



GLEN SMITH – Mayor  
 JOHNNY TRAN – Councilmember Place 1  
 DONNA HARVEY SCHULMAN – Councilmember Place 2  
 MARY CROCKER – Councilmember Place 3  
 TROY LEWIS – Councilmember Place 4  
 WAYNE DODD – Councilmember Place 5  
 STEPHEN MCGOVERN – Councilmember Place 6

## CITY OF PALACIOS CITY COUNCIL REGULAR MEETING AGENDA

### VIDEOCONFERENCE OPEN MEETING

**June 9, 2020**

**7pm**

Notice is hereby given in accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Palacios will conduct a Regular Council Meeting scheduled for 7:00 pm on Tuesday, June 9, 2020, located in the Council Chambers of City Hall, 311 Henderson Avenue, Palacios, TX, by video conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). **There will be no public access to the location described above.**

This Notice and Meeting Agenda, and the Agenda Packet, are posted online at <https://cityofpalacios.org>

The web site to participate in the video conference meeting hosted through Zoom is: <https://us04web.zoom.us/j/83960118655>

A recording of the video conference will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

The Public will be permitted to offer public comments on each agenda item by emailing [cmills@cityofpalacios.org](mailto:cmills@cityofpalacios.org) by 3pm on the day of the meeting.

### **Regular COUNCIL MEETING 7PM**

#### **CALL TO ORDER**

**INVOCATION** – Councilmember Lewis

**PLEDGE OF ALLEGIANCE** – Councilmember Dodd

**PLEDGE TO TEXAS FLAG** – Councilmember Dodd

**PLEDGE TO PALACIOS FLAG** – Councilmember Dodd

#### **VISITOR / CITIZEN FORUM**

#### **ITEMS TO BE CONSIDERED**

1. Discuss and consider accepting the resignation of Donald Hyett as Treasurer from the Matagorda County-Palacios Seawall Commission

2. Discuss and consider appointing Michael Dotson to fill the vacancy for Palacios City Council Position 6 until November 3, 2020
3. Discuss and approve the first reading of Ordinance 2020-O-4 amending Chapter 2 of the code of Ordinances of the City of Palacios regulating animals
4. Discuss and approve the first reading of Ordinance 2020-O-5 amending Chapter 8 Article 8.02 of the Code of Ordinances of the City of Palacios regarding nuisances
5. Discuss and approve the first reading of Ordinance 2020-O-7 amending Article 3.12 Chapter 3 of the Code of Ordinances of the City of Palacios regarding mailboxes
6. Discuss and consider approving the request by the Palacios Economic Development Corporation to expend funds for the Airport Hanger Project after the PEDC holds a public hearing.
7. Discuss and consider action to approve the following consent agenda items:  
Minutes of the May 26, 2020 Regular Council Meeting  
Excuse the absence of Councilmember Tran from the May 26, 2020 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 June 9, 2020 agenda of items to be considered by the City Council was posted on the City of Palacios Web Site and City Hall bulletin board by 5:00 p.m. on June 5, 2020.

Clissa Mills

Clissa Mills, City Secretary



posted 6/5/2020  
1:30pm

Donald Hyett  
Treasurer  
Matagorda County-Palacios  
Seawall Commission  
1111 4<sup>th</sup> St.  
Palacios, TX 77465-3913  
PH: 361-920-2178

The Honorable Mayor Glen Smith  
and Members of the Palacios City Council

Dear Sirs/Madams:

Please accept my resignation from the Seawall Commission effective the end of the business day June 10, 2020. This decision has not been an easy one. Palacios will always be my hometown. I appreciate the opportunity to serve the citizens of this area and am immensely proud of the Seawall Commission's accomplishments. I have tried hard to utilize the available tax funds in the most helpful manner - to achieve the best results for all involved.

This decision is brought about by factors out of my control – primarily age and health status. It is my wish that the person that succeeds me will be honest, objective, progressive and will work diligently for the good of the area and its citizens.

