

**CITY OF PALACIOS
CITY COUNCIL MEETING**

AGENDA

**THURSDAY, OCTOBER 13, 2022
6:00PM**

REGULAR CITY COUNCIL MEETING

**City of Palacios Council Chambers
311 Henderson
Palacios, Texas 77465**

CALL TO ORDER:

- a. Quorum Call.
- b. Invocation. Councilmember Trainor.
- 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, may announce community recognitions, may request specific factual information or a recitation of existing policy from staff, or may request placement of items on the Board agenda for discussion or action at a following meeting.

- a. Mayor's Announcements
- b. Council Member's Announcements

PROCLAMATION:

Domestic Violence Proclamation ~ *To be received by the Crisis Center*

CITIZEN COMMUNICATION FORUM:

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

CEREMONIES:

Presentation of new badges to all Palacios Police Officers by Chief Bias

PRESENTATIONS:

- Financial Support of the City by the Sea Museum (Mayor Gardner)
- Questions and answers regarding Aqua Metric and the Sensus Water Meter System (Scott Kohan, Aqua Metric)
- City-wide infrastructure project update including the Water and Sewer Master Plans, Street Inventory, and Grant Projects (Matt Glaze, Urban Engineering)

DISCUSSION AND ACTION ITEMS:

1. **City Council Regular Meeting Minutes** ~ September 22, 2022
2. **Police Vehicles** ~ Consider and take action approving the purchase of new pursuit rated Police Vehicles (T. Bias)
3. **ORDINANCE NO. 2022-O-16 ~ Substandard Buildings** ~ Consider and take action on adoption of Substandard Building Ordinance, amending code sections as stated in said Ordinance and adopting penalties for violation of said Ordinance. *Final Reading* (A. Odefey)
4. **P & Z Member Appointment** ~ Consider and take action appointing new members to the Planning & Zoning Commission. (Mayor Gardner)
5. **Variance Request** ~ Consider and take action regarding a request for an RV variance for the property located at 708 Rorem. (R. Adams)

CLOSED/ EXECUTIVE SESSION:

- Pursuant to Texas Government Code §551.072, discuss the sale or lease of city-owned properties.

RECONVENE TO OPEN/ REGULAR 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).

6. **ADJOURNMENT**

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, October 7, 2022, 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 (TEX.REV.CIV.STAT.ANN. Chapter 551) and recent guidelines from the Texas Attorney General.

Aleighta Galvan

Aleighta Galvan, Executive Assistant

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 City Council meeting will be held on
October 27, 2022, at 6PM.

Proclamation

2022 Domestic Violence

WHEREAS, domestic violence is a national health problem affecting approximately 10 million people in the United States each year, making it the single most common source of injury to survivors – more common than automobile accidents, muggings, and rape by a stranger combined; and,

WHEREAS, domestic violence crosses all economic, racial, gender, educational, religious, and societal barriers – violating a person’s privacy, dignity, security, and humanity through a pattern of abusive behavior to control and dominate, causing victims to fear for their safety and wellbeing. Abusive behavior can be physical, sexual, emotional, verbal, social, economic, psychological, or spiritual; and,

WHEREAS, In the [United States](#), an estimated 10 million people experience domestic violence every year. According to the [National Coalition Against Domestic Violence](#), about 20 people per minute are physically abused by an intimate partner. About 1 in 4 women and 1 in 9 men experience severe intimate partner physical violence, sexual violence, and/or partner stalking with injury, PTSD, contraction of STDS, etc.

WHEREAS, domestic violence can have long-term damaging effects on victims and their families – including the over 3 million children nationwide who are exposed to domestic violence each year. And leaving a domestic violence situation is not easy and is often dangerous – 75% of women victims are seriously injured when they leave or try to leave an abusive relationship; and,

WHEREAS, in the U.S., domestic violence hotlines receive around 20,000 calls each day. Victims deserve compassion, comfort, healing and access to medical and legal services, counseling, transitional housing, and other services to escape the cycle of abuse and to hold their perpetrators accountable; and,

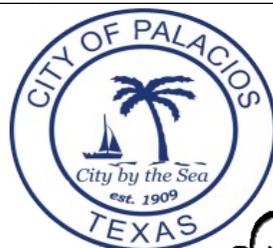
WHEREAS, requests for services such as emergency shelter, housing, transportation, childcare, and legal representation often cannot be provided because programs lack the resources to meet victims’ needs. The need for safe houses remains survivors’ most urgent need; and,

WHEREAS, domestic violence can be prevented through the collective voice and power of individuals, families, institutions, and systems working together toward this common goal. The City of Cullman supports this goal and joins with communities and organizations across the state and nation in proclaiming that “We Stand Against Domestic Violence.”

