



LINH CHAU – Mayor  
 LARRY GLENN – Councilmember Place 1  
 DONNA HARVEY SCHULMAN – 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  
 SEPTEMBER 14, 2021  
 6:00 pm**

**REGULAR COUNCIL MEETING**

**CALL TO ORDER** – Mayor Chau 6:00 pm  
**INVOCATION** – Councilmember Lewis  
**PLEDGE OF ALLEGIANCE** – Councilmember Samora  
**PLEDGE TO TEXAS FLAG** – Councilmember Samora  
**PLEDGE TO PALACIOS FLAG** – Councilmember Samora

**PUBLIC HEARING 6PM**

The public may attend the hearing to address any comments  
 regarding the proposed 2021 tax rate.

Mayor Chau opened the public hearing at 6:00 pm. Patricia Loving discussed her concern for lowering the tax rate and stated she supports keeping the same tax rate as 2020. Mayor Chau closed the public hearing at 6:05 pm

**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. Eddie Reis gave an explanation regarding the van he donated to the Palacios Police Department. Mr. Reis explained that he donated the van and hired the gentlemen doing the work on the van and that the Police Department had nothing to do with this other than driving the vehicle to the location to be worked on. Councilmember Schulman and Councilmember Glenn had a few questions for clarification and Mr. Reis answered them.
2. Mr. Russell from 300 Green stated there was a broken valve on the storm sewer at 4<sup>th</sup> and Green and that the drainage there needed to be fixed. Also that a larger Hospital Street Sign be put up at Hwy 35 and Green.

**ITEMS TO BE CONSIDERED**

1. Discuss and consider designating a representative and an alternate to Houston Galveston Area Council.  
 Mayor motioned to designate Troy Lewis as Representative and Donna Schulman as alternate to the Houston Galveston Area Council  
 Councilmember Schulman seconded  
 With no opposition, the motion carried
2. Discuss and consider voting for a candidate in the election for Region 14 of the Board of Trustees for the Texas Municipal League Health Benefits Pool.  
 Mayor motioned to vote for James E. Reynolds for Election for Region 14 of the Board of Trustees for the Texas Municipal League Health Benefits Pool  
 Councilmember Schulman seconded the motion  
 With no opposition, the motion carried
3. Discuss and consider action to approve the following consent agenda items:  
 Minutes of the August 24, 2021 Regular Council Meeting

Excuse the absence of Councilmember Schulman from the August 24, 2021 regular council meeting

Minutes of the September 7, 2021 Special Council Meeting

Mayor motioned to approve the minutes of August 24, 2021 Regular Council Meeting, excuse the absence of Councilmember Shulman from the August 24, 2021 regular council meeting, and approve the minutes of the September 7, 2021 Special Council Meeting as is Councilmember Schulman seconded the motion

With no opposition, the motion carried

Mayor Chau went to go into executive session. City Manager David Kocurek asked for an open Executive Session. Mayor Chau called for a short recess at 6:25 pm in order to tally up the evaluations from Council for the City Manager.

Councilmember Dotson asked if the City Manager was sure that he wanted an open Executive Session. City Manager, David Kocurek, responded yes he was sure.

**EXECUTIVE SESSION** - Mayor Chau opened the Open Executive Session at 6:46 pm

In accordance with Chapter 551, Government Code, (Open Meetings Law) the Council

May go into Executive (closed) session in order to:

Consult with its attorney (551.071) -

Discuss Real Estate transaction (551.072) -

Deliberation regarding prospective gifts or donation (551.073)

Discuss personnel matters (551.074) - Discuss the appointment, employment, compensation,

evaluation, reassignment, duties, discipline, or dismissal of the City Manager

Deliberation regarding security devices (551.076)

Discuss economic development negotiations (551.087) -

Mayor Chau reviewed City Manager's evaluation score of 1.43 which is between a 1 which is unacceptable and a 2 which is conditional. Mayor explained that there are 10 questions and the rating is 1 to 5 and they are added and averaged.

Councilmember Schulman read off the criteria and explained that she had examples to back up her ratings. She stated that although she believed work needed to be done on time management, she did not believe that was grounds for termination. Councilmember Schulman read off the objectives and goals for the City Manager for 2020-2021 and stated that all goals were met. There has been a lot of change over the last 10 years in the City. She suggests that the City Manager just needs direction from Mayor and Council on what they are wanting.

Councilmember Glenn stated that he rated the City Manager lower and that he did not have to have a cause for it.

Councilmember Dotson stated that the City Manager took the side of a contractor over the side of a taxpaying citizen.

Councilmember Woolf said he is a result person. There are pot hole and drainage issues. He doesn't like waiting on grants to get results. He also stated that 6 out of the 10 evaluation questions he gave the City Manager a satisfied rating and 4 questions he gave a needs improvement rating. He believes Council can work with the City Manager to solve these issues.

Councilmember Samora stated that she has not seen any change. She is concerned with pot holes, ditches being overgrown, negative views from citizens, and she is unhappy with management.