Again, I thank you for the opportunity to serve for these last 14 years.

Sincerely,



Don

cc: County Judge Nate McDonald  
Matagorda County Courthouse  
1700 7<sup>th</sup> Street Room 301  
Bay City, TX 77414

Craig Wallis  
Chairman Seawall Commission  
PO Drawer 540  
Palacios, TX 77465

David Kocurek  
Palacios City Manager  
311 Henderson  
Palacios, TX 77465

May 27, 2020

Attn Clissa Mills, City Secretary  
P/O Box 845  
Palacios Tx 77465

To whom it may concern;

My name is Michael W Dotson, I am currently on the November ballot for City Council position 6, and I am running unopposed.

This is my letter of interest for the vacant City Council position 6.

Thank you for your consideration.



Michael W Dotson

received 5/29/2020

8:45 AM

Clissa Mills

ORDINANCE NO. 2020-O-4

AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF PALACIOS, TEXAS TO ADD VARIOUS DEFINITIONS; TO ADD ACTIVITIES INVOLVING ANIMALS THAT ARE A NUISANCE; ADD RESTRICTIONS ON FERAL CATS; TO ADD PROCEDURES FOR THE ADOPTION OF DOGS AND CATS; TO REGULATE THE KEEPING LARGE ANIMALS; TO REGULATE BEE KEEPING; CONTAINING A SAVINGS CLAUSE; REPEALING INCONSISTENT ORDINANCES; ESTABLISHING A PENALTY; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

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WHEREAS, the City Council of the City of Palacios has determined that in order to protect and preserve public health and safety, the City's ordinances regulating animals should be revised to prohibit certain activities regarding animals that are a public nuisance, and to adopt regulations regarding feral cats, bees, and large animals; NOW THEREFORE,

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

SECTION 1: That Chapter 2, Section 2.01.001, of the Code of Ordinances of the City of Palacios, Texas is hereby amended by the adding of new definitions being the underlined provisions as follows:

Sec. 2.01.001 Definitions

Apiary (collection of bees), which is a place where six or more colonies of bees or nuclei (small mass of bees and combs of brood used in forming a new colony) of bees are kept.

Colony. The hive and its equipment and appurtenances including bees, comb, honey, and pollen and brood.

Feral cat colony management organization. Property owners, other persons caring for and managing feral cat colonies.

Micro-chip. A computer chip that is preprogrammed with a unique alphanumeric combination code which is inserted into the animal.

Owner. Any person, trust, partnership, corporation, or any other entity owning, keeping, or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

SECTION 2: That Chapter 2, Section 2.02.003, of the Code of Ordinances of the City of Palacios, Texas is hereby amended by deletion of the provisions marked by strikeouts and addition of the underlined provisions to read as follows:

Sec. 2.02.003 Limitation on Number

(1) No more than five (5) dogs and/or cats over the age of six (6) months shall be

kept on their owner's premises within the city limits, nor shall any person keep, house, feed, breed, or maintain more than five (5) dogs or cats over the age of six (6) months at any time within the city.

(2) No more than six (6) chickens, and/or chicks, shall be kept on their owner's premises within the city limits, nor shall any person keep, house, feed, breed, or maintain more than six (6) chickens or chicks over the age of six (6) months at any time within the city. Not more than one rooster allowed on their owners premises.

SECTION 3: That Chapter 2, Section 2.02.004, of the Code of Ordinances of the City of Palacios, Texas is hereby amended by deletion of the provisions marked by strikeouts and addition of the underlined provisions to read as follows:

Sec. 2.02.004 Nuisance

It shall be unlawful for any owner to harbor any dog, cat, or other pet animal which ~~by any long continued noise, cry or other activity shall disturb~~ the peace, comfort, sensibilities and/or property of the inhabitants of the neighborhood. ~~Such disturbance is hereby declared to be a public nuisance and a violation of this section.~~

(a) The keeping of any animal that physically molests passers by or passing vehicles, attacks other animals, is not accompanied by a responsible person who maintains physical control over the animal by leash, cord, rope or other physical restraint device, trespasses on school grounds, and/or damages public or private property is prohibited.

