

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

On this the 8th day of June, 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* |
| Tim Dent | Councilman, District 2** |
| Lee Rivera | Councilman, District 3 |
| Jim Ward | Councilman, District 5, Mayor Pro-Tem |
| Ken Barr | Councilman, District 6 |

*Term expires at this meeting.

**Term begins at this meeting.

And with the following absent:

| | |
|-----------------|--------------------------|
| Rosie G. Padron | Councilwoman, District 4 |
|-----------------|--------------------------|

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.
- Councilman Perez gave the invocation.
- Mayor Whitlow led the pledge of allegiance to the American and Texas flags.
- Presentations by the Mayor
 - Citizen Recognition by Police Department:
 - Garrett Welch
 - Aaron Lawniczak
 - Recognized outgoing Councilman Raymond B. Perez for his 16 years of service to the City of Port Lavaca.
- Mayor asked for Comments from the public and one citizen responded:
 - Michael Hawes, 1812 Oak Drive, Port Lavaca, TX (synchronize traffic signals on Hwy 35 and drainage on Oak Drive)

CONSIDER RESOLUTION NO. R-060815-1E CERTIFYING MAY 09, 2015 ELECTION RETURNS AND DELCARING CANDIDATES ELECTED

Councilman Perez made a motion to pass the following:

WHEREAS, the returns of the May 09, 2015 election were canvassed at a special meeting held on Wednesday, May 13, 2015, at 3:00 p.m., by Mayor Whitlow, Council Members Smith, Rivera, Padron, Ward and City Secretary Grant with the following results:

COUNCIL MEMBER DISTRICT NO. 2

| Candidate | Early Voting | Election Day | Total Votes |
|-----------------------|--------------|--------------|-------------|
| Tim Dent | 54 | 26 | 80 |
| David Johnson | 15 | 6 | 21 |
| Total Ballots Cast #2 | 69 | 32 | 101 |

TOTAL NUMBER OF BALLOTS CAST IN THE MAY 09, 2015 ELECTION

| Election Date | Early Voting | Election Day | Total Votes |
|---------------------|--------------|--------------|-------------|
| 05-09-2015 Election | 69 | 32 | 101 |

WHEREAS, there came on to be considered the returns of an election held the 9th day of May, 2015, for the purpose of electing the hereinafter named officials; and

WHEREAS, it appearing from said returns duly and legally made, that one hundred one (101) valid ballots were cast; and

WHEREAS, that each of the candidates in said election received the votes set out hereinabove:

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

THAT Tim Dent was duly elected Council Member, District Two (2) of the City of Port Lavaca, Texas, at said election, and is hereby declared duly elected to said office, subject to executing the Statement of Officer and taking the Oath of Office as provided by the laws of the State of Texas; and

Councilman Ward seconded this motion.

Motion passed by the following vote:

AYES: Smith, Perez, Rivera, Ward and Barr

NAYS: None

ADMINISTER OATHS OF OFFICE AND ISSUE CERTIFICATES OF ELECTION TO NEWLY ELECTED OFFICIALS

City Secretary Grant administered the Statement of Elected Official and Oath of Office to the following newly elected officials:

Tim Dent, representing City Council, Single Member District Two (2); and

Ken Barr, representing City Council, Single Member District Six (6).

Mayor Whitlow announced that the duly elected Council Members for Single Member Districts Two (2) and Six (6) would take their respective seats and Council would proceed with the agenda for the meeting.

No action needed and none taken.

CONSIDER ELECTION OF MAYOR PRO TEM BY COUNCIL MEMBERS IN ACCORDANCE WITH SECTION 3.04 OF THE CITY OF PORT LAVACA HOME RULE CHARTER

Mayor Whitlow announced the following:

SECTION 3.04 OF THE CITY OF PORT LAVACA HOME RULE CHARTER:

“THE MAYOR PRO TEM SHALL BE SELECTED BY THE COUNCIL AT THE FIRST REGULAR MEETING AFTER EACH GENERAL ELECTION, OR UPON A VACANCY IN THE OFFICE OF MAYOR PRO TEM, FROM AMONG THE MEMBERS OF THE COUNCIL AND SHALL PERFORM ALL DUTIES OF THE MAYOR IN THE MAYOR’S ABSENCE OR DISABILITY, BUT SHALL VOTE AS A COUNCIL MEMBER”

Councilmen Smith and Ward nominated Ken Barr to be elected Mayor Pro Tem.

