall be sent not less than ten (10) days before such hearing is held to all owners of property which is located within the area proposed to be changed, within two hundred feet (200') of such property or within two hundred feet (200') of any other adjacent property under the same ownership as the tract to be rezoned. Measurements shall be taken inclusive of public streets. Such notice may be served by using the last known address as listed on the City tax roll and depositing the notice, postage paid, in the United States Mail.

No notice of hearings before the Planning and Zoning Commission on proposed changes in zoning regulations need be given except as may be required by state law.

12.1000 J. Protest Against Change. In case of a protest against such change, signed by the owners of fifty percent (50%) or more either of the land included in such proposed change, or of the land within two hundred feet (200') thereof, including any intervening public street, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the City Council.

The zoning provision above provides similar protections on zoning changes.

RECOMMENDATION

Approve the Ordinance repealing 10.02.063 on first reading. This is based upon the fact that a similar provision is provided in the zoning ordinance of the City and makes simple replats very onerous.

ATTACHMENT

An ordinance of the City of Palacios, Texas, amending the code of ordinances by repealing section 10.02.063 “Notice and hearing requirements for certain replats”; repealing any conflicting ordinances; and providing an effective date.

**AN ORDINANCE OF THE CITY OF PALACIOS, TEXAS
ORDINANCE NO. 2023-O-14**

**AN ORDINANCE OF THE CITY OF PALACIOS, TEXAS, AMENDING
THE CODE OF ORDINANCES BY REPEALING SECTION 10.02.063
“NOTICE AND HEARING REQUIREMENTS FOR CERTAIN
REPLATS”; REPEALING ANY CONFLICTING ORDINANCES; AND
PROVIDING AN EFFECTIVE DATE.**

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

SECTION 1. That the Code of Ordinances of the City of Palacios, Texas be, and the same is, hereby amended by repealing Chapter 10, SUBDIVISION REGULATIONS, Article 02, Section 10.02.063, of the Code of Ordinances.

SECTION 2. If part of this ordinance is, or should be held invalid for any reason, then that fact shall not invalidate the entire ordinance, but the balance thereof shall remain in full force and effect.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. The City Secretary shall publish this Ordinance as required by City Charter.

SECTION 5. This Ordinance shall become effective upon the final passage date shown below.

FIRST READING this 10 day of August 2023.

Jim Gardner, Mayor

First Reading:

COUNCIL MEMBER	VOTED AYE	VOTED NO	ABSENT
Donna Schulman	_____	_____	_____
Margie Wier	_____	_____	_____
Jason Hink	_____	_____	_____
Chip Woolf	_____	_____	_____
Sharon Trainor	_____	_____	_____
Larry Glenn	_____	_____	_____

Jim Gardner, Mayor _____

SECOND AND FINAL READING AND APPROVED AND ADOPTED this _____ day of August 2023.

Jim Gardner, Mayor

ATTEST:

Approved by:

Aleigha Galvan, City Secretary

Anne Marie Odefey, City Attorney

Second Reading: COUNCIL MEMBER	VOTED AYE	VOTED NO	ABSENT
Donna Schulman	_____	_____	_____
Margie Wier	_____	_____	_____
Jason Hink	_____	_____	_____
Chip Woolf	_____	_____	_____
Sharon Trainor	_____	_____	_____
Larry Glenn	_____	_____	_____
Jim Gardner, Mayor	_____	_____	_____

CITY COUNCIL MEMORANDUM

City Council Meeting: August 10, 2023
Department: HR/Grant Manager
Subject: Grants for 2023 and 2024

BACKGROUND

Patriot Strategies is a consulting firm that helps an entity write grants. Mr. Stephen Hofmann, Executive Vice President, works closely with Congressmen and Congresswomen to find out exactly what they are looking for to fund certain grants. His specialty is the new BIL (Biden Infrastructure Law).

GOALS

Deliver competitive grants for large sums of money including the Rural Surface Grant, Public Works Grant, PROTECT grant and more.

FISCAL IMPACT

\$4,000 per month for a total of \$48,000 per year. Grant writer companies such as Grantworks or Langford charge 10 – 12% of the grant. \$1,000,000 grant and they get \$100,000 per grant. A \$1,000,000 grant with Mr. Hoffman will pay his entire salary for the year and most of the salary of the HR/Grant Manager for a year.