(b) It shall be unlawful and constitute a public nuisance to keep any animal(s) that causes frequent, excessive or long continuous barking, whining, crying, meowing, howling, or other animal-related noise that interferes with public peace and comfort.

(c) It shall be unlawful and constitute a public nuisance for any person to maintain any animal in such a manner or allow any pen, enclosure, yard or similar place used for the keeping of animals to become unsanitary, offensive by reason of odor, offensive by lack of maintenance or create a visual nuisance, create any favorable condition for any zoonotic diseases or any other diseases, or create any condition that is a breeding place for fleas, ticks or other vectors.

(d) It shall be unlawful and constitute a public nuisance for the owner/custodian of any animal to allow excreta deposited by his/her animal to remain on public or private property. Any condition injurious to public health caused by the lack of or improper disposal of animal waste will be considered a violation of this section. Public property includes, but is not limited to, walks, sidewalks, alleys, parks, or recreation areas.

(e) It shall be unlawful for any person to intentionally cause, suffer or permit the maintenance of an attractive environment for the assembly of unconfined and unvaccinated stray dogs or cats by the placement of food. It shall be an affirmative defense that the dogs or cats were feral and that the person placed the

food solely for the purpose of apprehending stray dogs or cats.

(f) It shall be unlawful for any owner, custodian or person to allow any animal to remain a public nuisance as defined in Chapter 8 Miscellaneous Nuisances.

SECTION 4: That Chapter 2, Section 2.02.006, of the Code of Ordinances of the City of Palacios, Texas is hereby amended by deletion of the provisions marked by strikeouts and addition of the underlined provisions to read as follows:

Sec. 2.02.006 Feral Cats

It shall be unlawful for any person to intentionally cause, suffer or permit the maintenance of an attractive environment for the assembly of unconfined and unvaccinated stray cats by the placement of food without being registered as provided by Section 5 of this Chapter. It shall be an affirmative defense that the dogs or cats were feral and that the person placed the food solely for the purpose of feeding stray dogs or cats.

SECTION 5: That Chapter 2, Section 2.02.007, of the Code of Ordinances of the City of Palacios, Texas is hereby amended by deletion of the provisions marked by strikeouts and addition of the underlined provisions to read as follows:

Sec. 2.02.007 Management of feral cat colonies; trap-neuter-return (T-N-R) program requirements

(a) The city encourages stabilization of the free-roaming cat population in the city by proper management of such population. Colony caretakers of managed colonies of free-roaming cats shall not be deemed to be owners of such cats. Proper management of a feral cat colony includes a T-N-R program (trap-neuter-return), and it shall be unlawful for any person, including a feral cat management organization, to regularly feed, water, and provide support to a feral cat colony without registration as required by this section.

(b) A feral cat management organization must have registration with city's animal control officer. Registration shall include name of organization, names of all persons involved in feeding, feeding schedules and locations of feeding areas along with written permission from property owner of feeding area. Organization must provide in writing a regular program of T-N-R in order to control colony population.

(c) Organization shall provide:

(1) Nutritious and wholesome food, served to the animals in clean containers, to maintain the animals in good health.

(2) Clean water, in a clean container and shall be available to animals at all times.

(3) Maintained, clean areas, free of tall grass, debris and feces.

(4) Veterinary care as needed to prevent diseases and suffering.

Sec. 2.02.008 Penalty

(a) Any person who shall violate any of the provisions of this section of the Palacios Code of Ordinances, upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500), and each day's violation shall constitute a separate offense.