Mayor Whitlow asked if there were any more nominations and receiving none declared that nominations were therefore closed.

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 Section 3.04 of the City of Port Lavaca Home Rule Charter, Councilman Ken Barr is elected to the office of Mayor Pro-Tem.

Councilman Ward seconded this motion.

Motion passed by the following vote:

AYES: Smith, Dent, Rivera, Ward and Barr

NAYS: None

CONSENT AGENDA:

(A) **MINUTES OF MAY 11, 2015 REGULAR MEETING**

(B) **MINUTES OF MAY 13, 2015 SPECIAL MEETING**

(C) **MINUTES OF MAY 26, 2015 SPECIAL MEETING AND WORKSHOP SESSION**

(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, Dent, Rivera, Ward and Barr

NAYS: None

CONSIDER REQUEST OF CALHOUN COUNTY CITIZENS IN ACTION (CCIA) FOR USE OF GEORGE ADAMS PARK ON JUNE 19 THRU JUNE 21, 2015 FOR 24TH ANNUAL JUNETEENTH CELEBRATION, WAIVER OF FEES (WITH THE EXCEPTION OF ALCOHOL IN PARK FEE) AND USE OF OTHER ITEMS

Mr. D. J. Williams was in attendance to represent the Calhoun Citizens in Action (CCIA) and asked for approval of using the George Adams Park for the Juneteenth Celebration, to be held on June 19 through June 21, 2015 and waiver of applicable fees in connection with this event.

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 Council hereby grants the request of the Calhoun Citizens in Action (CCIA) to utilize George Adams Park on June 19 through 21, 2015, to conduct the annual Juneteenth celebration and waives all applicable fees in connection with this event, with the exception of permit for Alcohol in the Park.

Councilman Ward seconded this motion.

Motion passed by the following vote:

AYES: Smith, Dent, Rivera, Ward and Barr

NAYS: None

**CONSIDER SECOND AND FINAL READING OF AN ORDINANCE (G-6-15)
AMENDING THE CITY CODE OF ORDINANCES CHAPTER 20 ARTICLE II, NO
SMOKING AREAS AND PROVIDING AN EFFECTIVE DATE**

Mayor Whitlow read for the second and final reading:

CONSIDER SECOND AND FINAL READING OF AN ORDINANCE (G-6-15)
AMENDING THE CITY CODE OF ORDINANCES CHAPTER 20 ARTICLE
II, NO SMOKING AREAS AND PROVIDING AN EFFECTIVE DATE AND
TAKE ANY ACTION DEEMED NECESSARY

Councilman Rivera 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-6-15 is hereby approved on this it's second and final reading.

Councilman Ward seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Rivera, Ward and Barr

NAYS: None

CONSIDER SECOND AND FINAL READING OF AN ORDINANCE (G-7-15) 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 SALTYS WATERFRONT BAR AND GRILL LOCATED AT 206 S. COMMERCE STREET, PORT LAVACA, CALHOUN COUNTY, TEXAS; AS FILED FOR RECORD IN CALHOUN COUNTY, COUNTY CLERK INSTRUMENT #142405] TO THE COMMERCIAL AREA AS DEFINED IN SAID ORDINANCE AND PROVIDING AN EFFECTIVE DATE

Mayor Whitlow read for the second and final reading:

CONSIDER SECOND AND FINAL READING OF AN ORDINANCE (G-7-15) 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 SALTYS WATERFRONT BAR AND GRILL LOCATED AT 206 S. COMMERCE STREET, PORT LAVACA, CALHOUN COUNTY, TEXAS; AS FILED FOR RECORD IN CALHOUN COUNTY, COUNTY CLERK INSTRUMENT #142405] TO THE COMMERCIAL AREA AS DEFINED IN SAID ORDINANCE AND PROVIDING AN EFFECTIVE DATE AND TAKE ANY ACTION DEEMED NECESSARY

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-7-15 is hereby approved on this it's second and final reading.

