



LINH CHAU – Mayor
 LARRY GLENN – Councilmember Place 1
 JIM GARDNER – Councilmember Place 2
 CHIP WOOLF – Councilmember Place 3
 TROY LEWIS – Councilmember Place 4
 RAYLYNN SAMORA – Councilmember Place 5
 MICHAEL DOTSON – Councilmember Place 6

**CITY OF PALACIOS
 CITY COUNCIL REGULAR AGENDA
 February 8, 2022
 6:00 pm**

Notice is hereby given of a Regular Council Meeting of the Palacios City Council to be held at **6pm on February 8, 2022**, in the Council Chambers of City Hall, 311 Henderson Avenue, Palacios, TX, for the purpose of considering the following items:

PUBLIC HEARING 5:45

The City of Palacios Planning & Zoning Commission will hold a public hearing to receive citizen's comments regarding the Voluntary Annexation of Beachside Subdivision Phase 3 Section 1 and Section 2.

REGULAR COUNCIL MEETING

CALL TO ORDER

INVOCATION – Councilmember

PLEDGE OF ALLEGIANCE – Councilmember

PLEDGE TO TEXAS FLAG – Councilmember

PLEDGE TO PALACIOS FLAG – Councilmember

VISITOR / CITIZEN FORUM – Any person with city related business may speak to City Council. Speakers must sign in and complete a registration form and give it to the City Secretary no later than 10 minutes prior to the start of the council meeting. All speakers will be limited to three (3) minutes.

ADMINISTRATIVE REPORTS

1. Chamber Banquet – Thursday, February 17, 2022 6pm
2. Last Day to File an Application for Place on the Ballot is Friday, February 18, 2022 by 5pm
3. Notice of Drawing for Place on Ballot is Friday, February 25, 2022 at 10 am

ITEMS TO BE CONSIDERED

1. Discuss and consider approving a park use agreement between the City of Palacios and Palacios Lions Club for an annual Fourth of July Celebration at East Bay Park.
2. Discuss and consider action to approve the following consent agenda items:
Minutes of the January 25, 2022 Regular Council Meeting
Excuse the absence of Councilmember Samora from the January 25, 2022 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)

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 February 8, 2022 agenda of items to be considered by the City Council was posted on the City Hall bulletin board by 5:00 p.m. on February 4, 2022.

Clissa Mills

Clissa Mills, City Secretary





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DON'T MISS OUT ON THIS GREAT EVENT

WWW.PALACIOSCHAMBERBANQUET2022.COM



Chet Garner will be the featured speaker at the 2022 Palacios Chamber of Commerce banquet to be held on February 17, 2022, at the Palacios Recreation Center in Palacios, TX.

Doors open at 6:00 PM, with cocktails from 6:00-6:45 PM. Dinner will be served at 7:00 PM. Following Garner's presentation, the Chamber will award the Woman of the Year, Man of the Year, and Business of the Year awards. Because of rising costs, the tickets are \$40.00 each.

Corporate tables, which seat eight (8) guests, will be available again this year with three levels: Platinum—\$1,000.00, Gold—\$500.00 and Silver—\$350.00. Platinum sponsors and their guests will have an opportunity to attend a private meet, greet and photo op with Chet at the Outrigger prior to the banquet.

Garner is the creator, host, and executive producer of *The Daytripper*, now in its thirteenth PBS season. The show has won 12 Lone Star Emmys including 4 for "Outstanding Program Host," and is well on its way to becoming a Texas institution.

You can purchase tickets by entering the website into your browser, filling out the form and clicking "Paypal Checkout." You do not need a PayPal account. You can pay with your credit card. Click "Paypal Checkout" and then click "Pay with Credit Card." Your ticket will be waiting for you at the check-in table at the event.

If you prefer to purchase tickets directly from the Chamber office or wish to purchase a corporate table, please call (361) 972-2615 and ask for Pam Oliver.

If you have other questions, please contact the Chairman of the Banquet Committee, Mary Van Borssum, (361) 920-1882, mvanborssum@gmail.com.

WWW.PALACIOSCHAMBERBANQUET2022.COM

Garner's appearance is made possible through the generous support of Charles & Darlene Tresselt and Steven & Margie Wier as well as Clyde's Custom Works, The Peaceful Pelican and Omega Productions.

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

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

WITNESSETH

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

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

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

I
Services

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

II
Compensation

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

III Term

The term of this Agreement shall be for one year beginning on July 1, 2022, and shall automatically renew for four successive one year terms, unless either party terminates the same by mailing the other party notice of non renewal at least ninety (90) days prior to the end of any term.

IV Compliance with Applicable Laws

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

V Independent Contractor

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

VII Termination

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

VIII
Notice

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

CONTRACTOR	CITY
PALACIOS LIONS CLUB P O Box 1 Palacios, Texas	CITY OF PALACIOS 311 Henderson P O Box 845 Palacios, Texas 77465

IX
Assignment

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

X
Non-Waiver

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

XI
Severability

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

XII
Entire Agreement

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

XIII
Authority

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

SIGNED, this the _____ day of _____, 2022.

