

STATE OF TEXAS §
COUNTY OF CALHOUN §
CITY OF PORT LAVACA §

On this the 12th day of January, 2015, the City Council of the City of Port Lavaca, Texas, convened in regular session at 6:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following members in attendance:

Jack Whitlow	Mayor
Jerry Smith	Councilman, District 1
Raymond Perez	Councilman, District 2
Lee Rivera	Councilman, District 3
Rosie G. Padron	Councilwoman, District 4
Jim Ward	Councilman, District 5, Mayor Pro-Tem
Ken Barr	Councilman, District 6

And with the following absent:

None

Constituting a quorum for the transaction of business, at which time the following business was transacted:

CALL TO ORDER

- Mayor Whitlow called the meeting to order at 6:35 P.M. and presided.
- D. J. Williams gave the invocation.
- Mayor Whitlow led the pledge of allegiance to the American and Texas flags.
- Mayor asked for comments from the public and the following citizens spoke:
 - 1) Sandra Paul 411 S. Commerce Port Lavaca
 - 2) Paula Downelly 423 S. Commerce Port Lavaca

CONSENT AGENDA:

- (A) **MINUTES OF DECEMBER 08, 2014 REGULAR MEETING**
- (B) **CONSIDER REQUEST OF CALHOUN CITIZENS IN ACTION (CCIA) FOR PARADE PERMIT IN CONNECTION WITH MARTIN LUTHER KING CELEBRATION ON SATURDAY, JANUARY 17, 2015, TRAFFIC CONTROL BY POLICE DEPARTMENT AND WAIVER OF ANY RELATED FEES**
- (C) **CONSIDER DECLARING CITY PROPERTY AS SURPLUS AND APPROVE SAME FOR PUBLIC AUCTION**
- (D) **PAYMENT OF INVOICES EXCEEDING \$1,500**

Councilman Ward made a motion to pass the following:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

THAT, in accordance with recommendation of staff, Council hereby approves all consent agenda items as listed.

Councilman Barr seconded this motion.

Motion passed by the following vote:

AYES: Smith, Perez, Rivera, Padron, Ward and Barr

NAYS: None

CONSIDER RESOLUTION NO. R-011215-1E ESTABLISHING PROVISIONS FOR CONDUCT FOR THE CITY OF PORT LAVACA GENERAL OFFICERS ELECTION HELD ON THE UNIFORM DATE OF MAY 09, 2015 AND AUTHORIZING MAYOR TO ISSUE ORDER OF ELECTION

Councilman Ward made a motion to pass the following:

WHEREAS, in accordance with the City Charter of the City of Port Lavaca, the Texas Election Code and other applicable state and federal laws, the City Council of the City of Port Lavaca, Texas hereby finds that a general officers election should be held on Saturday, May 09, 2015.

WHEREAS, in addition to calling and ordering the general officers election, City Council finds it necessary and expedient to establish provisions for the conduct of such election:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

SECTION 1. THAT, an election shall be held on Saturday, May 09, 2015, which is a uniform election date, in the City of Port Lavaca, Texas, which date is not less than forty five (45) days from the date of the adoption of this resolution for the purpose of electing the following officers:

- One Council Member, Single District Two, for a term of 3 years; and
- One Council Member, Single District Six, for a term of 3 years

SECTION 2. THAT. the Qualifications for Office, per City Charter Article 4.02, are as follows:

- a) In addition to the requirements of state law, at the time of election to office, the Mayor and each member of Council shall be at least twenty one (21) years of age, shall be a United States citizen and qualified voter of the State of Texas, shall have resided in the City for not less than one (1) year immediately preceding the election filing deadline and, if elected from a district, shall have resided in the district from which elected for not less than six (6) months immediately preceding the election filing deadline.

- b) Candidates for office shall make a sworn application for a place on the ballot within the times prescribed by the Texas Election Code, and pay any filing fee established by ordinance. Applications shall designate the position sought and applications for council member shall include the district number, if applicable. It shall be the duty of the Office of the City Secretary of the City of Port Lavaca to place the name of all qualified candidates making timely application on the official ballot. Legal proof of length of residency in the City and/or district must be presented to the Office of the City Secretary upon filing for office.

SECTION 3. THAT, per City Charter, Article 4.03, the candidate receiving a majority of the votes cast for the office sought shall be elected to that office. In the event no candidate receives a majority of the votes cast at the regular election, then and in that event, a run-off election shall be held in accordance with Texas Election Law following procedures therein.