SECTION 6: That Chapter 2, Section 2.04.007, of the Code of Ordinances of the City of Palacios, Texas is hereby amended by deletion of the provisions marked by strikeouts and addition of the underlined provisions to read as follows:

Sec. 2.04.007 Adoption of dogs and cats

(a) Conditions.

(1) The adoption of a dog or cat from the animal shelter may take place under the following conditions:

(A) The animal has been classified as “adoptable” by the animal control officer;

(B) The prospective adopter shall meet all of the adoption guidelines

(C) The prospective adopter obtains all necessary vaccinations, registration and sterilization.

(2) The supervisor of animal control shall refuse to allow a person to adopt a dog or cat from the animal shelter when the supervisor has reason to believe that person would be not able to obtain a registration certificate under this chapter, would not have proper facilities for care of the animal, wants the animal for purposes of resale or purpose other than pet ownership, or would not be a suitable owner within the sole discretion of the supervisor of animal control, or that the animal would be a hazard to humans or other animals.

(b) Adoption fee and sterilization deposit.

(1) The prospective adopter shall pay the adoption fee of an amount set forth in the fee schedule in appendix A article A2.05 of this code for a dog or cat, per animal, plus a sterilization deposit in an amount set forth in the fee schedule in appendix A article A2.05 of this code for a dog or for a cat, per animal.

(2) Upon proof of vaccination and sterilization, the deposit will be refunded by the City of Palacios.

(c) Requirements for Adoption.

Except as provided by Section 828.013 of the health and safety code title 10. health and safety of animals chapter 828, dog and cat sterilization, a releasing agency may not release a dog or cat for adoption unless the animal has been sterilized or the release is made to a new owner who signs an agreement to have the animal sterilized.

(d) Sterilization Agreement.

(1) The sterilization agreement used by an animal control officer must contain:

(i) the date of the agreement;

(ii) the names, addresses, and signatures of the animal control officer and the new owner;

(iii) a description of the animal to be adopted;

(iv) the sterilization completion date; and

(v) a statement, printed in conspicuous, bold print, that sterilization of the animal is required under Chapter 828, Health and Safety Code, and that a violation of this chapter is a criminal offense punishable as a Class C misdemeanor.

(2) The sterilization completion date contained in the sterilization agreement must be:

(i) the 30th day after the date of adoption in the case of an adult animal;

(ii) the 30th day after a specified date estimated to be the date an adopted infant female animal becomes six months old or an adopted infant male animal becomes eight months old; or

(iii) if the animal control officer has a written policy recommending sterilization of certain infant animals at an earlier date, the 30th day after the date contained in the written policy.

SECTION 7: That Chapter 2, Section 2.05.001, of the Code of Ordinances of the City of Palacios, Texas is hereby amended by deletion of the provisions marked by strikeouts and addition of the underlined provisions to read as follows:

Sec. 2.05.001 Keeping of swine

It shall be unlawful for a person to keep any swine within the city limits, except ~~that the city secretary, with animal control registration, upon application to him,~~ may issue permits to agricultural and/or civic organizations allowing them to publicly exhibit swine for a period not to exceed fifteen (15) days.

SECTION 8: That Chapter 2, Section 2.05.002, of the Code of Ordinances of the City of Palacios, Texas is hereby amended by deletion of the provisions marked by strikeouts and addition of the underlined provisions to read as follows:

Sec. 2.05.002 Keeping of large animals

It shall be unlawful for any person to keep any large animals, including cows, horses, mules, donkeys, goats, and sheep, on any premises. The overall area of which is less than two ~~one-third (1/3)~~ one-half (1/2) of an acres for each large animal kept, or keep more than can be cared for under sanitary conditions and not create a public nuisance. The number of large animals permitted shall not exceed one animal per ~~one-third (1/3)~~ one-half (1/2) acre for the first acre, and two (2) animals per acre for each additional acre over one (1) acre of a single tract of land. The person in lawful possession of the premises, as owner or tenant, may keep thereon large animals belonging to others, but the limitation as to the number of large animals on the premises and the area and distance requirements of this section shall still apply.