NOW, THEREFORE, I, Jim Gardner, as Mayor of the City of Palacios and on behalf of the Palacios City Council and our citizens, do hereby proclaim the month of October 2022 DOMESTIC VIOLENCE AWARENESS MONTH in Palacios and encourage our citizens to honor domestic violence survivors; remember those who died as a result of domestic violence; help raise awareness of the prevalence and impact of domestic violence in our community; support local organizations that provide domestic violence crisis response, recovery, and prevention services; and join with us in helping to end domestic violence in our community!

Jim Gardner, Mayor

Date



CITY OF PALACIOS, TEXAS
REGULAR CITY COUNCIL MEETING

MINUTES

September 22, 2022

REGULAR CITY COUNCIL MEETING

A REGULAR City Council meeting was held by the City Council of the City of Palacios on September 22, 2022, at 6:00 p.m., in the Council Chamber, 311 Henderson, Palacios, Texas 77465.

CALL TO ORDER

Mayor Gardner called the REGULAR City Council meeting to order at 6:01PM.

CERTIFICATION OF A QUORUM

Mayor Gardner certified a quorum was present.

ATTENDANCE ROLL CALL

Mayor, Jim Gardner, Present
Councilmember Place 6, Michael Dotson, Present
Councilmember Place 5, Raylynn Samora, Present
Councilmember, Place 4, Troy Lewis, Present
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
Tammy McDonald, HR/ Finance
Tobie Bias, Police Chief
Aleigha Galvan, Executive Assistant
Ryan Adams, Code Compliance and Developmental Services
Christy Adams, Public Works Assistant
Judge Susan Thompson, Municipal Court Judge
Manuel Guevara, Sewer and Streets Superintendent
Reese Knable, Public Works

INVOCATION & PLEDGES

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

ANNOUNCEMENTS:

- i. Mayor's Announcements ~ Mayor Garner reminded everyone of upcoming events to be held within the next few weeks in the city; Potluck in the Park, PEDC Strategic Planning Workshop, National Night Out, Annual Fall Clean Up, Airport Stakeholders Meeting, Pedal Palacios, Trunk or Treat, and the All-American City Plaque Presentation.*
- ii. Council Member's Announcements ~ Councilman Larry Glenn position #1 stated he would like to see the bills posted in the Palacios Beacon. He also addressed Police Chief Bias directly and issued a personal apology for not attending the active shooter training that was held earlier in the week.
 - a. Chief Bias gave a description of the active shooter course that was given.*
 - b. Councilmember Dotson agreed with Councilmember Glenn and stated that he would also like to see the bills for the city to be posted in the Palacios Beacon.*
 - c. Councilmember Glenn stated he would like to see repairs done to the Palacios Pavilion.**

PROCLAMATION:

- i. Mayor Jim Gardner recognized World Teacher's Day on October 5th, 2022. There was no one in the audience to accept this proclamation at the time it was presented.*

CITIZEN COMMUNICATION FORUM: ~ Public Comments

- i. D.C. Dunham ~ with SAL Holdings LLC. passed out material for Council to view regarding the 380 agreement update of phase two of the Pelican Place Subdivision. Dunham states there are a total of six families currently living in the subdivision, and 3 houses under construction (see attachment A).*
- ii. Councilmember Sharon Trainor ~ introduced herself as living at 500 Welch, and thanked Ryan for getting the house on Morton cleaned up. She stated she learned that there was an ordinance regarding grass in the street when a yard has been mowed. She also wanted to bring attention to a lot the city owns which needs to be cleaned up.*
- iii. Cynthia Garrett ~ Mrs. Garrett spoke about her support for the need of a golf cart ordinance for the city. She stated she has seen 4 carts in town within 24 hours. She urged Council to view Matagorda County's ordinance. She thanked the forces to be that made a "safe place to meet" in the police department parking lot. She thanked the city for honoring the teachers, stating she was one for many years.*

CONSENT AGENDA ITEMS~

1. **Minutes ~ September 8, 2022**, ~ Regular City Council Meeting
2. 2023 STEP Grant Ratification ~ Grant recently awarded to the City of Palacios for the Palacios Police Department allowing overtime compensation for officers who perform certain duties while on patrol.
3. **RESOLUTION NO. 2022-R-19 - CDBG-Mit-Mod Grant Administration** ~ to award administration services for the CDBG-Mit-Mod.
5. **PEDC Bylaws** ~ Consider and take action on adoption of PEDC Bylaws. *Items 1,2,3, and 5 were placed together in one vote. APPROVED BY MOTION. MOTION: WOOLF. SECONDED: LEWIS. YEA: TRAINOR, WOOLF, LEWIS, SAMORA, DOTSON, MAYOR. NAY: GLENN.*

Items 4 and 6 were moved to Discussion and Action Items per Tammy McDonald and City Council.

