

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

On this the 13<sup>th</sup> day of July, 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
Tim Dent	Councilman, District 2
Lee Rivera	Councilman, District 3
Rosie G. Padron	Councilwoman, District 4
Jim Ward	Councilman, District 5
Ken Barr	Councilman, District 6, Mayor Pro Tem

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 6:32 P.M. and presided.
- Councilman Ward gave the invocation.
- Mayor Whitlow led the pledge of allegiance to the American and Texas flags.
- Mayor Whitlow made the following presentations:
  - Finance Department:
    - Award for the Distinguished Budget Presentation for the 2014-2015 fiscal year from the Government Finance Officers Association (GFOA)
  - Employee Service Award:
    - Boyd Staloch                      30 Years                      Fire Department
- Oath of Office and Statement of Appointed Official:
  - David Scroggins                      Fire Capitan
  - Josh Acosta                              Fire Lieutenant
  - Jeremy Marek                              Fire Investigator
  - Juan Luna                                      Fire Inspector
- Mayor asked for comments from the public and there were none.

**CONSENT AGENDA:**

- (A) **MINUTES OF JUNE 08, 2015 REGULAR MEETING**
- (B) **MINUTES OF JUNE 23, 2015 WORKSHOP SESSION**
- (C) **REQUEST USE OF BAYFRONT PENINSULA PARK FOR THE ANNUAL "HARD HEAD DERBY" EVENT ON SATURDAY, AUGUST 1, 2015 FROM 6:00 A.M. TO 6:00 P.M. AND WAIVER OF FEES ASSOCIATED WITH EVENT**
- (D) **REQUEST USE OF BAYFRONT PENINSULA PARK FOR THE 2<sup>ND</sup> ANNUAL "LIGHTING UP THE BAY", A PINK HEALS FUND RAISER EVENT, ON SATURDAY, AUGUST 1, 2015 STARTING AT 8:30 P.M. AND WAIVER OF FEES ASSOCIATED WITH EVENT**
- (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 Smith seconded this motion.

Motion passed by the following vote:

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

NAYS: None

**CONSIDER APPOINTING THREE (3) BOARD MEMBERS TO THE PLANNING BOARD**

City Manager Turner advised Council that the following citizens were interested in serving:

1. Michael Hawes
2. Mike Elgin
3. Ty Harriss
4. Glen Miller
5. Bob Poimbeauf
6. Jim Faulkner
7. Raymond Butler (due to type of experience, would be more beneficial on the Port Commission Board)

There was more discussion and Council Members were in consensus to look at some résumés before making a choice.

Councilman Dent made a motion to pass the following:

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

THAT, this agenda item be tabled for another meeting.

Councilman Padron seconded this motion.

Motion passed by the following vote:

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

NAYS: None

**CONSIDER APPOINTMENT AND/OR RE-APPOINTMENT OF REPRESENTATIVES TO THE GOLDEN CRESCENT REGIONAL PLANNING COMMISSION (GCRPC) GENERAL ASSEMBLY AND BOARD OF DIRECTORS**

City Manager Turner advised that the Council needs to make two appointments to the Golden Crescent Regional Planning Commission (GCRPC) General Assembly for a two year term, beginning September 01, 2015. He also advised that it is the City of Seadrift's turn to be on the Board of Directors. He gave Council the following information:

General Assembly:

Each City will select 2 Council Members; and  
Currently we have Lee Rivera and Rosie Padron as representatives; and  
Term will be from 09-01-15 thru 08-31-16.

Board of Directors:

Cities of Port Lavaca, Point Comfort and Seadrift alternate representatives; and  
Currently we have Port Lavaca on the Board of Directors; and  
This term will be from the City of Seadrift; and  
Term will be from 09-01-15 thru 08-31-17.

History:	09-01-09 thru 08-31-11	Seadrift
	09-01-11 thru 08-31-13	Point Comfort
	09-01-13 thru 08-31-15	Port Lavaca

City Manager Turner advised that the Council needs to make two appointments to the Golden Crescent Regional Planning commission General Assembly for a two year term, beginning September 01, 2015. He also advised that it is the City of Seadrift's turn to be on the Board of Directors.

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 recommendation of staff, Council hereby reappoints Councilman Lee Rivera and Councilwoman Rosie Padron to the General Assembly of the Golden Crescent Regional Planning Committee (GCRPC) representing the City of Port Lavaca, for a two year term, beginning September 01, 2015.

BE IT FURTHER RESOLVED, that there is no objection for the City of Seadrift to appoint their representatives to the Board of Directors of the Golden Crescent Regional Planning Committee (GCRPC) for a two year term, beginning September 01, 2015.

