

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

On this the 11<sup>th</sup> day of May, 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 6:31 P.M. and presided.
- Councilman Perez gave the invocation.
- Mayor Whitlow led the pledge of allegiance to the American and Texas flags.
- Mayor Whitlow presented an Employee Service Award:
  - Lucio Licerio 15 Years Service Street Department
- Mayor Whitlow presented a Proclamation
  - City of Port Lavaca Safety Awareness for Everyone (S.A.F.E.) Week
- Mayor asked for comments from the public and there were none.

**CONSENT AGENDA:**

- (A) **MINUTES OF APRIL 13, 2015 REGULAR MEETING**
- (B) **MINUTES OF APRIL 27, 2015 WORKSHOP SESSION**
- (C) **VETERAN'S PARADE PERMIT ON MONDAY, MAY 25, 2015 FOR VETERAN'S DAY ACTIVITIES, TRAFFIC CONTROL AND WAIVER OF ANY RELATED FEES**
- (D) **RATIFY PURCHASE OF LAND FOR THE CITY OF PORT LAVACA (AUTHORIZED BY CITY COUNCIL ON MARCH 09, 2015 AND ANNOUNCED ON APRIL 13, 2015) FROM CLEMENT COVE HARBOR CO. AND H. E. BOONE ESTATE IN AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000)**
- (E) **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 SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF PORT LAVACA ADOPTING THE CITY CODE OF ORDINANCES CHAPTER 20, ENVIRONMENT AND HEALTH, ARTICLE XI, OPERATION OF A JUNKYARD; PROVIDING DEFINITIONS; PROVIDING RESTRICTIONS AND REQUIREMENTS FOR OPERATING A JUNKYARD; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE (G-5-15)**

Mayor Whitlow read for the second and final reading:

CONSIDER FIRST READING OF AN ORDINANCE OF THE CITY OF PORT LAVACA ADOPTING THE CITY CODE OF ORDINANCES CHAPTER 20, ENVIRONMENT AND HEALTH, ARTICLE XI, OPERATION OF A JUNKYARD; PROVIDING DEFINITIONS; PROVIDING RESTRICTIONS AND REQUIREMENTS FOR OPERATING A JUNKYARD; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE (G-5-15)

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-5-15 is hereby approved on this it's second and final reading.

Councilman Ward seconded said motion

Motion passed by the following vote:

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

NAYS: None

**CONSIDER RECOMMENDATION OF PORT COMMISSION TO APPROVE LEASE AGREEMENT WITH CURTIS MILLER FOR TRACTS 3, 4, 5, 6, 12 AND BOAT SLIP 2B WITH 25' X 20' LAND USE AT THE CITY HARBOR**

Public Works Director Gurley advised Council that Curtis Miller currently has separate leases at the City Harbor. He said the leases consist of Tracts 3, 4, 5, and 12 and also Tract 6 and Boat Slip 2B. He said Miller currently pays \$2,148.25 per month and is requesting to put all leases into one lease and also add some land behind Slip 2B.

Gurley advised the new lease would be for Tracts 3, 4, 5, 6, 12 and Slip 2B with 25 feet by 20 feet of land use at the City Harbor. He said the lease would be for two (2) years with one (1) two (2) year option on all tracts. He also said the new rate would be \$2,300.00 per month and the lease would be until April 30, 2019, if the option is renewed.

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 approves the new lease to Curtis Miller for Tracts 3, 4, 5, 6, 12 and Slip 2B with 25 feet by 20 feet of land use at the City Harbor, for a period of two (2) years with one (1) two (2) year option on all tracts, for the sum of \$2,300.00 per month.

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

Councilman Perez seconded said motion

Motion passed by the following vote:

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

NAYS: None

**CONSIDER RECOMMENDATION OF PORT COMMISSION TO APPROVE LEASE AGREEMENT WITH BARRETT SEAFOOD, INC. FOR TRACTS 7, 8 AND 11 AT THE CITY HARBOR**

Public Works Director Gurley advised Council that Mr. Huy Quang Do of Evelyn's Seafood, has sold his business to Joey Barrett, with Barrett Seafood, Inc. He said Mr. Do's lease is \$1,500 per month and runs through October 31, 2017.

Gurley advised Mr. Barrett would like to enter into a new lease for Tracts 7, 8 and 11 at the City Harbor for two (2) years with one (1) two (2) year option for 1,600.00 per month and the lease would be until April 30, 2019, if the option is renewed.

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 the recommendation of Staff, Council hereby approves the new lease to Barrett Seafood, Inc. for Tracts 7, 8 and 11 at the City Harbor, for a period of two (2) years with one (1) two (2) year option on all tracts, for the sum of \$1,600.00 per month.

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

Councilman Ward seconded said motion

Motion passed by the following vote:

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

NAYS: None

**CONSIDER RECOMMENDATION OF PORT COMMISSION TO APPROVE LEASE AGREEMENT WITH SPIRETEK INTERNATIONAL, INC. FOR SUITE 5 AT THE NAUTICAL LANDINGS MARINA BUILDING**

Public Works Director Gurley advised Council that SpireTek International, Inc. would like to lease the Nautical Landings Marina, Suite 5, for the sum of nine hundred fifty dollars (\$950.00) per month, for a period of three (3) years beginning on June 01, 2015 and with a one (1) three (3) year option to renew. He advised staff recommends approving the lease.

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 approves the lease agreement with SpireTek International, Inc. for the Nautical Landings Marina, Suite 5, for the sum of nine hundred fifty dollars (\$950.00) per month, for a period of three (3) years beginning on June 01, 2015 and with a one (1) three (3) year option to renew.