REPORTS AND DISCUSSION:

7. **Financial Update** ~ August Financial Report ~ Report given by Tammy McDonald. Councilmember Woolf asked questions and asked to discuss them at a later date with McDonald. City Manager Raleigh stated the process will be much easier in the next year.
8. **Beachside Annexation Update** ~ Status of Beachside Phase 4. ~ City Attorney Anne Marie Odefey discusses the annexation and states it may not move forward until there are enough Planning and Zoning members on the board.
9. **American Rescue Plan Grant Update** ~ Update regarding use of funds. ~ City Treasurer, Tammy McDonald discusses the amount of the grant, and what the funds have been spent on and what they will be designated for in the future. Representatives from Grantworks, Kelle Odom and Ashton Crow, were present to introduce themselves and explain the ways Grantworks helps the city find new grants and help keep us in compliance with the requirements of each grant applied for. Councilmember Woolf inquires if the entirety of the money has been spent thus far. McDonald explains it has not all been spent, but it has been committed. Councilmember Trainor requests some of the funds be used to replace fire hydrants before they are painted. Councilmember Samora requests a “wish list” be made to ensure the money is being spent on things the citizens of Palacios want.

DISCUSSION AND ACTION ITEMS:

4. **RESOLUTION NO. 2022-R-20 - CDBG-Mit-Mod Grant Engineering** ~ to award engineering services for the CDBG -Mit-Mod Grant. Tammy McDonald explains the different choices for engineering services to be made, and their backgrounds. Councilmember Glenn asked questions about the different companies, and asked City Manager Raleigh if she knew the work the companies have done in the past. City Manager Raleigh informed Glenn of work Hewitt Zollars has done at the Palacios Airport, and

Urban Engineers is currently working on a sewer and drainage project for the city. Glenn makes a recommendation for Urban Engineering and asks for more information on other companies listed for future projects. Mr. Gregory Wine with Hewitt Zollars speaks about his company. GLENN RESENDS HIS RECOMMENDATION AND MOTIONS FOR HEWITT ZOLLARS TO RECEIVE THE PROJECT. COUNCILMEMBER TRAINOR SECONDED. APPROVED BY MOTION. PASSED UNANIMOUSLY.

6. **Ratify Kirby Maintenance & JZJ Utilities Agreements** ~ Ratify agreements. Councilmember Glenn asks questions about the length of the agreements. City Manager Raleigh informs Glenn she wishes to give her public works team time to obtain necessary licenses for duties assigned, and the agreements will only be for six months' time. *APPROVED BY MOTION. MOTION: LEWIS. SECONDED: DOTSON. PASSED UNANIMOUSLY.*
10. **MOU Animal Care Services** ~ Misfits and Creatures ~ Agreement between Misfits and Creatures Animal Rescue to maintain the animal shelter, the animals, arrange care for sick or injured animals and maintain an adoption program. *Chief Tobie Bias speaks about the Pet Portrait program and invites Carissa Spradlin to speak about her organization. Councilmember Dotson asked about the money spent on renovations to the city pound. Chief Bias gives details on the renovations which include new air conditioning, doors, walls, and sealing of cracks and holes. PASSED BY MOTION. MOTION: GLENN. SECONDED: SAMORA. PASSED UNANIMOUSLY.*
11. **RESOLUTION NO. 2022-R-21** ~ Ratify Pelican Place Retention Pond ~ Consider and take action on adoption of Resolution Ratifying Prior Action of Council. *City Attorney Anne Marie Odefey explains this is a revised resolution from January 2022. Councilmember Glenn expresses his concerns regarding the functionality of the retention pond and whether it will serve its purpose. Glenn addressed D.C. Dunham who represents SAL Holdings L.L.C. and inquires if the builder plans to place a fence around the retention pond. Glenn stated his concerns for the safety of children and small pets who may wonder into the pond if it were full. Dunham speaks about Pelican Place and explains that SAL would maintain the pond for the next five years. After the five years the pond would become the responsibility of the city. Councilmember Samora asked questions about maintenance and city manpower. Councilmember Trainor asked about the depth of the pond. PASSED BY MOTION. MOTION: WOOLF. SECONDED: DOTSON. PASSED UNANIMOUSLY.*
12. **ORDINANCE NO. 2022-O-16 ~ Substandard Buildings** ~ Consider and take action on adoption of Substandard Building Ordinance, amending code sections as stated in said Ordinance and adopting penalties for violation of said Ordinance. *City Attorney Anne Marie Odefey goes over the amended ordinance. Mayor points out typo. MOTION: DOTSON. SECONDED: LEWIS. FIRST READING PASSED UNANIMOUSLY. VOTE CONFIRMED BY ROLL CALL.*
13. **Auditor Agreement** ~ Consider and take action on hiring an independent auditor to perform the FY 2021-22 Annual Audit. *City Manager Cynthia Raleigh discusses HMU and how she found the group. City Attorney Odefey discusses their work for the City of Bay City. Council discusses the differences between auditors. Councilmember Lewis expresses his respect for Raleigh and Woolf's recommendation to use HMU. PASSED BY MOTION. MOTION: WOOLF. SECONDED: DOTSON. PASSED UNANIMOUSLY*
14. **ORDINANCE NO. 2022-O-17** ~ Discuss and consider approval of first and only reading of Ordinance 2022-O-17 for final budget adjustments for fiscal year 2021-2022. *First and final reading. Treasurer Tammy McDonald discusses budget adjustments. Councilmember*

