

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

On this the 9th day of March, 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 6:37 P.M. and presided.
- City Manager Turner gave the invocation.
- Mayor Whitlow led the pledge of allegiance to the American and Texas flags.
- Mayor Whitlow presented an Employee Service Award:
 - Donnie McGrew 15 Years Service Animal Control Department
- Mayor asked for comments from the public and there were none.

CONSENT AGENDA:

- (A) **MINUTES OF FEBRUARY 09, 2015 REGULAR MEETING**
- (B) **MINUTES OF FEBRUARY 23, 2015 WORKSHOP SESSION**
- (C) **CONSIDER DECLARING CITY PROPERTY AS SURPLUS (1995 CHEVROLET SILVERADO TRUCK) AND APPROVE SAME FOR PUBLIC SALE**
- (D) **CONSIDER CONTINUATION OF THE CONTRACT BETWEEN THE CITY OF PORT LAVACA AND THE YMCA FOR THE OPERATION OF THE CITY'S SWIMMING POOL**
- (E) **PAYMENT OF INVOICES EXCEEDING \$1,500**

Councilman Perez 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 Ward seconded this motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER RESOLUTION NO. R-030915-1 OF THE CITY OF PORT LAVACA, TEXAS, AUTHORIZING THE SUBMISSION OF A DJ-EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR OF THE STATE OF TEXAS FOR THE PORT LAVACA POLICE DEPARTMENT TACTICAL TEAM PROJECT; AUTHORIZING THE MAYOR TO ACT AS THE EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE PARTICIPATION IN THE DJ-EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM

Councilman Perez made a motion to pass the following:

WHEREAS, the City of Port Lavaca desires to develop a viable tactical team within the Port Lavaca Police Department to assist with high risk warrant service, drug trafficking, and terrorism prevention in an effort to enhance the security of the community; and

WHEREAS, certain conditions exist within the community which represent a potential risk to the public health and safety; and

WHEREAS, it is necessary and in the best interests of the City of Port Lavaca to apply for funding under the 2015-2016 DJ-Edward Byrne Memorial Justice Assistance Grant Program.

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

- Section 1. That a Port Lavaca Police Department Tactical Team application is hereby authorized to be filed with the Office of the Governor of the State of Texas for funding consideration under the DJ-Edward Byrne Memorial Justice Assistance Grant; and
- Section 2. That the application be for up to \$37,218.64 of grant funds to carry out the purchase of equipment to implement the Port Lavaca Police Department Tactical Team in the City of Port Lavaca; and

- Section 3. That minimum matching funds in the amount of \$0.00 in cash are committed by the City of Port Lavaca toward the application activities; and
- Section 4. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.
- Section 5. That the Mayor is designated as the Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and participation in the DJ-Edward Byrne Memorial Justice Assistance Grant.

Councilman Barr seconded this motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER AWARD OF BID FOR PATCHING MATERIALS (LIMESTONE AND COATED ROCK PB4) FROM MARCH 01, 2015 THROUGH MARCH 01, 2016

Public Works Director Gurley advised Council that sealed bids for patching materials for the term of March 01, 2015 through March 01, 2016, had been opened on Wednesday, February 18, 2015. He said two bids were received from Vulcan Materials and Quality Hot Mix. The lowest bid was from Quality Hot Mix for the following:

Limestone	\$26.50 per yard
Coated Rock PB4	\$54.50 per ton

Councilman Barr 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 awards the bid for patching materials to Quality Hot Mix for Limestone at \$26.50 per yard and Coated Rock PB4 at \$54.50 per ton, for the period of March 01, 2015 through March 01, 2016.

Councilman Perez seconded this motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER AWARD OF BID FOR THE CONSTRUCTION OF THE CITY'S NEW PUBLIC WORKS BUILDING AS PART OF THE 2014-2015 CAPITAL IMPROVEMENT PROJECT (CIP)

Public Works Director Gurley advised Council that staff opened bids for the new Public Works Service Center on February 18, 2015. He said four bids were received as follows:

Hlavinka Construction	\$498,500
K&T Construction	\$509,000
LNV	\$553,000
Lauger Construction	\$574,000

He stated staff budgeted \$500,000 for the service center in the 2014-2015 budget, which was to include the building (estimated at \$400,000) and costs related to the building, such as engineering fees, parking lot, striping, etc., (estimated at \$100,000). He said the building cost is \$98,500 over the budget estimate and staff looked at options to reduce costs; however, the specifications were already designed as a no-frills structure.