CITY OF PALACIOS

LINH CHAU, Mayor

ATTEST:

CLISSA MILLS, City Secretary

PALACIOS LIONS CLUB

By:



LINH CHAU – Mayor
LARRY GLENN – Councilmember Place 1
JIM GARDNER – Councilmember Place 2
CHIP WOOLF – Councilmember Place 3
TROY LEWIS – Councilmember Place 4
RAYLYNN SAMORA – Councilmember Place 5
MICHAEL DOTSON – Councilmember Place 6

**CITY OF PALACIOS
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 25, 2022**

REGULAR COUNCIL MEETING

CALL TO ORDER – Mayor Chau 6pm
INVOCATION – Councilmember Lewis
PLEDGE OF ALLEGIANCE – Councilmember Woolf
PLEDGE TO TEXAS FLAG – Councilmember Woolf
PLEDGE TO PALACIOS FLAG – Councilmember Woolf

VISITOR / CITIZEN FORUM – Any person with city related business may speak to City Council. Speakers must sign in and complete a registration form and give it to the City Secretary no later than 10 minutes prior to the start of the council meeting. All speakers will be limited to three (3) minutes.

1. Joe Monk questioned Council about the Charter Review Committee and stated that the committee was not appointed in June as the Home Rule Charter indicates.
2. Malorie Serna described a burglary in her neighborhood that her children witnessed and asked for more police presence.
3. Michelle Seaman with the Harmonie Club gave council a history of the club and asked council for permission for their floats to remain in the city barn because it’s tradition.

ADMINISTRATIVE REPORTS

City Manager’s Report – December 2021 – Interim City Manager Vaughn Dierlam reviewed his report with council

ITEMS TO BE CONSIDERED

1. Discuss and consider approving the second reading of Ordinance 2022-0-2 adding section A3.01.00005 to Appendix A Chapter 3 “Building Regulations”, of the code of Ordinances of the City of Palacios, Texas to recover charges charged by Bureau Veritas North America plus additional fees.
Councilmember Glenn motioned to approve the second reading of Ordinance 2022-O-2
Councilmember Woolf seconded
With no opposition, the motion carried
2. Discuss and consider approving the property located at 316 Ritchie to become a household

care facility.

Councilmember Gardner motioned to approve a Special Use Permit for the property located at 316 Ritchie to become a household care facility

Councilmember Dotson seconded

With no opposition, the motion carried

3. Discuss and consider action to approve the Financial Statement as of December 31, 2021 as presented by City Treasurer, Tammy McDonald.

Councilmember Lewis motioned to approve the Financial Statement as of December 31, 2021

Councilmember Dotson seconded

With no opposition, the motion carried

4. Discuss and consider action to approve the Quarterly Investment Report as of December 31, 2021 as presented by City Treasurer, Tammy McDonald.

Councilmember Dotson motioned to approve the Quarterly Investment Report as of December 31, 2021

Councilmember Gardner seconded

With no opposition, the motion carried

5. Discuss and consider action to approve the Interlocal Agreement for Joint Election Services between the City of Palacios and Matagorda County for the election on May 7, 2022.

Councilmember Glenn motioned to approve the Interlocal Agreement for Joint Election Services between the City of Palacios and Matagorda County for the election on May 7, 2022.

Councilmember Lewis seconded

With no opposition, the motion carried

6. Discuss and consider adopting Resolution 2022-R-2 Ordering a General Election to be held May 7, 2022 to elect the position of Mayor and three Council Members, one each for Place 1, Place 2, and Place 6.

Councilmember Dotson motioned to adopt Resolution 2022-R-22 with a revision to the first two days of early voting hours from 7 am to 7pm

Councilmember Glenn seconded

With no opposition, the motion carried

7. Discuss and consider adopting Resolution 2022-R-3 Ordering a Special Election to be held May 7, 2022 for the purpose of submitting suggested changes to the City's Home Rule Charter to the Voters

Councilmember Gardner motioned to adopt Resolution 2022-R-3

Councilmember Dotson seconded

YES - 3

NO - 3

The motion failed

Councilmember Gardner motioned to table this item and have a special council meeting on February 15, 2022 when everyone on council can attend

Councilmember Dotson seconded

With no opposition, the motion carried

8. Discuss and consider approving spending \$35,200.00 on Smoke Testing (Commerce Street Lift Station Area) to be performed by Urban Engineering

Councilmember Gardner motioned to approve spending \$35,200.00 on smoke testing

Councilmember Glenn seconded

With no opposition, the motion carried

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

Minutes of the January 11, 2022 Regular Council Meeting

Minutes of the January 18, 2022 Special Council Meeting
Excuse the absence of Councilmember Woolf from the January 18, 2022 Special Council Meeting
Councilmember Lewis motioned to approve the consent agenda items
Councilmember Glenn seconded
With no opposition, the motion carried

EXECUTIVE SESSION - Council adjourned at 6:54 pm for 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) – Discuss the appointment, employment, compensation, evaluation, reassignment, duties, discipline, or dismissal of new City Manager
Deliberation regarding security devices (551.076)
Discuss economic development negotiations (551.087) – Discuss the voluntary annexation, final plat and zoning of Beachside Subdivision Phase 3 Section 1 and Section 2

Council re-convened at 7:45 pm

ACTION ON EXECUTIVE SESSION

1. Discuss and consider approving the voluntary annexation of Beachside Subdivision Phase 3 Section 1 and Section 2 – NO ACTION TAKEN
2. Discuss and consider approving the final plat of Beachside Subdivision Phase 3 Section 1 and Section 2 – NO ACTION TAKEN
3. Discuss and consider approving the zoning of Beachside Subdivision Phase 3 Section 1 and Section 2 a Residential (R1) – NO ACTION TAKEN
4. Discuss the appointment, employment, compensation, evaluation, reassignment, duties, discipline, or dismissal of new City Manager – NO ACTION TAKEN

ADJOURN

Councilmember Glenn motioned to adjourn the meeting at 7:46
Councilmember Gardner seconded
With no opposition, the motion carried.

Linh Chau, Mayor

Clissa Mills, City Secretary