Woolf comments the amounts are significantly less than last year. MOTION: LEWIS. SECONDED: SAMORA. FIRST AND FINAL READING PASSED UNANIMOUSLY. VOTE CONFIRMED BY ROLL CALL.

15. **WATER METER REPLACEMENT ~ Aqua Metric** ~ Discuss and consider approval of purchasing replacement water meters for the entire city. *City Manager Cynthia Raleigh explains in great detail the reason for new meters for the city. Councilmember Trainor asks about timeframe to replace new meters in the future. Councilmember Dotson asked about pressure checking the current meters. Mayor Gardner asked that it be made clear for everyone that there was not a warranty on the meters the city has currently. Raleigh discusses the different types of meters available, price, and performance. Councilmember Glenn asked if there has been a study done on our current meters. Councilmembers Glenn and Dotson voiced concerns for maintaining new meters. Raleigh suggests the two companies attend Council so questions may be asked directly. Dotson suggests tabling. Raleigh asks to schedule a workshop in the future, and schedule flow testing. Council agrees to install new meters with Aquametric. PASSED BY MOTION. MOTION: GLENN. SECONDED: DOTSON. PASSED UNANIMOUSLY.*

CLOSED/ EXECUTIVE SESSION:

Council went into Executive Session at 8:45PM

RECONVENE TO OPEN / REGULAR SESSION

Council reconvened to open session at 9:22PM

- i. Pursuant to Texas Government Code §551.074, to discuss hires, dismissals, resignations, and other personnel matters. Council voted to assign Katie Plunkett as Associate Municipal Judge for the City of Palacios. PASSED BY MOTION. MOTION: DOTSON. SECONDED: SAMORA. PASSED UNANIMOUSLY.*
- ii. Pursuant to Texas Government Code §551.072, to discuss surplus property listing and sales agreement.*
 - a. Council approved to renew contract with Texas Coastal Properties. PASSED BY MOTION. MOTION: DOTSON. SECONDED: TRAINOR. PASSED UNANIMOUSLY.*
 - b. Council voted to sell property on Duson Ave. approx.. .97 acres. PASSED BY MOTION. MOTION: DOTSON. SECONDED: SAMORA. YEA: TRAINOR, WOOLF, LEWIS, SAMORA, DOTSON, MAYOR. NAY: GLENN*

ADJOURNMENT

Meeting Adjourned by Mayor Gardner at 9:27PM.

Jim Gardner, MAYOR

ATTEST:

Cynthia Raleigh, MBA, CPM City Manager

CITY COUNCIL MEMORANDUM

City Council Meeting: October 13, 2022
Department: Police Department
Subject: Police Service Vehicles

BACKGROUND

The Palacios Police Department has a unique need for vehicles that are designed for the jobs performed by our policing professionals. These vehicles are designed to best serve the public and the officers for their safety. Pursuit rated vehicles feature enhanced suspensions, advanced braking systems, and oversized or additional, cooling for engines and transmissions. These features prevent the vehicles from prematurely wearing out due to the extreme driving situations police vehicles are used for.

GOAL

Enhance officer safety and effectiveness in service to the citizens of Palacios and all who visit our city. The patrol cars would be assigned as follows, three (3) for patrol usages and two (2) for administration.

FISCAL IMPACT

For this project a total amount of expenditure not to exceed \$365,000, for fully outfitted vehicles, of which administration vehicles do not need striping and radars

RECOMMENDATION

Approve as presented

ATTACHMENT

Agreement, problem solving form

Palacios Police Department

Police Vehicles

September 1, 2022

Prepared by: Tobie Bias, Chief of Police

Summary: The Palacios Police Department has a unique need for vehicles that are designed for the jobs performed by our policing professionals. These vehicles are designed to best serve the public and the officers for their safety. Pursuit rated vehicles feature enhanced suspensions, advanced braking systems, and oversized or additional, cooling for engines and transmissions. These features prevent the vehicles from prematurely wearing out due to the extreme driving situations police vehicles are used for.