Councilman Smith seconded this motion.

Motion passed by the following vote:

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

NAYS: None

**CONSIDER RESOLUTION NO. R-071315-01 AUTHORIZING INTERVENTION IN AEP TEXAS CENTRAL COMPANY (TCC) STANDARD COST CASE WITH PUBLIC UTILITY COMMISSION (PUC)**

Councilman Rivera made a motion to pass the following:

WHEREAS, on or about June 1, 2015, AEP Texas Central Company (“TCC” or “Company”), pursuant to the Public Utility Regulatory Act (“PURA”) § 39.905 and Public Utility Commission of Texas (“Commission” or “PUC”) Substantive Rule 25.181(f), filed with the Commission an application for a 2016 Energy Efficiency Cost Recovery Factor (“EECRF”), PUC Docket No. 44717; and

WHEREAS, the City of Port Lavaca will cooperate with similarly situated city members and other city participants located within the TCC service area in conducting a review of the Company’s application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, working with the Cities Served by AEP TCC (“Steering Committee”) to review the rates charged by TCC allows members to accomplish more collectively than each city could do acting alone; and

WHEREAS, the Steering Committee has a history of participation in PUC dockets and projects, as well as court proceedings, affecting transmission and distribution utility rates in TCC's service area to protect the interests of municipalities and electric customers residing within municipal boundaries; and

WHEREAS, PURA § 33.023 provides that costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility.

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

1. That the City is authorized to participate in the Steering Committee in PUC Docket No. 44717.

2. That subject to the right to terminate employment at any time, the City of Port Lavaca hereby authorizes the hiring of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

3. That the City's reasonable rate case expenses shall be reimbursed by TCC.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Chris Brewster, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

Councilman Barr seconded this motion.

Motion passed by the following vote:

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

NAYS: None

**CONSIDER RECOMMENDATION OF PLANNING BOARD TO APPROVE REPLAT OF A0012 ALEJANDRO ESPARZA, TRACT PT 1, WILSON, NOBLE & BOYDE, 3.19 ACRES INTO THREE LOTS FOR FUTURE RETAIL CENTER NEAR WAL-MART**

Building Official Smith advised Council that owner requests approval to replat A0012 Alejandro Esparza, Tract Pt 1, Wilson, Noble & Boyde, 3.19 Acres into three (3) lots for future Retail Center near Wal-Mart. He said the Planning Board had approved the preliminary replat and staff concurs.

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 the Planning Board and staff, Council hereby approves the replat of A0012 Alejandro Esparza, Tract Pt 1, Wilson, Noble & Boyde, 3.19 Acres into three (3) lots for future Retail Center near Wal-Mart.

Councilman Dent seconded this motion.

Motion passed by the following vote:

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

NAYS: None

**CONSIDER RECOMMENDATION OF PLANNING BOARD TO APPROVE REPLAT OF LOTS 3 AND 4, OF THE LA VILLA SUBDIVISION, JOINING THEM INTO ONE LOT**

Building Official Smith advised Council that Ms. Keri Wickliffe has purchased Lots 3 and 4 in La Villa Subdivision and would like to replat those lots into 1 so she can build her home there. He said the Planning Board had approved the preliminary replat and staff concurs.

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 the Planning Board and staff, Council hereby approves the replat of Lots 3 and 4 in La Villa Subdivision, into one lot.

Councilman Ward seconded this motion.

Motion passed by the following vote:

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

NAYS: None

**CONSIDER AWARDING BID FOR THE 2015 SEALCOAT PROGRAM**

Public Works Director Gurley advised Council staff opened bids on July 1, 2015 for the 2015 Sealcoat Program from Sylva Construction Company and Rexco Incorporated.

He said the area to be seal coated will be the Alamo Heights Subdivision. Staff recommends awarding the bid to the low bidder, Sylva Construction Company, for \$2.22 per square yard in the amount of \$138,017.40, for the 2015 Sealcoat Program to be completed in 76 calendar days from Notice to Proceed.

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 accepts the Bid of Sylva Construction Company, for \$2.22 per square yard in the amount of \$138,017.40, for the 2015 Sealcoat Program to be completed in 76 calendar days from Notice to Proceed.

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

Councilman Ward seconded this motion.