RECOMMENDATION

Staff recommends that the city move forward with awarding a consulting contract with Patriot Strategies, LLC.

ATTACHMENT

See attached contract.

Lone Star Consulting

1300 Pennsylvania Ave. NW, Suite #400, Washington, DC 20004
(202) 412-2689 SHofmann@LSConsulting.us

SERVICE AGREEMENT No. 2087-001

This agreement is made and entered into force on August 2, 2023, by and between:

- **Lone Star Consulting** (hereinafter referred to as "LSC")
Located at:
1300 Pennsylvania Ave., NW, #400
Washington, DC, 20004
Represented by:
Stephen Hofmann
President
Lone Star Consulting
Tel: 202-412-2689
E-mail: SHofmann@LSConsulting.us
- **City of Palacios, Texas** (hereinafter referred to as "the City of Palacios")
Located at:
311 Henderson Avenue
Palacios, Texas 77465
Represented by:
Tammy McDonald
City HR/Grant Manager
Tel: 361-972-3605
E-mail: TMcDonald@CityofPalacios.org

Section I. Subject of the Agreement

- LSC shall work with elected officials, area leadership, and staff of the City of Palacios to help secure Infrastructure Act funding for various projects in the City of Palacios.
- Specifically, LSC will utilize its expertise in federal appropriations to work with the city's existing grant writing team to locate, draft and submit key grants to benefit the City of Palacios.
- Once the grants are submitted, LSC will shepherd the grants through the grant process, working with the federal agencies, the White House and key Members of Congress, the US Senate, key funding committees, and the state agencies.
- Additionally, LSC will work with key US Senators and Members of Congress to push for earmarks to fund various projects within the City of Palacios.

Section II. Community Engagement

- A. Separate from the grant facilitation portion of the agreement, the City of Palacios shall retain LSC for Community Engagement to help inform the community of the changes that will be taking place in the area due to the grant funding. Most grants require community engagement as part of the grant submission. The community engagement consists of brochure and signage design and production, as well as facilitation of town hall meetings.

Section III Expenses and Payment

- A. The City of Palacios shall pay \$4,000 USD on a monthly basis, to Lone Star Consulting on the 7th of each month, beginning August 7th, 2023, and ending on August 7th, 2024, to the below bank of LSC's choosing:

Bank Name:	Congressional Federal Credit Union
Name:	Stephen Hofmann
City:	Washington, DC
Routing:	254074345
Account:	012246819

- B. The City of Palacios shall not pay LSC expenses related to this contract except for travel which must first be authorized by a representative of the City of Palacios. Travel is not required for this contract unless the City of Palacios requests it.

Section IV Community Engagement Fee

- A. The City of Palacios authorizes that LSC shall receive a fee for community engagement which is built into the grant itself. The fee for community engagement is equivalent to 2.5% of the grant. The City of Palacios does not pay the community engagement fee, but rather the fee is built into the grant and paid as the grant funds are dispersed.

Section V Duration and Terms

Duration

- A. The Parties shall exercise good faith and due diligence in co-operating to achieve fully the purpose of this agreement including execution of all necessary documents relating to matters arising therein.
- B. This contract shall be valid for a term of 12 months from the date of signing with an extension only upon mutual agreement of both parties.

Termination

After the initial 60 days of the agreement, the City of Palacios may terminate the agreement with 30 days notice. The City of Palacios will only be obligated to honor the community engagement portion of the agreement and the 2.5% fee paid through the grant itself, for the full duration of the initial 12 month agreement.

Arbitration

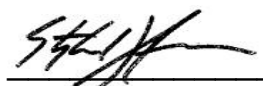
- A. All disputes in connection with this Agreement or the execution thereof shall be settled by friendly negotiation. In cases where no settlement can be reached through negotiation, the matter shall be submitted to the proper judicial court in Matagorda County, Texas, in which case the award is final and binding to both Parties.

- B. This Agreement is governed in accordance with United States law.

Effective date

This agreement shall come into force upon signature of both parties and shall remain effective for the duration of the contract. This Agreement has been executed by two originals, each with the same validity, one for each party.

For Lone Star Consulting, LLC



Stephen Hofmann
President
Lone Star Consulting
1300 Pennsylvania Ave., NW #400
Washington, DC 20004

For the City of Palacios, Texas

Jim Gardner
Mayor
The City of Palacios, Texas
311 Henderson Avenue
Palacios, Texas 77465