SECTION 9: That Chapter 2, Section 2.05.003(d), of the Code of Ordinances of the City of Palacios, Texas is hereby amended by deletion of the provisions marked by strikeouts and addition of the underlined provisions to read as follows:

Sec. 2.05.003 Enclosures (for show animals only)

(d) Any animal enclosure must maintain at least twenty (20) feet from resident structure and ten (10) feet from property line.

SECTION 10: That Chapter 2, Section 2.05.004, of the Code of Ordinances of the City of Palacios, Texas is hereby amended by deletion of the provisions marked by strikeouts and addition of the underlined provisions to read as follows:

Sec. 2.05.004 Livestock Show Animals

(a) Students participating in 4-H or FFA who engage in the raising of livestock or fowl for the purpose of showing them in a livestock show.

(b) These persons shall be required, however, to register the keeping of such animals or fowl with the animal control department.

(c) There will be no fee for registering of livestock or fowl for the purpose of showing in a livestock show. Registration shall list the name and address of the student, the exact address and location where the animals or fowl are being kept, and period of time the animals or fowl will be kept at that location. All owners or keepers of the fowl within the city limits will be held responsible for the cleanliness of enclosures and upkeep of the tract of land or lot upon which the fowl are being kept so as not to allow it to become a public nuisance by the odor that may be created by the keeping of the fowl.

(d) Show animals and or fowls must be removed forty-five (45) days after showing at live stock show for which that the animal has been raised.

SECTION 11: That Chapter 2, Section 2.05.005, of the Code of Ordinances of the City of Palacios, Texas is hereby amended by deletion of the provisions marked by strikeouts and addition of the underlined provisions to read as follows:

Sec. 2.05.005 Keeping or raising poultry

It shall be unlawful for any person, firm, or corporation to raise, keep or maintain turkeys or other domestic fowl within the limits of the city, within any confined area or building, any part of which is within 200 feet of any residence or business. Chickens are exempt with the following conditions:

(1) A maximum of six (6) chicken hens and/or chicks will be allowed per property. More than one rooster is prohibited.

(2) All chickens shall be kept in an enclosure located at least twenty (20) feet from any residential dwelling. Such enclosure shall be a minimum of ten (10) feet from any property line. Free ranging is allowed within the confines of owner's property, provided property is enclosed with a fence.

(3) All pens, coops or enclosures shall be cleaned and disinfected with sufficient frequency to prevent any unsanitary conditions, or failing to store the

waste from such animals in a fly proof container and remove the waste from the city on a weekly basis.

(4) All coops or pens must be a minimum of at least three square feet of floor space per chicken.

(5) It is unlawful for a person to permit, suffer or allow any carrion to be used for feed for any chickens.

(6) It is unlawful for a person to permit, suffer or allow any chicken owned, kept or possessed by him or under his control to wander in or upon or invade the premises of any other person.

SECTION 12: That Chapter 2, Section 2.05.006, of the Code of Ordinances of the City of Palacios, Texas is hereby amended by deletion of the provisions marked by strikeouts and addition of the underlined provisions to read as follows:

Sec. 2.05.006 Bee Keeping

(a) All bee colonies shall be kept in "Lang troth"-type hives with removable frames, which shall be kept in sound and useable condition.

(b) Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcocks, pet watering bowls, birdbath, or other water sources where they may cause human, bird, or domestic pet contact.

(c) In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to promptly "re-queen" the colony. Queens shall be selected from stock bred for gentleness and non-swarmling characteristics.

(d) The name, address, and telephone numbers of the owner or beekeeper shall be painted, or otherwise clearly marked upon the structure of each hive.

(e) The animal control manager, upon determination that any colony situated within the city is not being kept in compliance with this section, may order the bees removed from the city or destroyed.