Motion passed by the following vote:

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

NAYS: None

**CONSIDER RESOLUTION NO. R-071315-2 TO ADOPT A FIVE YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) IN COMPLIANCE WITH THE CITY OF PORT LAVACA HOME RULE CHARTER**

Councilman Ward made a motion to pass the following:

WHEREAS, the City Charter requires the City Manager to submit a plan for capital improvement covering the succeeding five years and proposed method of financing to the City Council prior to the beginning of each budget year; and,

WHEREAS, the City Manager submitted a Five Year Capital Program to the City Council on June 23, 2015 in compliance with the City Charter and,

WHEREAS, the City Council has reviewed the Five Year Capital Program, found it to be in compliance with all City Charter and believes its approval by resolution is in the best interest of Port Lavaca residents.

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

THAT, the Five Year Capital Program (October 1, 2015 – September 30, 2020), a copy of which is attached hereto and incorporated in the Fiscal Year Budget 2015-2016, is hereby adopted in compliance with the City of Port Lavaca Home Rule Charter.

Councilman Dent seconded this motion.

Motion passed by the following vote:

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

NAYS: None

**ADJOURN**

Councilman Barr made a motion to adjourn the meeting

Councilman Padron seconded said motion

Motion passed by the following vote:

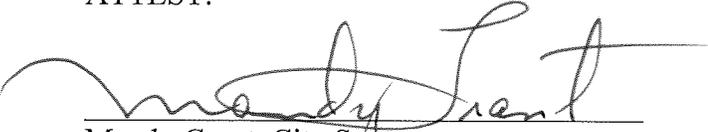
AYES: Smith, Dent, Rivera, Padron, Ward and Barr

NAYS: None

Meeting adjourned at 7:30 P.M.

  
\_\_\_\_\_  
Jack Whittlow, 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, JULY 13, 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:
  - FINANCE DEPARTMENT:
    - AWARD FOR THE DISTINGUISHED BUDGET PRESENTATION FOR THE 2014-2015 FISCAL YEAR FROM THE GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA)
  
  - EMPLOYEE SERVICE AWARD:
    - BOYD STALOCH 30 YEARS FIRE DEPARTMENT
  
- OATH OF OFFICE AND STATEMENT OF APPOINTED OFFICIAL:
  - DAVID SCROGGINS FIRE CAPITAN
  - JOSH ACOSTA FIRE LIEUTENANT
  - JEREMY MAREK FIRE INVESTIGATOR
  - JUAN LUNA FIRE INSPECTOR
  
- 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 JUNE 08, 2015 REGULAR MEETING
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  - (E) PAYMENT OF INVOICES EXCEEDING \$1,500
2. CONSIDER APPOINTING THREE (3) BOARD MEMBERS TO THE PLANNING BOARD
3. CONSIDER APPOINTMENT AND/OR RE-APPOINTMENT OF REPRESENTATIVES TO THE GOLDEN CRESCENT REGIONAL PLANNING COMMISSION (GCRPC) GENERAL ASSEMBLY AND BOARD OF DIRECTORS
4. CONSIDER RESOLUTION NO. R-071315-01 AUTHORIZING INTERVENTION IN AEP TEXAS CENTRAL COMPANY (TCC) STANDARD COST CASE WITH PUBLIC UTILITY COMMISSION (PUC)
5. CONSIDER RECOMMENDATION OF PLANNING BOARD TO APPROVE REPLAT OF A0012 ALEJANDRO ESPARZA, TRACT PT 1, WILSON, NOBLE & BOYDE, 3.19 ACRES INTO THREE LOTS FOR FUTURE RETAIL CENTER NEAR WAL-MART
6. CONSIDER RECOMMENDATION OF PLANNING BOARD TO APPROVE REPLAT OF LOTS 3 AND 4, OF THE LA VILLA SUBDIVISION, JOINING THEM INTO ONE LOT
7. CONSIDER AWARDING BID FOR THE 2015 SEALCOAT PROGRAM
8. CONSIDER RESOLUTION NO. R-071315-2 TO ADOPT A FIVE YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) IN COMPLIANCE WITH THE CITY OF PORT LAVACA HOME RULE CHARTER

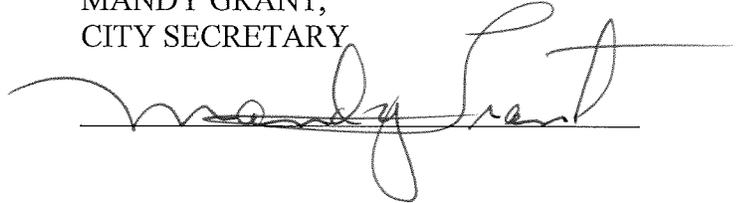
ADJOURN

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, JULY 13, 2015, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 5:00 P.M. WEDNESDAY, JULY 08, 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.*