

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

On this the 14th day of May, 2012, 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
Floyd Felder	Councilman, District 1
Raymond Perez	Councilman, District 2, Mayor Pro-Tem
Gregory Falcon	Councilman, District 4
Jim Ward	Councilman, District 5
Ken Barr	Councilman, District 6

And with the following absent:

Lee Rivera	Councilman, District 3
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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.
- Reverend Daniel Estes, American Legion Chaplin, gave the invocation.
- Mayor Whitlow led the pledge of allegiance to the American and Texas flags.
- Presentations by Mayor:
 - **Graduation Ceremony for HJM Students:**
 - Government 101 Class
 - Issued “Might Public Administrators” (MPA) Certificates
 - **Proclamation:**
 - Motorcycle Safety Awareness Month
- Other Presentations:
 - **CenterPoint Energy:**
 - Kevin Bodden, Area Manager
 - **Issued Certificates of Election and Administered Oaths of Office to Newly Elected Officials of the City of Port Lavaca City Council:**

▪ Jack Whitlow	Mayor	2 Year Term
▪ Raymond Perez	Council Member, Dist. #2	3 Year Term
▪ Kenneth Barr	Council Member, Dist. #6	3 Year Term
- Mayor asked for Comments from the public and there were none.

CONSENT AGENDA:

- (A) **MINUTES OF APRIL 09, 2012 REGULAR MEETING**
- (B) **MINUTES OF APRIL 23, 2012 SPECIAL/WORKSHOP**
- (C) **DECLARE LIST OF CITY PROPERTY SURPLUS FOR PUBLIC AUCTION**
- (D) **FINAL PLAT OF TEXAS LAKESIDE RV RESORT, AN 18.83 ACRE SUBDIVISION, BLOCK 1, LOT 1, SAMUEL SHUPE SURVEY, ABSTRACT NO. 137, CALHOUN COUNTY, TEXAS**
- (E) **APPOINT POLICE CHIEF JAMES MARTINEZ TO THE 9-1-1 BOARD TO RPLACE PUBLIC SAFETY DIRECTOR CLEVE CALAGNA**
- (F) **REPLACE PUBLIC SAFETY DIRECTOR CLEVE CALAGNA WITH POLICE LIEUTENANT BRANDON RIEDEL AS REPRESENTATIVE TO THE REGIONAL HOMELAND SECURITY ADVISORY COMMITTEE (RHSAC) OF THE GOLDEN CRESCENT REGIONAL PLANNING COMMISSION (GCRPC)**
- (G) **PAYMENT OF INVOICES EXCEEDING \$1,500**

Councilman Falcon requested items (D) be removed for further discussion.

Councilman Falcon 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 with the exception of item (D).

Councilman Felder seconded this motion.

Motion passed by the following vote:

AYES: Felder, Perez, Falcon, Ward and Barr

NAYS: None

Council Members discussed Item D for clarification that everything had been approved for the final plat of the Texas Lakeside RV Resort.

Councilman Falcon 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 consent agenda items (D).

Councilman Ward seconded this motion.

Motion passed by the following vote:

AYES: Felder, Perez, Falcon, Ward and Barr

NAYS: None

CONDUCT PUBLIC HEARING FOR THE CITY OF PORT LAVACA TO PASS AN ORDINANCE AMENDING ORDINANCE NUMBER G-1-02 AND CODIFIED AS CHAPTER 26, IN THE CITY OF PORT LAVACA CODE OF ORDINANCES; WHICH IS AN ORDINANCE REGARDING MOBILE HOMES; MANUFACTURED HOUSING; MANUFACTURED HOUSING PARKS; RECREATIONAL VEHICLES; RECREATIONAL VEHICLE PARKS; DELETING AN APPEALS PROCESS; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE

Mayor Whitlow announced that the public hearing was open at 6:57 p.m.

Mayor Whitlow invited comments from Council and the following persons spoke:

- William Webster Palm Harbor Manufactured Housing & Modular Homes Co.
- Tony McGarruh Palm Harbor Manufactured Housing & Modular Homes Co.
- Annette Boykin 110 Airline Dr. (Peikert Addition) Port Lavaca, Texas

Mayor Whitlow announced that the public hearing was closed at 7:24 p.m.