Problem: The City of Palacios operate only three (3) pursuit rated vehicle at this time. The department is using six (6) non-pursuit rated vehicles at this time.

- The department is using three (3) Chevy trucks that are all over 90K miles and are not pursuit rated
- The **Chevy** trucks have had, and continued to have, major mechanical issues requiring replacement of transmissions, motors, and numerous other major vehicle parts.
- The department just began using two (2) Dodge trucks that are 4x4 and not pursuit rated. These trucks are a danger to our officers for fear of a roll over at high speeds.
- The department has one (1) Chevy Malibu that is also not pursuit rated and has been involved in several motor vehicle accidents.
- If an officer was to be injured in a vehicle pursuit, on the way to a major incident and wrecked one of these non-pursuit vehicles causing injury to an officer the city could be liable for those injuries because we knew the officers are not properly equipped with the correct equipment
- If an officer was in a vehicle pursuit, a major incident due to one of these non-pursuit vehicles causing injury to a citizen the city would be liable for those injuries because we know the officers are not properly equipped with the correct equipment
- Due to the nature of law enforcement if we utilize the vehicles in a rotation they will deteriorate very quickly and the cost to repair these vehicles will increase annually
- The non-pursuit rated vehicles are also a liability to the safety of the public as they are governed at 105 mph for the Dodges and 103mph for the Chevys. This makes pursuit driving with most vehicles a losing battle and that would leave dangerous persons in public.
- The Palacios Police Department was involved in 2 pursuits in less than 10 days in the month of September on the 17th and 26th. In the pursuit on the 26th the Charger was the sole unit that could maintain the pursuit as the speeds were over 110 miles per hour. The vehicle being pursued was a 1998 small pickup with 400K+ miles and our Dodge truck on duty could not assist due to speeds. Also noted was the Dodge truck's dash began to show warning lights above 80mph and did not turn off until the vehicle was turned off and restarted.
- **We have also learned of issues with ordering new pursuit rated vehicles. These issues leave us with a singular choice in vehicles. The sole vehicle available to us to order**

now is the Ford Interceptor 3.3L, which is the vehicle we had chosen in our research.
The following issues came to light for the other vehicles.

- Dodge is discontinuing the Durango pursuit SUVs- pending DPS litigation
- Dodge Chargers are not available to order until September 1, 2023
- Ford EcoBoost Interceptors are not available to be ordered until August 1, 2023
- Chevy products continue to have issues mechanically and are now only available for current order in a RWD Tahoe configuration

Solution: The department needs pursuit rated vehicles. The city should replace the Chevy trucks, the Malibu, and the Dodge trucks as soon as possible for pursuit rated vehicle and develop a method for replacing vehicles on a regular basis to prevent the continued issues listed.

Recommendation: I am recommending the city purchase 5 pursuit rated Ford Interceptors, fully equipped, and outfitted for immediate use upon receipt. However, I am providing several options for consideration.

1. The purchase of vehicles at full cost and value with upfitting. This option is costly upfront, but the city will own the vehicles outright from day 1.
2. Through Government Capitol we can purchase vehicles on various rate programs for 3, 5 or 7 years at an annual cost. Depending on make a model of the vehicle and the length of the sale these costs vary.
3. Employ a lease company, such as Enterprise, to lease and upfit vehicles for an agreed upon length of time. These vehicles can then be returned, and the valued left would be moved to new vehicles within the program, much like any other lease program.

I recommend the city purchase 5 Ford Explorer Interceptors which are pursuit rated, have the desired ground clearance and officer room that we need for our duties. The city should then, in 2 years, begin a system of rotating 2 vehicles per year to ensure that our officers have worthy road vehicles for patrol duties.

Benefits:

Officers could be assured that they are in the proper vehicles to perform the duties they were hired to do and have confidence in the equipment.

Officers will be vastly safer in a vehicle that is being used for its designed purpose and not a vehicle purchased for public use.

Citizens will be assured that the officers will not be delayed or prevented from assisting in emergency situations due to vehicle issues.

Vehicle maintenance costs would decrease dramatically from what we are spending now. The vehicles would be under warranty from most of, if not all, the time we own them.

Additional Safety features:

The Ford Interceptor features the only engineered rear impact technology that can withstand a 75mph rear end impact.