Gurley stated the project can be completed using savings from other projects, with no adverse impact on the 2014-2015 budget or approved projects. Staff recommends awarding the bid to Hlavinka Construction for the building, in the amount of \$498,500 and also authorize the City Manager to complete the project, using the savings from other projects.

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, Council hereby awards the bid for the Construction of the Public Works Building, to Hlavinka Construction Company, of East Bernard, Texas, for the sum of four hundred ninety-eight thousand five hundred dollars (\$498,500) and also authorize the City Manager to use the savings from other projects for the remaining \$98,500 to complete the project.

There was a long discussion among all Council Members about the \$98,500 over budget and finally Councilman Ward advised he wanted to amend his motion.

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, Council hereby awards the bid for the 2014 Capital Improvements Project (CIP) Construction of the Public Works Building, to Hlavinka Construction Company, of East Bernard, Texas, for the sum of four hundred ninety-eight thousand five hundred dollars (\$498,500) with two hundred (200) days to complete the work.

Councilman Barr seconded this motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER SECOND AND FINAL READING OF AN ORDINANCE AMENDING ORDINANCE G-5-71 AS RECORDED IN VOL. W, PAGE 43 OF THE COUNCIL MINUTE RECORDS, REGULATING THE RETAIL SELLING OF BEER FOR CONSUMPTION ON THE PREMISES WHERE SOLD, BY ADDING AN ADDITIONAL AREA AS DESCRIBED IN EXHIBIT "A", INCLUDING O'NEIL AND SONS BREWING COMPANY, LLC, AT 502-B HALF LEAGUE STREET, PORT LAVACA, CALHOUN COUNTY, TEXAS, TO THE COMMERCIAL AREA AS DEFINED IN SAID BASE ORDINANCE AND PROVIDING AN EFFECTIVE DATE (G-1-15)

Mayor Whitlow read for the second and final reading:

CONSIDER SECOND AND FINAL READING OF AN ORDINANCE AMENDING ORDINANCE G-5-71 AS RECORDED IN VOL. W, PAGE 43 OF THE COUNCIL MINUTE RECORDS, REGULATING THE RETAIL SELLING OF BEER FOR CONSUMPTION ON THE PREMISES WHERE SOLD, BY ADDING AN ADDITIONAL AREA AS DESCRIBED IN EXHIBIT "A", INCLUDING O'NEIL AND SONS BREWING COMPANY, LLC, AT 502-B HALF LEAGUE STREET, PORT LAVACA, CALHOUN COUNTY, TEXAS, TO THE COMMERCIAL AREA AS DEFINED IN SAID BASE ORDINANCE AND PROVIDING AN EFFECTIVE DATE (G-1-15)

Councilman Ward made a motion to pass the following:

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

THAT said Ordinance Number G-1-15 is hereby approved on this it's second and final reading.

Councilman Rivera seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER FIRST READING OF AN ORDINANCE AMENDING THE CITY OF PORT LAVACA CODE OF ORDINANCES CHAPTER 20 ARTICLE II, NO SMOKING AREAS; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE (G-2-15)

Mayor Whitlow read for the first reading:

CONSIDER FIRST READING OF AN ORDINANCE AMENDING THE CITY OF PORT LAVACA CODE OF ORDINANCES CHAPTER 20 ARTICLE II, NO SMOKING AREAS; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE (G-2-15)

Councilman Ward made a motion to pass the following:

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

THAT said Ordinance Number G-2-15 is hereby approved on this it's first reading.

Councilman Barr seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER FIRST READING OF AN ORDINANCE AMENDING THE CITY OF PORT LAVACA CODE OF ORDINANCES RELATING TO SECTIONS OF CHAPTER 8, ARTICLE II, INCLUDING SEC. 8-19 DEFINITIONS; SEC. 8-21, OCCUPATION TAX; SEC. 8-22, LOCATION TO PROVIDE FOR ADDITIONAL LANGUAGE TO PROVIDE LIMIT ON NUMBER OF MACHINES AT ANY LOCATION; SEC. 8-23, HOURS OF OPERATION; SEC. 8-29, NUISANCE DECLARED; AND PROVIDING AN EFFECTIVE DATE (G-3-15)