CONSIDER SECOND AND FINAL READING OF AN ORDINANCE AMENDING ORDINANCE NUMBER G-1-02 AND CODIFIED AS CHAPTER 26, IN THE CITY OF PORT LAVACA CODE OF ORDINANCES; WHICH IS AN ORDINANCE REGARDING MOBILE HOMES; MANUFACTURED HOUSING; MANUFACTURED HOUSING PARKS; RECREATIONAL VEHICLES; RECREATIONAL VEHICLE PARKS; DELETING AN APPEALS PROCESS; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVED DATE

Mayor Whitlow read for the second and final reading:

AN ORDINANCE AMENDING ORDINANCE NUMBER G-1-02 AND CODIFIED AS CHAPTER 26, IN THE CITY OF PORT LAVACA CODE OF ORDINANCES; WHICH IS AN ORDINANCE REGARDING MOBILE HOMES; MANUFACTURED HOUSING; MANUFACTURED HOUSING PARKS; RECREATIONAL VEHICLES; RECREATIONAL VEHICLE PARKS; DELETING AN APPEALS PROCESS; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE

Councilman Ward made a motion

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

THAT, this agenda item be passed until another time.

Councilman Felder seconded said motion

Motion passed by the following vote:

AYES: Felder, Perez, Ward and Barr

NAYS: Falcon

CONSIDER REQUEST OF CALHOUN COUNTY CITIZENS IN ACTION (CCIA) FOR USE OF GEORGE ADAMS PARK ON JUNE 15 THRU JUNE 17, 2012 FOR ANNUAL JUNETEENTH CELEBRATION, WAIVER OF FEES (WITH THE EXCEPTION OF ALCOHOL IN PARK FEE) AND USE OF OTHER ITEMS

Mr. D. J. Williams, Mr. Floyd Robinson and Ms. Earline Hamilton, representatives for the Calhoun Citizens in Action (CCIA), asked for approval of using the George Adams Park for the Juneteenth Celebration, to be held on June 15, 16 and 17, 2012. Williams said they were also in need of some items from the City and CCIA had provided the following list:

1. Cut and trim the grass;
2. Pressure-wash the pad under the pavilion;
3. All light burning around the park and under the pavilion;
4. All electrical receptacles working under the pavilion and at the power pole;
5. Extra Port-O-Potties (about 2) behind the restrooms;
6. Two large garbage dumpsters behind the restrooms;
7. No one will be allowed to set up tents or select a space prior to June 16, 2012, each space will be 12' X 12' and under the direction of the CCIA Group;
8. All trash picked up around the park area;
9. Extension cord with multi plug-ins;
10. Twenty-five (25) picnic tables under the pavilion; and
11. CCIA will provide clean-up after the event

Mr. Williams also asked about what the meaning of "with the exception of Alcohol in Park Fee" meant. City Manager Turner explained that Council had passed a new fee ordinance, which went into effect on April 01, 2012, which ordained the increase of this fee from \$20.00 to \$50.00 per day, with no exceptions of being waived; therefore, anyone consuming alcohol in a city park, shall have to obtain this permit. Council asked City Manager Turner how much this event cost the City and Turner responded it had been approximately \$1,200.00 in city services last year.

Councilman Falcon reminded Mr. Williams that last year he himself had asked that CCIA make plans for having security on the premises for the 2012 event, because of the large crowd expected, instead of relying on the Police Department to handle security. He had said that CCIA having their own security would help them resolve problems within the park, should they arise.

City Attorney Odefey commented that if she were to advise the City, she would tell them it is a very big liability issue to not require security on an event of this size. Ms. Earline Hamilton asked if there was a mandate that security be required at these events. City Attorney replied there probably was not a mandate; however, the City has every right to place parameters and rules on any event, especially large ones of this type, held on city property.

Councilman Felder made a motion

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

THAT, Council hereby agrees for the Calhoun Citizens in Action (CCIA) to meet with the Chief of Police and the City Manager to work out the security details and city services necessary to hold this event with waiver of fees, with the exception of "Alcohol in Park Fee", which cannot be waived.