Optional equipment: Additional cost

Hidden ballistic paneling rated for rifle rounds

Heat sanitation system that eliminates viruses inside the vehicle

Police perimeter threat monitor that covers the 270 degrees outside of the driver's view

Delivery date:

The sooner we make an informed decision the better as the vehicles are on a 9-10 month delay in being built, uplifted and delivered

ORDINANCE NO. 2022-O-16

AN ORDINANCE AMENDING THE CITY CODE OF ORDINANCES RELATING SECTIONS OF CHAPTER 3 (BUILDING REGULATIONS), ARTICLE 3.08 (UNSAFE BUILDING ABATEMENT), SUBSTANDARD BUILDING ABATEMENT CODE, PROVIDING FOR MINIMUM STANDARDS FOR USE AND OCCUPANCY OF BUILDINGS, NOTICE OF HEARING, HEARING, ORDER, COMPLIANCE WITH ORDER; AUTHORITY TO SECURE A SUBSTANDARD BUILDING, AND APPEAL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALACIOS, TEXAS that the following amendment is adopted as Amendment to Chapter 3 of Article 3.08 in its Code of Ordinances.

Section 1. The following amendment is to be made to Section 3.08 of the Code of Ordinances.

Sec. 3.08.001 Adoption

- (a) This Article 3.08 may be referred to as the Substandard Building Abatement Code of the City of Palacios. Within this Article, the Zoning Board of Adjustment may be referred to as the “Board.”

Sec. 3.08.002 Minimum standards for use and occupancy of buildings

- (a) On behalf of the City of Palacios, and regardless of the date of its construction, the Board may require the vacation, relocation of occupants, securing, repair, removal, or demolition of a building that is substandard. For the purpose of this Article, a building is substandard if it is:
 - i) dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;
 - ii) unoccupied by its owners, lessees, or other invitees and, regardless of its structural condition, is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
 - iii) boarded up, fenced, or otherwise secured in any manner if:
 - (1) the building constitutes a danger to the public even though secured from entry; or
 - (2) the means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection (ii).

Sec. 3.08.003 Notice of Hearing

- (a) Notwithstanding the requirements of Section 12.800(D) of the Palacios Zoning Ordinance, notice of hearing before the Zoning Board of Adjustment to determine

whether a building is a substandard building under this Article shall be provided in accordance with this Section to each owner of the property prior to the hearing described below in Section 3.08.004

- (b) The Code Compliance Officer shall make a diligent effort to discover each owner, mortgagee, or lienholder of the affected property before conducting the public hearing described below. Such diligent effort shall include searching the following records:
 - i) county real property records of the county in which the building is located;
 - ii) appraisal district records of the appraisal district in which the building is located;
 - iii) records of the secretary of state;
 - iv) assumed name records of the county in which the building is located;
 - v) tax records of the municipality; and
 - vi) utility records of the municipality.
- (c) The Code Compliance Officer shall provide notice to each owner, mortgagee, or lienholder of the affected property before conducting the public hearing described below and give them an opportunity to comment at the hearing. Such notice shall be personally delivered, sent by certified mail with return receipt requested, or delivered by the United States Postal Service using signature confirmation service, and shall contain:
 - i) The name and address of the owner of the affected property if that information can be determined,
 - ii) A legal description of the affected property,
 - iii) A description of the hearing, and
 - iv) A statement that the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.
- (d) In addition, the Code Compliance Officer may file notice of the hearing in the Official Public Records of Real Property in Matagorda County. Filing such notice in the county property records shall constitute notice to each mortgagee and lienholder as required by this section.

Sec. 3.08.004 Hearing

- (a) In a public hearing to determine whether a building complies with the standards set out in this Article, the owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.
- (b) At the public hearing to determine whether a building is a substandard building, the Code Compliance Officer shall present the Board with information supporting the

recommendation that the building is substandard, and the owner, lienholder, and mortgagee may each present information refuting the recommendation that the building is substandard, or information demonstrating the scope of work that may be required to comply with the ordinance and the time it will take to reasonably perform the work. The public hearing is not a full evidentiary hearing, but rather an opportunity to be heard; the Texas Rules of Evidence shall not apply.

- (c) If the Board finds that a building on the affected property is a substandard building, the Board shall require the owner, lienholder, or mortgagee of the building to within 30 days:
 - i) secure the building from unauthorized entry; or
 - ii) repair, remove, or demolish the building, unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within 30 days.
 - (1) If the Board allows the owner, lienholder, or mortgagee more than 30 days to repair, remove, or demolish the building, the Board shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the Board.
 - (2) The Board may not allow the owner, lienholder, or mortgagee more than 90 days to repair, remove, or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:
 - (a) submits a detailed plan and time schedule for the work at the hearing; and
 - (b) establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.
- (d) If the Board allows the owner, lienholder, or mortgagee more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the Board shall require the owner, lienholder, or mortgagee to regularly submit progress reports to the municipality to demonstrate compliance with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder, or mortgagee appear before the Code Compliance Officer to demonstrate compliance with the time schedules. If the owner, lienholder, or mortgagee owns property, including structures or improvements on property, within the City limits that exceeds \$100,000 in total value, the Board may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing, or demolishing a building under this subsection. In lieu of a bond, the Board may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the Board. The

bond must be posted, or the letter of credit or third-party guaranty provided, not later than the 30th day after the date the Board issues the order.