(f) It shall be unlawful to keep more than the following number of colonies on any lot, in an area zoned residential within the city, based upon the size of the lot which the apiary is situated:

(1) One-half (½) acre or less lot size: two (2) colonies;

(2) Larger than one-half (½) but less than one (1) acre of lot size: four (4) colonies;

(3) Regardless of lot size, where all hives are situated at least one hundred (100) feet in any direction from all property lines of the lot on which the apiary is situated, there shall be no limit to the number of colonies.

(g) It shall be an offense for any owner, person, or beekeeper to keep any colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others or in violation of any of the other provisions of this section.

SECTION 13: 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 14: 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 15: 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 16: The City Secretary is hereby directed to give notice hereof by causing the caption of this ordinance to be published in the official newspaper of the City of Palacios, and this ordinance shall take effect upon such publication.

SECTION 17: 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 \_\_\_\_\_, 2020.

PASSED, APPROVED AND ADOPTED on second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF PALACIOS, TEXAS

\_\_\_\_\_  
GLEN SMITH, Mayor

ATTEST:

\_\_\_\_\_  
CLISSA MILLS, City Secretary

APPROVED AS TO FORM:

RANDALL B. STRONG, City Attorney

ORDINANCE NO. 2020-O-5

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 8.02, OF THE CODE OF ORDINANCES OF THE CITY OF PALACIOS, TEXAS TO ADD PLANTS OVERHANGING CITY STREETS AND ILLEGAL DUMPING AS NUISANCES THAT THE CITY OF PALACIOS CAN ABATE; CONTAINING A SAVINGS CLAUSE; REPEALING INCONSISTENT ORDINANCES; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

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WHEREAS, the City Council of the City of Palacios has determined that trees , shrubs and other plants overhanging or obtruding on City streets are a public nuisance and should be subject to the procedures adopted by the City for the abatement of nuisances; and

WHEREAS, the City Council of the City of Palacios has determined that illegal dumping of brush , grass, and rubbish that can be washed onto other property is also a public nuisance and should be subject to the procedures adopted by the City for the abatement of nuisances; NOW THEREFORE,

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

SECTION 1: That Chapter 8, Section 8.02.001, of the Code of Ordinances of the City of Palacios, Texas is hereby amended by deletion of the provisions marked by strikeouts and addition of the underlined provisions to read as follows:

Sec. 8.02.001 Enumeration

(9) All trees, shrubs, vine, palm or other similar plant of any description or kind allowed to grow, maintained or cultivated in such a manner that any portion thereof overhangs or obtrudes upon or over any street or highway in the city unless there is a clearance of twelve-foot (12') for any street, eighteen foot (18') for any highway, between the surface or all portions of such street or highway and the overhanging tree, shrub, limb, vine, palm, or plant.

SECTION 2: That Chapter 8, Section 8.02.005, of the Code of Ordinances of the City of Palacios, Texas is hereby renumbered to be Section 8.02.006.

SECTION 3: That Chapter 8, Section 8.02.005, of the Code of Ordinances of the City of Palacios, Texas is hereby amended by deletion of the provisions marked by strikeouts and addition of the underlined provisions to read as follows:

Sec. 8.02.005 Illegal Dumping

No person shall intentionally or recklessly place or cause or allow to be placed or dropped, brush cuttings, grass clippings, grass, and/or rubbish on private property or on the street or in the inlets of any street in the city limits in such a manner that covers, blocks, or limits access to streets, or the same may be washed by water flow into any body of water and/or sewer system.

SECTION 4: 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 5: 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 6: 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 \_\_\_\_\_, 2020.