SECTION 4. THAT, the Office of the City Secretary of the City of Port Lavaca shall consist of the City Secretary and/or the Assistant City Secretary and shall perform all duties necessary to conduct the general officers election.

SECTION 5. THAT, the Office of the City Secretary, is expressly authorized to obtain election supplies and equipment required by law and necessary to conduct such election.

SECTION 6. THAT, such election shall be conducted by the City of Port Lavaca, with Early Voting Days and the Election Day voting to be at the following polling place designated for each City election district:

<u>DISTRICT NUMBER</u>	<u>POLLING PLACE</u>
District One	City of Port Lavaca City Hall – Main Lobby 202 N. Virginia Street
District Two	City of Port Lavaca City Hall – Main Lobby 202 N. Virginia Street
District Three	City of Port Lavaca City Hall - Main Lobby 202 N. Virginia Street
District Four	City of Port Lavaca City Hall - Main Lobby 202 N. Virginia Street
District Five	City of Port Lavaca City Hall - Main Lobby 202 N. Virginia Street
District Six	City of Port Lavaca City Hall -Main Lobby 202 N. Virginia Street

SECTION 7. THAT, Early Voting Days shall be conducted during the following schedule:

Monday	April	27	from	8:00	a.m.	to	5:00	p.m.
Tuesday	April	28	from	7:00	a.m.	to	7:00	p.m.
Wednesday	April	29	from	8:00	a.m.	to	5:00	p.m.
Thursday	April	30	from	7:00	a.m.	to	7:00	p.m.
Friday	May	1	from	8:00	a.m.	to	5:00	p.m.
Monday	May	4	from	8:00	a.m.	to	5:00	p.m.
Tuesday	May	5	from	8:00	a.m.	to	5:00	p.m.

Early voting by personal appearance shall be conducted during the regular business hours of the Office of the City Secretary each week day from 8:00 a.m. until 5:00 p.m., except for the second and fourth days of the early voting period by personal appearance. On the second and fourth days of early voting by personal appearance, the Office of the City Secretary's regular business hours are hereby designated as 7:00 a.m. until 7:00 p.m.

SECTION 8. THAT, Election Day Voting shall be conducted during the following date and time:

Saturday	May	09	from	7:00	a.m.	to	7:00	p.m.
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SECTION 9. THAT, Notice of the election, including a Spanish translation thereof, shall be posted at City Hall and published in a local newspaper as provided by the Home Rule Charter of the City of Port Lavaca, the Texas Election Code and/or other state and federal law, and the Mayor, or his designee, is hereby authorized and directed to execute such Notice together with an Order calling such election.

SECTION 10. THAT, should any part, section, subsection, paragraph, sentence, clause or phrase contained in this resolution be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this resolution, but in all respects said remaining portion shall be and remain in full force and effect.

SECTION 11. THAT, this resolution shall be effective immediately upon adoption.

Councilman Barr seconded said motion

Motion passed by the following vote:

AYES: Smith, Perez, Rivera, Padron, Ward and Barr

NAYS: None

CONSIDER LEASE AGREEMENT WITH CALHOUN COUNTY FOR USE OF ELECTRONIC VOTING EQUIPMENT FOR THE CITY OF PORT LAVACA GENERAL OFFICERS ELECTION HELD ON THE UNIFORM DATE OF MAY 09, 2015

City Secretary Grant advised Council the lease proposal for the use of Calhoun County's Electronic Voting Equipment in connection with the May 09, 2015 City of Port Lavaca General Elections would be approximately \$1,296.00. She also advised staff recommends Council approve request.

Councilman Ward made a motion to pass the following:

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

THAT, in accordance with the recommendation of staff, Council hereby approves a lease agreement with Calhoun County Elections for the use of Electronic Voting Equipment in connection with the May 09, 2015 City of Port Lavaca General Elections, a copy of which is on file in the office of the City Secretary, and reference to which is here made for any and all purposes.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute all instruments necessary to effect such agreement.

Councilman Barr seconded said motion

Motion passed by the following vote:

AYES: Smith, Perez, Rivera, Padron, Ward and Barr

NAYS: None

CONSIDER APPOINTMENT OF COUNCILMAN JERRY SMITH TO SERVE ON THE CITY INVESTMENT/AUDIT COMMITTEE

City Manager Turner advised Council that staff would like to add Councilman Smith to the Investment/Audit Committee since he is the newest member of Council and would be a great asset.

Councilman Barr made a motion to pass the following:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

THAT, according to the recommendation of staff, Council hereby appoints Councilman Smith to serve on the Investment/Audit Committee and THAT the committee is to be composed of the City Manager, Finance Director, Councilman Ward, Councilwoman Padron and Councilman Smith.