Councilman Barr seconded said motion

Motion passed by the following vote:

AYES: Felder, Perez, Ward and Barr

NAYS: Falcon

CONSIDER REQUEST OF REQUEST OF CHAMBER OF COMMERCE FOR USE OF FAYE STERLING PARK ON THURSDAY, MAY 17, 2012 FROM 5:30 0P.M. TO 7:30 P.M. TO HAVE A "FUN AFTER 5 MIXER" FOR THE BUSINESSES OF THE COMMUNITY AND WAIVER OF FEES (WITH THE EXCEPTION OF ALCOHOL IN PARK FEE)

Tina Crow, Executive Director of the Chamber of Commerce, advised Council that the Chamber of Commerce requested the use of the Faye Sterling Park on Main Street for the "Fun after 5 Mixer" on Thursday, May 17, 2012 during the hours of 5:30 p.m. thru 7:30 p.m. and also requested waiver of fees associated with the event, with the exception of Alcohol in the Park fee.

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 approves the request of the Chamber of Commerce to have the use of the Faye Sterling Park on Main Street for the “Fun after 5 Mixer” on Thursday, May 17, 2012 during the hours of 5:30 p.m. thru 7:30 p.m. and also approves the waiver of fees associated with the event, with the exception of Alcohol in the Park fee.

Councilman Ward seconded said motion

Motion passed by the following vote:

AYES: Felder, Perez, Falcon, Ward and Barr

NAYS: None

CONSIDER ADOPTION OF CITY OF PORT LAVACA 2012 STRATEGIC PLAN PREPARED AND FACILITATED BY RON COX CONSULTING

Mr. Ron Cox, proprietor of Ron Cox Consulting, gave a report to Council in connection with the strategic plan that had derived from work sessions with both city council members and staff. He said staff recommends the adoption of the City of Port Lavaca 2012 Strategic Plan.

Councilman Perez made a motion

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

THAT, in accordance with the recommendation of staff, the City of Port Lavaca adopts the 2012 Strategic Plan, prepared and facilitated by Ron Cox Consulting, and a copy, in its entirety, which is on file in the office of the City Secretary.

Councilman Barr seconded said motion

Motion passed by the following vote:

AYES: Felder, Perez, Falcon, Ward and Barr

NAYS: None

CONSIDER RECOMMENDATION TO SUSPEND CENTERPOINT ENERGY 2012 GAS RELIABILITY INFRASTRUCTURE PROGRAM (GRIP) ADJUSTMENTS FOR A PERIOD OF NO LONGER THAN 45 DAYS FROM THE PLANNED EFFECTIVE DATE OF MAY 29, 2012

Councilman Falcon made a motion

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 agrees to suspend CenterPoint Energy 2012 Gas Reliability Infrastructure Program (GRIP) adjustments for a period of no longer than 45 days from the planned effective date of May 29, 2012, a copy of which is on file in the office of the City Secretary.

Councilman Barr seconded said motion

Motion passed by the following vote:

AYES: Felder, Perez, Falcon, Ward and Barr

NAYS: None

CONSIDER CHANGE ORDER NUMBER ONE TO INSITUFORM FOR INFILTRATION / INFLOW (I&I) IMPROVEMENT IN THE AMOUNT NOT TO EXCEED \$75,000

Public Works Director Gurley advised Council that Insituform is finishing the sewer line rehabilitation in the Mariemount Subdivision.

He said staff would like to do change order Number 1 of the contract with Insituform, through Buyboard, to pipe burst the lines with infiltration / inflow (I&I) problems and advised this project is within the budgeted funds in the 2011-2012 Budget. Staff recommends approval of change order Number 1 to Insituform for I&I improvements in the sum not to exceed \$75,000.00.

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 change order Number 1 of the contract with Insituform, through Buyboard, for infiltration / inflow (I&I) improvements, in the sum not to exceed \$75,000.00.

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

Councilman Felder seconded said motion

Motion passed by the following vote:

AYES: Felder, Perez, Falcon, Ward and Barr

NAYS: None

CONSIDER PURCHASE OF VEHICLE FOR POLICE DEPARTMENT

Police Chief Martinez advised Council that the Police Department fleet has a 2009 Ford Crown Victoria (Unit 1099), with 130,477 miles. He said he would like to replace this vehicle with a 2012 Chevrolet Caprice sedan, from Caldwell Country Chevrolet, through Buyboard, for the sum of \$24,991.00, which includes a 5 year 100,000 mile warranty. He advised funds would be obtained from the Fixed Asset Recovery Fund. Staff recommends approval of this purchase.