PASSED, APPROVED AND ADOPTED on second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF PALACIOS, TEXAS

GLEN SMITH, Mayor

ATTEST:

\_\_\_\_\_  
CLISSA MILLS, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
RANDALL B. STRONG, City Attorney

...palacios\ordinanc\amending.8.02.001

ORDINANCE NO. 2020-O-7

AN ORDINANCE AMENDING ARTICLE 3.12, CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF PALACIOS, TEXAS TO ADD STANDARD REQUIREMENTS FOR MAILBOXES PLACED IN THE CITY; CONTAINING A SAVINGS CLAUSE; REPEALING INCONSISTENT ORDINANCES; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

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WHEREAS, the City Council of the City of Palacios has determined that the orderly and attractive development of the City, as well as the safety of motorists and postal workers using the streets of the City, require that minimum standards for the installation and maintenance of mailboxes within the City should be adopted; NOW THEREFORE,

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

SECTION 1: That Article 3.12.003 of the Code of Ordinances of the City of Palacios, Texas is hereby amended by deletion of the provisions marked by strikeouts and addition of the underlined provisions to read as follows:

Sec. 3.12.003 Mailbox requirements

All mailboxes installed or replaced after the adoption of this ordinance shall comply with the following:

- (a) All mailboxes shall conform to the USPS guidelines for installation and maintenance.
- (b) Mailboxes must have a "Postmaster General's Seal". Handmade mailboxes must meet the same standards as manufactured mailboxes and must be approved by the local postmaster.
- (c) Address numbers must be placed on each side of the mailbox, and numbers must be large enough to be visible from street.
- (d) If the address to a property is on a different street from the structure, full address including the street name must be on the mailbox.
- (e) Mailboxes must be placed on a 4"x4" wooden support post or a 2" diameter standard steel or aluminum pipe. The support post must be able to bend or breakaway if hit by vehicle. All posts must be buried no more than 24" deep.
- (f) Mailboxes shall be positioned 41" to 45" above the road surface measured to the bottom of the mailbox or point of mail entry, with the front of the mailbox or point of mail entry positioned 6" to 8" back from the curb.

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: 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 \_\_\_\_\_, 2020.

PASSED, APPROVED AND ADOPTED on second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF PALACIOS, TEXAS

\_\_\_\_\_  
GLEN SMITH, Mayor

ATTEST:

\_\_\_\_\_  
CLISSA MILLS, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
RANDALL B. STRONG, City Attorney

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GLEN SMITH – Mayor  
 JOHNNY TRAN – Councilmember Place 1  
 DONNA HARVEY SCHULMAN – Councilmember Place 2  
 MARY CROCKER – Councilmember Place 3  
 TROY LEWIS – Councilmember Place 4  
 WAYNE DODD – Councilmember Place 5  
 STEPHEN MCGOVERN – Councilmember Place 6

**CITY OF PALACIOS  
 CITY COUNCIL REGULAR MEETING MINUTES  
 May 26, 2020**

**VIDEO CONFERENCE OPEN REGULAR MEETING 7PM**

Notice is hereby given in accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Palacios will conduct a Regular Council Meeting scheduled for 7:00 pm on Tuesday, May 26, 2020, located in the Council Chambers of City Hall, 311 Henderson Avenue, Palacios, TX, by video conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). There will be no public access to the location described above.

This Notice and Meeting Agenda, and the Agenda Packet, are posted online at <https://cityofpalacios.org>

The web site to participate in the video conference meeting hosted through Zoom is: <https://zoom.us/j/84868318680>

A recording of the video conference will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

CALL TO ORDER – Mayor Smith called the meeting to order at 7pm.  
 INVOCATION – Councilmember Schulman  
 PLEDGE OF ALLEGIANCE – Councilmember Crocker  
 PLEDGE TO TEXAS FLAG – Councilmember Crocker  
 PLEDGE TO PALACIOS FLAG – Councilmember Crocker