Councilman Perez seconded said motion

Motion passed by the following vote:

AYES: Smith, Perez, Rivera, Padron, Ward and Barr

NAYS: None

CONSIDER AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN CITY OF PORT LAVACA AND FREESE & NICHOLS, INC. RELATED TO DEVELOPMENT OF A COMPREHENSIVE PLAN

City Manager Turner advised Council that request for qualifications (RFQ) had been asked for prior to entering into an agreement to develop a Comprehensive Plan. He commented that this Plan is to incorporate the needs and desires of the community, strategic planning/council goals and the recent waterfront and future land use. He said the scope of services will be implemented in three phases within the near-term of 2015-2025 and within a longer-term planning horizon of 2025-2035. He said professional services by Freese & Nichols, Inc., related to development of the Comprehensive Plan, will be completed for the sum of \$124,450. He advised staff recommends Council approve this request.

- The following citizens made comments:
 - 1) Robert Paul 411 S. Commerce Port Lavaca
 - 2) Jodie Thorne property owner across from Davila Shoe Shop – Commerce Street

Councilman Ward made a motion to pass the following:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

THAT, in accordance with the recommendation of staff, Council hereby authorizes entering into an agreement for professional services between the City of Port Lavaca and Freese & Nichols, Inc. for development of a Comprehensive Plan to be completed for the sum of one hundred twenty-four thousand four hundred fifty dollars and no cents (\$124,450).

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute all instruments necessary to effect the contract.

Councilman Rivera seconded said motion

Motion passed by the following vote:

AYES: Smith, Perez, Rivera, Padron, Ward and Barr

NAYS: None

ANNOUNCEMENT BY MAYOR THAT CITY COUNCIL WILL RETIRE INTO CLOSED SESSION:

- **TO DISCUSS PERSONNEL MATTERS IN ACCORDANCE WITH TITLE 5, SECTION 551.074 OF THE TEXAS GOVERNMENT CODE (TO DISCUSS APPOINTMENT, EMPLOYMENT, EVALUATION, RESPONSIBILITIES AND DUTIES, REASSIGNMENT, DISCIPLINE OR DISMISSAL OF AN OFFICER OR EMPLOYEE, OR TO HEAR A COMPLAINT OR CHARGE AGAINST AN OFFICER OR EMPLOYEE [CITY MANAGER])**

Mayor Whitlow announced that Council would retire into closed session at 7:20 p.m.

RETURN TO OPEN SESSION AND TAKE ANY ACTION DEEMED NECESSARY WITH REGARD TO MATTERS DISCUSSED IN CLOSED SESSION

Mayor Whitlow announced that Council was back in open session at 8:17 p.m.

Councilman Rivera made a motion to pass the following:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

THAT, in accordance with the recommendation of staff, Council hereby authorizes City Manager Turner to contract with Strategic Government Resources in searching for new City Manager for the City of Port Lavaca.

Councilman Ward seconded said motion

Motion passed by the following vote:

AYES: Smith, Perez, Rivera, Padron, Ward and Barr

NAYS: None

ADJOURN

Councilman Barr made a motion to adjourn the meeting

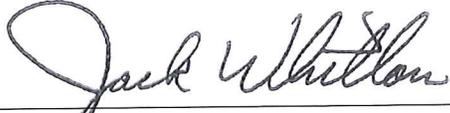
Councilman Perez seconded said motion

Motion passed by the following vote:

AYES: Smith, Perez, Rivera, Padron Ward, and Barr

NAYS: None

Meeting adjourned at 8:20 P.M.



Jack Whitlow, Mayor

ATTEST:



Mandy Grant, City Secretary

PUBLIC NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS, WILL HOLD A REGULAR MEETING MONDAY, JANUARY 12, 2015 BEGINNING AT 6:30 P.M., AT THE REGULAR MEETING PLACE IN COUNCIL CHAMBERS AT CITY HALL, 202 NORTH VIRGINIA STREET, PORT LAVACA, TEXAS TO CONSIDER THE FOLLOWING ITEMS OF BUSINESS:

THE FOLLOWING ITEM WILL BE ADDRESSED AT THIS OR ANY OTHER MEETING OF THE CITY COUNCIL UPON THE REQUEST OF THE MAYOR, ANY MEMBER(S) OF COUNCIL AND/OR THE CITY ATTORNEY:

ANNOUNCEMENT BY THE MAYOR THAT COUNCIL WILL RETIRE INTO CLOSED SESSION FOR CONSULTATION WITH CITY ATTORNEY ON MATTERS IN WHICH THE DUTY OF THE ATTORNEY TO THE COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH CHAPTER 551 OF TITLE 5, SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE.