Councilmember Lewis stated that he wants better for the City. We need to work together to make changes.

Mayor Chau asked if the City Manager renewed a contract without bringing it before Council. After some discussion it was regarding a mowing contract. The City Manager confirmed that it was during previous council's tenure and that the Mayor at the time told him it was ok to sign the contract. The City Manager explained that if Council wished he could bring all contracts and extensions before Council for approval. Mayor Chau asked about a piece of sewer equipment being sold at a salvage price and not being put on auction. City Manager stated that he got the salvage price from the salvage yard and sold it for that amount of money. Councilmember Glenn stated it was sold to a friend of the City Manager, Dwight, at scrap metal price.

Councilmember Dotson stated that the Coalition was receiving free rent and that on July 20 Sarah

Hickman posted on facebook she was going to be purchasing the property. City Manager explained that they were selling the property the Council had agreed was surplus property but there is not an agreement with anyone to buy the property.

Mayor Chau addressed issues with the Code Enforcement and Building Codes. City Manager explained that is why the 21-22 budget has a line item to hire a company to update the codes. Councilmember Glenn asked some questions regarding which was the proper code to use for Electrical and Plumbing. The City Manager stated that the newest code was required and we just give guidance.

Councilmember Glenn asked if the City Manager ever got upset and yelled at employees. He stated he was in the office of the City Secretary when the City Manager yelled at her over maps and when someone from outside the office produced the proper maps and stated they were never given to the City Manager, the City Manager never apologized to the City Secretary. The City Manager did not recall the incident and stated that he has discussions with employees and some do not like being reprimanded.

Councilmember Schulman pointed out that she had a conversation after the September 7, 2021 Council meeting with employees Clissa Mills and Tammy McDonald and they both stated the City Manager was a great boss and they both love their jobs.

Councilmember Dotson stated that Council, including himself, was here to represent the taxpayers. He asked the City Manager about an incident where the City Manager made his neighbor cry. The City Manager responded that the City staff went above and beyond to clean up her yard.

The City Manager stated that he has always met all goals set out by Council and prior to this year he has always received a satisfactory or above evaluation. He said over the past 10 years he has brought in \$12 Million in grants including a new wastewater treatment plant, fixing sewer and water lines and fixing potholes. In the past year and currently he has worked on a new Municipal Court, a 5 million drainage grant, a 6.7 million Coastal Resiliency Grant, 1.4 million Foley Addition drainage and street grant, \$300,000 Texas Emergency Mortgage grant and GLO Harvey homes grants. He stated that this is all with a budget of less than 3 million. The City Manager stated that when he started many projects and work orders were behind and he made a lot of changes and upgrade during his time. He has worked with the EDC, Beachside Development, new subdivision, South Bay Marina Project and with 3 mayors. He worked on the 5<sup>th</sup> and Morton property sale and has made a lot of changes but he can't say yes to everyone. He has worked with a limited budget but believes the City is moving in the right direction including that permitting is up. The City Manager stated he has worked with the School District, Navigation District, County Judge and Seawall Commission and he had such a good working relationship that the City of Palacios received extra County monies from Hurricane Ike.

Councilmember Schulman stated that the City Manager met or exceeded all goals for the past 3 years. She will not vote to fire or terminate him. She also stated that Council had voted to given him a raise every year.

Mayor Chau closed the Open Executive Session at 7:48 pm

#### **ACTION ON EXECUTIVE SESSION**

1. Discuss the appointment, employment, compensation, evaluation, reassignment, duties, discipline, or dismissal of the City Manager  
 Mayor Chau made a motion to open discussion  
 Councilmember Samora seconded the motion  
 Mayor Chau explained that the options were to keep, terminate contract or dismiss the City Manager  
 Councilmember Schulman made a motion to reappoint David Kocurek as City Manager  
 With no second the motion died  
 Mayor Chau made a motion for the dismissal of the City Manager  
 Councilmember Samora seconded the motion  
 Vote to dismiss City Manager:

Councilmember Glenn – Yes  
 Councilmember Schulman – No  
 Councilmember Woolf – No

Councilmember Lewis – Yes  
Councilmember Samora – Yes  
Councilmember Dotson – Yes  
With a 5 to 2 vote the motion passed

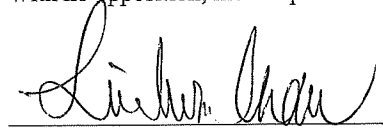
The Mayor stated that the Council needed to revoke any acting City Manager that the City Manager had appointed. The City Manager stated that he has never appointed an acting City Manager.

**ADJOURN**

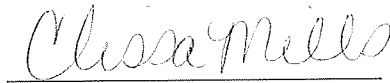
Councilmember Schulman made a motion to adjourn

Councilmember Dotson seconded the motion

With no opposition, motion passed to adjourn the City Council Meeting at 8:02 pm



Linh Chau, Mayor



Clissa Mills, City Secretary