**VISITOR / CITIZEN FORUM – NONE**

**ADMINISTRATIVE REPORTS –**

1. City Manager’s Report for April 2020

## ITEMS TO BE CONSIDERED

1. Discuss and consider approving the appointment of David McMurray to the Planning Commission  
 Councilmember Dodd motioned to approve the appointment of David McMurray to the Planning Commission  
 Councilmember Crocker seconded  
 There was no opposition  
 With no opposition, the motion carried
2. Discuss and consider adopting Resolution 2020-R-16 to designate authorized signators for the Hurricane Harvey Infrastructure CDBG Disaster Recovery Program contract 20-065-108-C295  
 Mayor Smith motioned to adopt Resolution 2020-R-16  
 Councilmember Lewis seconded  
 There was no opposition  
 With no opposition, the motion carried
3. Discuss and consider adopting Resolution 2020-R-17 adopting required CDBG-DR Civil Rights Policies  
 Councilmember Schulman motioned to adopt Resolution 2020-R-17  
 Councilmember Crocker seconded  
 There was no opposition  
 With no opposition, the motion carried
4. Discuss and consider authorization to apply for the Community Development Block Grant Mitigation (CDBG-MIT) Grant for Hurricane Harvey.  
 Councilmember Schulman motioned the authorization to apply for the CDBG-MIT Grant for Hurricane Harvey  
 Councilmember Dodd seconded  
 There was no opposition  
 With no opposition, the motion carried
5. Discuss and consider authorization to issue requests for proposals (RFP) for administrative services and requests for qualifications (RFQ) for engineering services related to the Community Development Block Grant Mitigation (CDBG-MIT) for Hurricane Harvey Grant programs administered by the Texas General Land Office (GLO).  
 Mayor Smith motioned the authorization to issue requests for proposals (RFP) for administrative services and requests for qualifications (RFQ) for engineering services related to the Community Development Block Grant Mitigation (CDBG-MIT) for Hurricane Harvey Grant programs administered by the Texas General Land Office (GLO).  
 Councilmember Schulman seconded  
 There was no opposition  
 With no opposition, the motion carried
6. Discuss and consider approving the City of Palacios Equal Employment Opportunity and Affirmative Action Policy  
 Councilmember Schulman motioned to approve the City of Palacios Equal Employment Opportunity and Affirmative Action Policy  
 Mayor Smith seconded  
 There was no opposition  
 With no opposition, the motion carried

7. Discuss and consider approving the City of Palacios Financial Procedures  
Councilmember Dodd motioned to approve the City of Palacios Financial Procedures  
Councilmember Lewis seconded  
There was no opposition  
With no opposition, the motion carried
8. Discuss and consider approving the City of Palacios Code of Conduct Policy  
Councilmember Lewis motioned to approve the City of Palacios Code of Conduct  
Policy  
Mayor Smith seconded  
There was no opposition  
With no opposition, the motion carried
9. Discuss and consider approving the City of Palacios Procurement Policies and  
Procedures for Federal Grants  
Councilmember Schulman motioned to approve the City of Palacios Procurement  
Policies and Procedures for Federal Grants  
Councilmember Crocker seconded  
There was no opposition  
With no opposition, the motion carried
10. Discuss and consider action to approve the following consent agenda items:  
Minutes of the May 12, 2020 Regular Council Meeting  
Excuse the absence of Councilmember Tran and Councilmember McGovern from the  
May 12, 2020 Regular Council Meeting  
Minutes of the May 19, 2020 Special Council Meeting  
Excuse the absence of Councilmember Tran, Councilmember Lewis, and  
Councilmember McGovern from the May 19, 2020 Special Council Meeting  
  
Councilmember Schulman motioned to approve the consent agenda items  
Councilmember Dodd seconded  
There was no opposition  
With no opposition, the motion carried

**EXECUTIVE SESSION** - There was no 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**

Councilmember Lewis motioned to adjourn the meeting at 7:30 pm

Councilmember Dodd seconded

There was no opposition

With no opposition, the motion carried

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Glen Smith, Mayor

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Clissa Mills, City Secretary