Councilman Rivera seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Rivera, Ward and Barr

NAYS: None

CONSIDER AUDIT ENGAGEMENT LETTER FROM HARRISON, WALDROP & UHEREK, L.L.P. FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015

Finance Director Jones advised Council this was a standard engagement letter for Harrison, Waldrop & Uherek, LLP to perform the City's audit for the fiscal year ending September 30, 2015. She said this is the 10th year this firm had done the audit and the \$30,000.00 fee is the same as previous years. She also said an additional \$4,000.00 will be incurred for a Single Audit if Federal money received by the City exceeds \$500,000.00 in the fiscal year. Staff recommends accepting the engagement letter.

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, in accordance with the recommendation of staff, Council hereby approves entering into a contract with Harrison, Waldrop & Uherek, LLP to perform the City's audit for the fiscal year ending September 30, 2015 for the sum of \$30,000.00 and if needed, an additional \$4,000.00, in accordance with the terms of the contract presented, a copy of which is on file in the office of the City Secretary.

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

Councilman Ward seconded said motion

Motion passed by the following vote:

AYES: Dent, Rivera, Ward and Barr

NAYS: Smith

CONSIDER REPLACING WASHERS AND DRYERS AT LIGHTHOUSE BEACH

Public Works Director Gurley advised Council that the washers and dryers at Lighthouse beach need to be replaced. He said staff has received a proposal from Texas Laundry Service Co., through Buyboard for the purchase two (2) new stacked washer and dryer units in the amount of \$6,321.00. He commented that the washers and dryers should pay for themselves within two years. He said staff recommends making this purchase.

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 authorizes the purchase of two (2) new stacked washer and dryer units from Texas Laundry Service Co., through Buyboard, in the amount of \$6,321.00.

Councilman Ward seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Rivera, Ward and Barr

NAYS: None

CONSIDER DECLARING USED WATER METERS AS SURPLUS AND AUTHORIZE SALE OF SUCH

Public Works Director advised Council that the water meter change-out project was almost finished. He said the meters that have been changed out are at least seven (7) years old or older. He stated the meters should be declared as surplus property and authorization given in order to sell them. He said staff will get the best price for the brass and the money will be used to offset the project cost. Staff recommends declaring all water meters removed from service that are seven (7) years old or older and are in disrepair, now and in the future, be declared surplus property and authorize sale of such.

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 declares all water meters removed from service, that are seven (7) years old or older and are in disrepair, now and in the future, be declared surplus property and authorize sale of such.

BE IT FURTHER RESOLVED that staff will give an annual report to City Council as to how many meters are declared surplus and the amount of sales received from such.

Councilman Dent seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Rivera, Ward and Barr

NAYS: None

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

- **FOR CONSULTATION WITH CITY ATTORNEY CONCERNING CONTEMPLATED OR PENDING LITIGATION IN ACCORDANCE WITH TITLE 5, CHAPTER 551, SECTION 551.071 (1) (A) OF THE TEXAS GOVERNMENT CODE:**

(RED LIGHT CAMERA CASE; FEDERAL COURT CAUSE NO. 4:15-CV-00335-A; JAMES H. WATSON VS CITY OF ALLEN, ET AL.)

Mayor Whitlow announced that Council would retire into closed session at 7:26 p.m.

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

Mayor Whitlow announced that Council was back in open session at 7:59 p.m.

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 City Attorney, Council hereby authorizes the City Manager and the City Attorney to negotiate for representation of Special Counsel in the Red Light Camera Case; Federal Court Cause No. 4:15-CV-00335-A; James H. Watson VS City of Allen, ET AL.