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

Councilman Perez seconded said motion

Motion passed by the following vote:

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

NAYS: None

**CONSIDER INFILTRATION AND INFLOW (I&I) IMPROVEMENT FOR SEWER LINE REPLACEMENT ON TOMMY DRIVE IN THE SUM OF \$82,300 FROM INSITUFORM TECHNOLOGIES, THROUGH BUYBOARD**

Public Works Director Gurley advised Council that as part of the Infiltration and Inflow (I&I) program, staff had videoed the sewer line on Tommy Drive. He said the video showed that the line had several pieces of pipe missing as well as longitudinal cracks.

He said a price was received from Insituform Technologies, through Buyboard, in the amount of \$82,300 to pipe burst 695 feet of 8 inch pipe and upsize the pipe to 10 inches. He said this project is within budget and staff recommends approval of contracting this project to Insituform Technologies, a single source contractor, through Buyboard.

Councilman Smith 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 contracting the project for pipe bursting Infiltration and Inflow (I&I) areas, as presented, to Insituform, through Buyboard, in the sum of \$82,300.

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

Councilman Ward seconded said motion

Motion passed by the following vote:

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

NAYS: None

**CONSIDER APPROVAL OF QUARTERLY FINANCIAL AND INVESTMENT REPORTS FOR QUARTER ENDING MARCH 31, 2015**

Finance Director Jones went over the quarterly Financial and Investment reports for the quarter ending March 31, 2015, a copy of which is in the office of the Finance Director.

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 Council hereby approves the quarterly financial and investment reports for the quarter ending March 31, 2015, as presented.

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 Ward seconded said motion

Motion passed by the following vote:

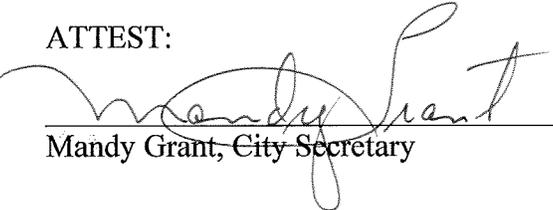
AYES: Smith, Perez, Rivera, Padron, Ward, and Barr

NAYS: None

Meeting adjourned at 7:15 P.M.

  
\_\_\_\_\_  
Jack Whittow, 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, MAY 11, 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 CITY COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE OPEN MEETINGS ACT (TITLE 5, CHAPTER 551, 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
    - LUCIO LICERIO 15 YEARS STREET DEPARTMENT
  - PROCLAMATION FOR CITY OF PORT LAVACA SAFETY WEEK
- 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 APRIL 13, 2015 REGULAR MEETING
  - (B) MINUTES OF APRIL 27, 2015 WORKSHOP SESSION
  - (C) VETERAN'S PARADE PERMIT ON MONDAY, MAY 25, 2015 FOR VETERAN'S DAY ACTIVITIES, TRAFFIC CONTROL AND WAIVER OF ANY RELATED FEES
  - (D) RATIFY PURCHASE OF LAND FOR THE CITY OF PORT LAVACA (AUTHORIZED BY CITY COUNCIL ON MARCH 09, 2015 AND ANNOUNCED ON APRIL 13, 2015) FROM CLEMENT COVE HARBOR CO. AND H. E. BOONE ESTATE IN AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000)
  - (E) PAYMENT OF INVOICES EXCEEDING \$1,500
2. CONSIDER SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF PORT LAVACA ADOPTING THE CITY CODE OF ORDINANCES CHAPTER 20, ENVIRONMENT AND HEALTH, ARTICLE XI, OPERATION OF A JUNKYARD; PROVIDING DEFINITIONS; PROVIDING RESTRICTIONS AND REQUIREMENTS FOR OPERATING A JUNKYARD; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE (G-5-15)
3. CONSIDER RECOMMENDATION OF PORT COMMISSION TO APPROVE LEASE AGREEMENT WITH CURTIS MILLER FOR TRACTS 3, 4, 5, 6, 12 AND BOAT SLIP 2B WITH 25' X 20' LAND USE AT THE CITY HARBOR
4. CONSIDER RECOMMENDATION OF PORT COMMISSION TO APPROVE LEASE AGREEMENT WITH BARRETT SEAFOOD, INC. FOR TRACTS 7, 8 AND 11 AT THE CITY HARBOR
5. CONSIDER RECOMMENDATION OF PORT COMMISSION TO APPROVE LEASE AGREEMENT WITH SPIRETEK INTERNATIONAL, INC. FOR SUITE 5 AT THE NAUTICAL LANDINGS MARINA BUILDING
6. CONSIDER INFILTRATION AND INFLOW (I&I) IMPROVEMENT FOR SEWER LINE REPLACEMENT ON TOMMY DRIVE IN THE SUM OF \$82,300 FROM INSITUFORM TECHNOLOGIES, THROUGH BUYBOARD

7. CONSIDER APPROVAL OF QUARTERLY FINANCIAL AND INVESTMENT REPORTS FOR QUARTER ENDING MARCH 31, 2015

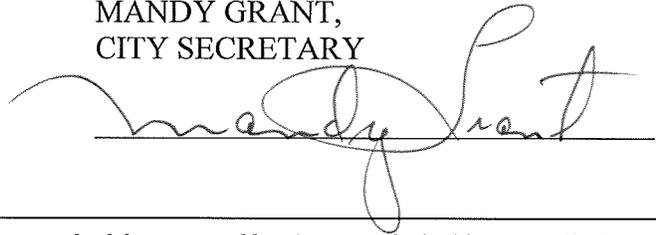
ADJOURN

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, MAY 11, 2015, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 5:00 P.M. WEDNESDAY, MAY 06, 2015.

MANDY GRANT,  
CITY SECRETARY

A handwritten signature in black ink, appearing to read "Mandy Grant", is written over a horizontal line. The signature is fluid and cursive.

*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.*