Sec. 3.08.005 Order

- (a) After the public hearing, if a building is found in violation of standards set out in this Article, the Board may order that the building be vacated, secured, repaired, removed, or demolished by the owner within a reasonable time as provided by this section. The Board also may order that the occupants be relocated within a reasonable time.
- (b) The Code Compliance Officer shall promptly mail by certified mail with return receipt requested, deliver by the United States Postal Service using signature confirmation service, or personally deliver a copy of the order to the owner of the building and to any lienholder or mortgagee of the building.
- (c) Within 10 days after the date that the order is issued, the Code Compliance Officer shall:
 - i) file a copy of the order in the office of the City Secretary; and
 - ii) publish in a newspaper of general circulation in the City in which the building is located a notice containing:
 - (1) the street address or legal description of the property;
 - (2) the date of the hearing;
 - (3) a brief statement indicating the results of the order; and
 - (4) instructions stating where a complete copy of the order may be obtained.

Sec. 3.08.006 Compliance with Order

- (a) If the building is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the allotted time, the City may vacate, secure, remove, or demolish the building or relocate the occupants at its own expense. This section does not limit the ability of the City to collect on a bond or other financial guaranty that may be required by Subsection 3.08.004(c).

Sec. 3.08.007 Authority to Secure a Substandard Building

- (a) Notwithstanding anything to the contrary in this Article, the Code Compliance Officer may secure a building that the Code Compliance Officer determines is a substandard building and is unoccupied or occupied only by persons who do not have a right of possession to the building.
- (b) Before the 11th day after the date the building is secured, the Code Compliance Officer shall give notice to the owner by:
 - i) personally serving the owner with written notice;
 - ii) depositing the notice in the United States mail addressed to the owner at the owner's post office address;

- iii) publishing the notice at least twice within a 10-day period in a newspaper of general circulation in Matagorda County if personal service cannot be obtained and the owner's post office address is unknown; or
 - iv) posting the notice on or near the front door of the building if personal service cannot be obtained and the owner's post office address is unknown.
- (c) The notice must contain:
- i) an identification, which is not required to be a legal description, of the building and the property on which it is located;
 - ii) a description of the violation of the municipal standards that is present at the building;
 - iii) a statement that the Code Compliance Officer will secure or has secured, as the case may be, the building; and
 - iv) an explanation of the owner's entitlement to request a hearing about any matter relating to the municipality's securing of the building.
- (d) The Board shall conduct a hearing at which the owner may testify or present witnesses or written information about any matter relating to the Code Compliance Officer's securing of the building if, within 30 days after the date the Code Compliance Officer secures the building, the owner files with the City Secretary a written request for the hearing. The Board shall conduct the hearing within 20 days after the date the request is filed.

Sec. 3.08.008 Appeal.

- (a) The owner, lienholder, or mortgagee of record shall have the right to appeal the decision of the Board to the city council. A written notice of appeal must be filed with the City Secretary within seven (7) calendar days from the date the commission renders its order on a form provided for that purpose. The city council shall hold a hearing on the matter at its next regularly scheduled meeting, unless to do so would make it impossible for the city council to render a decision prior to the expiration of the time frame in which to file an appeal with the district court as provided in state law, in which case a special meeting shall be called. The city council may reverse or affirm, in whole or in part, or modify the Board's order and make the correct order.

Section 2. Other than as amended herein, all remaining sections of Chapter 3, remain in full force and effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section. 3. This Ordinance shall become effective upon adoption and publication as required by law.

FIRST READING APPROVED AND ADOPTED this 22nd day of September, 2022.

CITY OF PALACIOS, TEXAS

Jim Gardner, Mayor

ATTEST:

Approved By:

Cynthia Raleigh, City Manager

Anne Marie Odefey, City Attorney

Council Member:	Voted Aye	Voted No	Absent
Jim Gardner, Mayor	_____	_____	_____
Larry Glenn	_____	_____	_____
Sharon Trainor	_____	_____	_____
Chip Woolf	_____	_____	_____
Troy Lewis	_____	_____	_____
Raylynn Samora	_____	_____	_____
Michael Dotson	_____	_____	_____

SECOND READING APPROVED AND ADOPTED this 13th day of October, 2022.