Councilman Barr seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Rivera, 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, Dent, Rivera, Ward and Barr

NAYS: None

Meeting adjourned at 8:01 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, JUNE 08, 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

- PRESENTATIONS BY THE MAYOR:
 - CITIZEN RECOGNITION BY POLICE DEPARTMENT
 - GARRETT WELCH
 - AARON LAWNICZAK

 - RECOGNIZE OUTGOING COUNCIL MEMBER
 - RAYMOND PEREZ 16 YEARS CITY COUNCIL

- 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. CONSIDER RESOLUTION NO. R-060815-1E CERTIFYING MAY 09, 2015 ELECTION RETURNS AND DELCARING CANDIDATES ELECTED
2. ADMINISTER OATHS OF OFFICE AND ISSUE CERTIFICATES OF ELECTION TO NEWLY ELECTED OFFICIALS
3. CONSIDER ELECTION OF MAYOR PRO TEM BY COUNCIL MEMBERS IN ACCORDANCE WITH SECTION 3.04 OF THE CITY OF PORT LAVACA HOME RULE CHARTER
4. CONSENT AGENDA:
 - (A) MINUTES OF MAY 11, 2015 REGULAR MEETING
 - (B) MINUTES OF MAY 13, 2015 SPECIAL MEETING
 - (C) MINUTES OF MAY 26, 2015 SPECIAL MEETING AND WORKSHOP SESSION
 - (D) PAYMENT OF INVOICES EXCEEDING \$1,500
5. CONSIDER REQUEST OF CALHOUN COUNTY CITIZENS IN ACTION (CCIA) FOR USE OF GEORGE ADAMS PARK ON JUNE 19 THRU JUNE 21, 2015 FOR THE 24TH ANNUAL JUNETEENTH CELEBRATION, WAIVER OF FEES (WITH THE EXCEPTION OF ALCOHOL IN PARK FEE) AND USE OF OTHER ITEM
6. CONSIDER SECOND AND FINAL READING OF AN ORDINANCE (G-6-15) AMENDING THE CITY CODE OF ORDINANCES CHAPTER 20 ARTICLE II, NO SMOKING AREAS AND PROVIDING AN EFFECTIVE DATE
7. CONSIDER SECOND AND FINAL READING OF AN ORDINANCE (G-7-15) 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 SALTYS WATERFRONT BAR AND GRILL LOCATED AT 206 S. COMMERCE STREET, PORT LAVACA, CALHOUN COUNTY, TEXAS; AS FILED FOR RECORD IN CALHOUN COUNTY, COUNTY CLERK INSTRUMENT #142405] TO THE COMMERCIAL AREA AS DEFINED IN SAID ORDINANCE AND PROVIDING AN EFFECTIVE DATE

8. CONSIDER AUDIT ENGAGEMENT LETTER FROM HARRISON, WALDROP & UHEREK, L.L.P. FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015
9. CONSIDER REPLACING WASHERS AND DRYERS AT LIGHTHOUSE BEACH
10. CONSIDER DECLARING USED WATER METERS AS SURPLUS AND AUTHORIZE SALE OF SUCH
11. ANNOUNCEMENT BY MAYOR THAT CITY COUNCIL WILL RETIRE INTO CLOSED SESSION:
 - FOR CONSULTATION WITH CITY ATTORNEY CONCERNING CONTEMPLATED OR PENDING LITIGATION IN ACCORDANCE WITH TITLE 5, CHAPTER 551, SECTION 551.071 (1) (A) OF THE TEXAS GOVERNMENT CODE:

(RED LIGHT CAMERA CASE; FEDERAL COURT CAUSE NO. 4:15-CV-00335-A; JAMES H. WATSON VS CITY OF ALLEN, ET AL.)
12. RETURN TO OPEN SESSION AND TAKE ANY ACTION DEEMED NECESSARY WITH REGARD TO MATTERS IN CLOSED SESSION

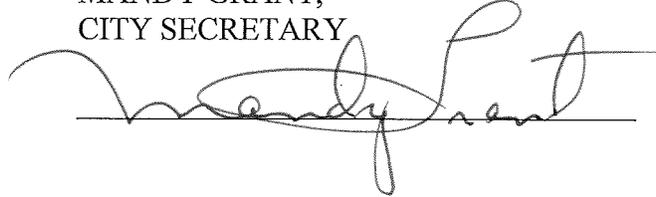
ADJOURN

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, JUNE 08, 2015, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 5:00 P.M. WEDNESDAY, JUNE 03, 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.