(All matters listed under the Consent Agenda item are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.)

- CALL TO ORDER
- INVOCATION
- PLEDGE OF ALLEGIANCE
- COMMENTS FROM THE PUBLIC
(Limited to 3 minutes per individual unless permission to speak longer is received in advance)

AGENDA: (COUNCIL WILL CONSIDER/DISCUSS THE FOLLOWING ITEMS AND TAKE ANY ACTION DEEMED NECESSARY)

1. CONSENT AGENDA:
 - (E) MINUTES OF DECEMBER 08, 2014 REGULAR MEETING
 - (F) CONSIDER REQUEST OF CALHOUN CITIZENS IN ACTION (CCIA) FOR PARADE PERMIT IN CONNECTION WITH MARTIN LUTHER KING CELEBRATION ON SATURDAY, JANUARY 17, 2015, TRAFFIC CONTROL BY POLICE DEPARTMENT AND WAIVER OF ANY RELATED FEES
 - (G) CONSIDER DECLARING CITY PROPERTY AS SURPLUS AND APPROVE SAME FOR PUBLIC AUCTION
 - (H) PAYMENT OF INVOICES EXCEEDING \$1,500
2. CONSIDER RESOLUTION NO. R-011215-1E ESTABLISHING PROVISIONS FOR CONDUCT FOR THE CITY OF PORT LAVACA GENERAL OFFICERS ELECTION HELD ON THE UNIFORM DATE OF MAY 09, 2015 AND AUTHORIZING MAYOR TO ISSUE ORDER OF ELECTION
3. CONSIDER LEASE AGREEMENT WITH CALHOUN COUNTY FOR USE OF ELECTRONIC VOTING EQUIPMENT FOR THE CITY OF PORT LAVACA GENERAL OFFICERS ELECTION HELD ON THE UNIFORM DATE OF MAY 09, 2015
4. CONSIDER APPOINTMENT OF COUNCILMAN JERRY SMITH TO SERVE ON THE CITY INVESTMENT/AUDIT COMMITTEE
5. CONSIDER AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN CITY OF PORT LAVACA AND FREESE & NICHOLS, INC. RELATED TO DEVELOPMENT OF A COMPREHENSIVE PLAN
6. ANNOUNCEMENT BY MAYOR THAT CITY COUNCIL WILL RETIRE INTO CLOSED SESSION:
 - TO DISCUSS PERSONNEL MATTERS IN ACCORDANCE WITH TITLE 5, SECTION 551.074 OF THE TEXAS GOVERNMENT CODE (TO DISCUSS APPOINTMENT, EMPLOYMENT, EVALUATION, RESPONSIBILITIES AND DUTIES, REASSIGNMENT, DISCIPLINE OR DISMISSAL OF AN OFFICER OR EMPLOYEE, OR TO HEAR A COMPLAINT OR CHARGE AGAINST AN OFFICER OR EMPLOYEE [CITY MANAGER])

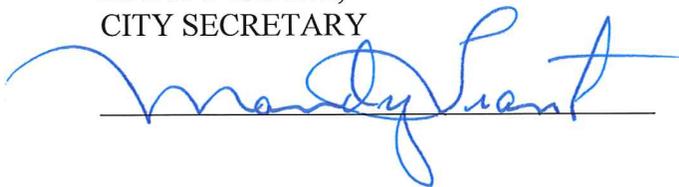
7. RETURN TO OPEN SESSION AND TAKE ANY ACTION DEEMED NECESSARY WITH REGARD TO MATTERS DISCUSSED IN CLOSED SESSION

ADJOURN

CERTIFICATION OF POSTING NOTICE

THIS IS TO CERTIFY THAT THE ABOVE NOTICE OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PORT LAVACA, SCHEDULED FOR MONDAY, JANUARY 12, 2015, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 5:00 P.M. THURSDAY, JANUARY 08, 2015.

MANDY GRANT,
CITY SECRETARY



The Port Lavaca City Hall and Council Chambers are wheelchair accessible. Access to the building is available at the primary north entrance facing Mahan Street. Special parking spaces are located in the Mahan Street parking area. In compliance with the Americans with Disabilities Act, the City of Port Lavaca will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact City Secretary Mandy Grant at (361) 552-9793 Ext. 230 for assistance.