Mayor Whitlow read for the first reading:

CONSIDER FIRST READING OF AN ORDINANCE AMENDING THE CITY OF PORT LAVACA CODE OF ORDINANCES RELATING TO SECTIONS OF CHAPTER 8, ARTICLE II, INCLUDING SEC. 8-19 DEFINITIONS; SEC. 8-21, OCCUPATION TAX; SEC. 8-22, LOCATION TO PROVIDE FOR ADDITIONAL LANGUAGE TO PROVIDE LIMIT ON NUMBER OF MACHINES AT ANY LOCATION; SEC. 8-23, HOURS OF OPERATION; SEC. 8-29, NUISANCE DECLARED; AND PROVIDING AN EFFECTIVE DATE (G-3-15)

Councilman Perez made a motion to pass the following:

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

THAT said Ordinance Number G-3-15 is hereby approved on this it's first reading.

Councilman Ward seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER FIRST READING OF AN ORDINANCE AMENDING THE CITY OF PORT LAVACA CODE OF ORDINANCES SECTION 12-21 OF CHAPTER 12, ARTICLE II, BUILDING TRADE CODES-ADDITIONS, DELETIONS AND CHANGES; AND PROVIDING AN EFFECTIVE DATE (G-4-15)

Mayor Whitlow read for the first reading:

CONSIDER FIRST READING OF AN ORDINANCE AMENDING THE CITY OF PORT LAVACA CODE OF ORDINANCES SECTION 12-21 OF CHAPTER 12, ARTICLE II, BUILDING TRADE CODES-ADDITIONS, DELETIONS AND CHANGES; AND PROVIDING AN EFFECTIVE DATE (G-4-15)

Councilman Perez made a motion to pass the following:

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

THAT said Ordinance Number G-4-15 is hereby approved on this it's first reading with provision to bring code in line with windstorm regulations according to the Texas Department of Insurance (TDI).

Councilman Ward seconded said motion

Motion passed by the following vote:

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

NAYS: None

RECEIVE UPDATE ON JOHNNY’S RECYCLING CENTER

John Mayne, owner of Johnny’s Recycling Center, advised Council of his plans to get a new lease with more acreage. He said his present lease is until November 15, 2015 and cannot afford to lease two places at one time. He ended his presentation by agreeing to keep the City Manager in the loop of his progress.

No action needed and none taken.

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

- **TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY (DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PARTY), IN ACCORDANCE WITH CHAPTER 551, TITLE 5, SECTION 551.072 OF THE TEXAS GOVERNMENT CODE**

Mayor Whitlow announced that Council would retire into closed session at 7:48 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 8:04 p.m.

Councilman Rivera made a motion to pass the following:

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

THAT, Council hereby authorizes the City Manager to negotiate and purchase that property that was discussed in closed session.

Councilman Perez seconded this 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 Ward seconded said motion

Motion passed by the following vote:

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

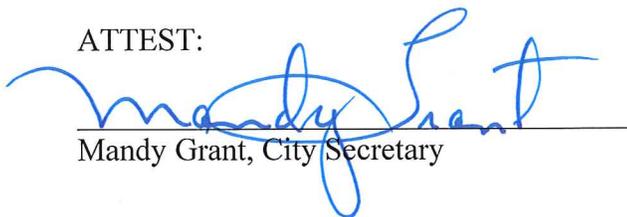
NAYS: None

Meeting adjourned at 8:05 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, MARCH 09, 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
- MAYOR'S PRESENTATIONS:
 - EMPLOYEE SERVICE AWARD
 - DONNIE MC GREW 15 YEARS ANIMAL CONTROL DEPT
- 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:
 - (A) MINUTES OF FEBRUARY 09, 2015 REGULAR MEETING
 - (B) MINUTES OF FEBRUARY 23, 2015 WORKSHOP SESSION
 - (C) CONSIDER DECLARING CITY PROPERTY AS SURPLUS (1995 CHEVROLET SILVERADO TRUCK) AND APPROVE SAME FOR PUBLIC SALE
 - (D) CONSIDER CONTINUATION OF THE CONTRACT BETWEEN THE CITY OF PORT LAVACA AND THE YMCA FOR THE OPERATION OF THE CITY'S SWIMMING POOL
 - (E) PAYMENT OF INVOICES EXCEEDING \$1,500
2. CONSIDER RESOLUTION NO. R-030915-1 OF THE CITY OF PORT LAVACA, TEXAS, AUTHORIZING THE SUBMISSION OF A DJ-EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR OF THE STATE OF TEXAS FOR THE PORT LAVACA POLICE DEPARTMENT TACTICAL TEAM PROJECT; AUTHORIZING THE MAYOR TO ACT AS THE EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE PARTICIPATION IN THE DJ-EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM
3. CONSIDER AWARD OF BID FOR PATCHING MATERIALS (LIMESTONE AND COATED ROCK PB4) FROM MARCH 01, 2015 THROUGH MARCH 01, 2016
4. CONSIDER AWARD OF BID FOR THE CONSTRUCTION OF THE CITY'S NEW PUBLIC WORKS BUILDING AS PART OF THE 2014-2015 CAPITAL IMPROVEMENT PROJECT (CIP)
5. CONSIDER SECOND AND FINAL READING OF AN ORDINANCE AMENDING ORDINANCE G-5-71 AS RECORDED IN VOL. W, PAGE 43 OF THE COUNCIL MINUTE RECORDS, REGULATING THE RETAIL SELLING OF BEER FOR CONSUMPTION ON THE PREMISES WHERE SOLD, BY ADDING AN ADDITIONAL AREA AS DESCRIBED IN EXHIBIT "A", INCLUDING O'NEIL AND SONS BREWING COMPANY, LLC, AT 502-B HALF LEAGUE STREET, PORT LAVACA, CALHOUN COUNTY, TEXAS, TO THE COMMERCIAL AREA AS DEFINED IN SAID BASE ORDINANCE AND PROVIDING AN EFFECTIVE DATE (G-1-15)

6. CONSIDER FIRST READING OF AN ORDINANCE AMENDING THE CITY OF PORT LAVACA CODE OF ORDINANCES CHAPTER 20 ARTICLE II, NO SMOKING AREAS; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE (G-2-15)
7. CONSIDER FIRST READING OF AN ORDINANCE AMENDING THE CITY OF PORT LAVACA CODE OF ORDINANCES RELATING TO SECTIONS OF CHAPTER 8, ARTICLE II, INCLUDING SEC. 8-19 DEFINITIONS; SEC. 8-21, OCCUPATION TAX; SEC. 8-22, LOCATION TO PROVIDE FOR ADDITIONAL LANGUAGE TO PROVIDE LIMIT ON NUMBER OF MACHINES AT ANY LOCATION; SEC. 8-23, HOURS OF OPERATION; SEC. 8-29, NUISANCE DECLARED; AND PROVIDING AN EFFECTIVE DATE (G-3-15)
8. CONSIDER FIRST READING OF AN ORDINANCE AMENDING THE CITY OF PORT LAVACA CODE OF ORDINANCES SECTION 12-21 OF CHAPTER 12, ARTICLE II, BUILDING TRADE CODES-ADDITIONS, DELETIONS AND CHANGES; AND PROVIDING AN EFFECTIVE DATE (G-4-15)
9. RECEIVE UPDATE ON JOHNNY'S RECYCLING CENTER
10. ANNOUNCEMENT BY MAYOR THAT CITY COUNCIL WILL RETIRE INTO CLOSED SESSION:
 - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY (DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PARTY), IN ACCORDANCE WITH CHAPTER 551, TITLE 5, SECTION 551.072 OF THE TEXAS GOVERNMENT CODE
11. RETURN TO OPEN SESSION AND TAKE ANY ACTION DEEMED NECESSARY WITH REGARD TO MATTERS DISCUSSED IN CLOSED SESSION

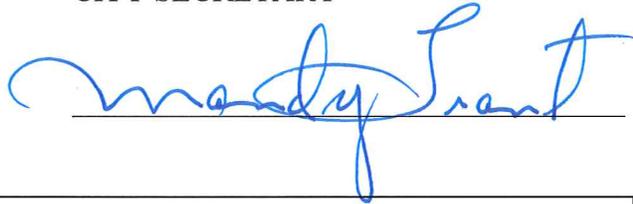
ADJOURN

JACK WHITLOW, MAYOR

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, MARCH 09, 2015, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 5:00 P.M. WEDNESDAY, MARCH 04, 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.