CITY OF PALACIOS, TEXAS

Jim Gardner, Mayor

ATTEST:

Approved By:

Cynthia Raleigh, City Manager

Anne Marie Odefey, City Attorney

Council Member:	Voted Aye	Voted No	Absent
Jim Gardner, Mayor	_____	_____	_____
Larry Glenn	_____	_____	_____
Sharon Trainor	_____	_____	_____
Chip Woolf	_____	_____	_____
Troy Lewis	_____	_____	_____
Raylynn Samora	_____	_____	_____
Michael Dotson	_____	_____	_____

CITY COUNCIL MEMORANDUM

City Council Meeting: October 13, 2022
Department: City Council
Subject: P&Z Member Appointment

BACKGROUND

Per City Charter

Section 10.01

The City Council shall appoint a City Planning Commission consisting of five (5) members who shall be residents of the City who are not members of the City Council or employees of the City and who shall serve without compensation. Members shall be appointed at the first regular meeting of June of each year for a two (2) year term with three (3) to be appointed each even numbered year and two (2) to be appointed each odd numbered year.

Section 10.02

Vacancies occurring on the Planning Commission shall be filled by the City Council for the remainder of the term within thirty (30) days after the vacancy occurs. Any member of the Commission who is absent for three (3) consecutive regular meetings of the Planning Commission, without being excused, may have his/her office declared vacated by the City Council.

As of October 1, 2022 – the Planning Commission consists of two members: Joe Monk and Justin Whited.

Applications have been received and are attached to this backup.

GOALS

To fill the three (3) vacancies on the Planning Commission

FISCAL IMPACT

None.

RECOMMENDATION

Appoint interested parties to the Planning Commission

ATTACHMENT

Applications received

CITY COUNCIL MEMORANDUM

City Council Meeting: October 13, 2022
Department: City Council
Subject: Variance Request 708 Rorem

BACKGROUND

On July 14, 2022, Sigrid Colesio of Colesio Realty in Bay City spoke in Public Forum regarding a request for a permanent zoning variance allowing an RV to be used in place of a residential home at 708 Rorem.

Since this was a public forum only, and not an agenda item, the City Council could not debate this request.

Ms. Colesio reached out to City Hall by email and in person regarding a status of the variance. She was informed that:

During public forum:

The public is invited to address the City Council and speak on any matter not specifically listed for public hearing elsewhere in this Agenda. Please note Council Members may not deliberate on topics not included on this agenda.

This request would usually go before the planning and zoning commission; however, at this time, the planning and zoning commission is not fully seated. Our suggestion is to present this variance to Council at our next regular meeting on the 13th of October at 6PM. We will place it on the agenda, so the Council may discuss and take action if desired.

Per our Ordinance 2011-O-5, sec. 2, adopted 6/14/11

Subject to lawful compliance with this code, a recreational vehicle may be placed, or permitted to remain within the city, if and only if, it is situated:

- (1) In a manufactured home park or recreational vehicle park which the operator is licensed to operate pursuant to [part III](#) of this division;
- (2) In a recreational vehicle sales lot;
- (3) Upon a site that the recreational vehicle has continuously occupied since December 19, 2007, provided that the occupation was lawful on that date, provided that the continued occupation thereof does not pose a danger to the health or safety of persons within the

recreational vehicle or to others, and further provided that unit must meet all requirements of [section 10.02.442\(a\)\(4\)](#) and (5);

(4) Upon a site that the recreational vehicle occupied prior to annexation of the site by the city, provided that the recreational vehicle has continuously occupied the site since the date the site was annexed, provided that the continued occupation thereof does not pose a danger to the health or safety of persons within the recreational vehicle or to others, and further provided that unit must meet all requirements of [section 10.02.442\(a\)\(4\)](#) and (5);

(5) Upon a temporary site authorized by the building inspector for disaster assistance organizations used as authorized in [section 10.02.389](#) of this code; and

(6) On a lot zoned for recreational vehicles and where it is the only residential structure on that lot, and the lot and recreational vehicle comply with all the requirements of this code.

(7) A recreational vehicle permitted to remain pursuant to subsection (3) above may be temporarily removed and returned to the site, or replaced on that site by another recreational vehicle, provided it is returned or replaced within six months from the date it is removed.

GOALS

To satisfy the requests of the property owner and realtor regarding the need for an answer regarding the permission to permanently place an RV on a residential property.

FISCAL IMPACT

Unknown, setting a precedent has its responsibilities.

RECOMMENDATION

To answer the following questions:

1. Does the City Council wish to make a decision now, or wait for the new P&Z Board to be seated?
2. Is a variance allowed on this property?

ATTACHMENT

Documents provided to City Council on July 14