Councilman Falcon 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 Police Department to purchase a 2012 Chevrolet Caprice sedan, from Caldwell Country Chevrolet, through Buyboard, for the sum of \$24,991.00, and obtain funding from the Fixed Asset Recovery Fund.

Councilman Perez seconded said motion

Motion passed by the following vote:

AYES: Felder, Perez, Falcon, Ward and Barr

NAYS: None

CONSIDER APPROVAL OF QUARTERLY FINANCIAL AND INVESTMENT REPORT

Finance Director Jones went over the quarterly Financial and Investment reports for quarter ending March 31, 2012, a copy of which is in the office of the Finance Director.

Councilman Felder 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 Financial and Investment Report for the Quarter ending March 31, 2012, as presented.

Councilman Barr seconded said motion

Motion passed by the following vote:

AYES: Felder, Perez, Falcon, Ward and Barr

NAYS: None

ADJOURN

Councilman Ward made a motion to adjourn the meeting

Councilman Felder seconded said motion

Motion passed by the following vote:

AYES: Felder, Perez, Falcon, Ward and Barr

NAYS: None

Meeting adjourned at 8:50 P.M.

Mayor

ATTEST:

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 14, 2012 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 551.07 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
- MAYORAL DUTIES:
 - GOVERNMENT 101 CLASS
 - GOVERNMENT 101 CLASS
 - MIGHTY PUBLIC ADMINISTRATORS (MPA) CERTIFICATES
 - PROCLAMATION
 - MOTORCYCLE SAFETY AWARENESS MONTH
- PRESENTATIONS:
 - KEVIN BODDEN, AREA MANAGER WITH CENTERPOINT ENERGY
- ISSUE CERTIFICATES OF ELECTION AND ADMINISTER OATHS OF OFFICE TO NEWLY ELECTED OFFICIALS OF THE CITY OF PORT LAVACA 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. CONSENT AGENDA:
 - (A) MINUTES OF APRIL 09, 2012 REGULAR MEETING
 - (B) MINUTES OF APRIL 23, 2012 SPECIAL/WORKSHOP
 - (C) DECLARE LIST OF CITY PROPERTY SURPLUS FOR PUBLIC AUCTION
 - (D) FINAL PLAT OF TEXAS LAKESIDE RV RESORT, AN 18.83 ACRE SUBDIVISION, BLOCK 1, LOT 1, SAMUEL SHUPE SURVEY, ABSTRACT NO. 137, CALHOUN COUNTY, TEXAS
 - (E) APPOINT POLICE CHIEF JAMES MARTINEZ TO THE 9-1-1 BOARD TO REPLACE PUBLIC SAFETY DIRECTOR CLEVE CALAGNA
 - (F) REPLACE PUBLIC SAFETY DIRECTOR CLEVE CALAGNA WITH POLICE LIEUTENANT BRANDON RIEDEL AS REPRESENTATIVE TO THE REGIONAL HOMELAND SECURITY ADVISORY COMMITTEE (RHSAC) OF THE GOLDEN CRESCENT REGIONAL PLANNING COMMISSION (GCRPC)
 - (G) PAYMENT OF INVOICES EXCEEDING \$1,500
2. CONDUCT PUBLIC HEARING FOR THE CITY OF PORT LAVACA TO PASS AN ORDINANCE AMENDING ORDINANCE NUMBER G-1-02 AND CODIFIED AS CHAPTER 26, IN THE CITY OF PORT LAVACA CODE OF ORDINANCES; WHICH IS AN ORDINANCE REGARDING MOBILE HOMES; MANUFACTURED HOUSING; MANUFACTURED HOUSING PARKS; RECREATIONAL VEHICLES; RECREATIONAL VEHICLE PARKS; DELETING AN APPEALS PROCESS; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE
3. CONSIDER SECOND AND FINAL READING OF AN ORDINANCE AMENDING ORDINANCE NUMBER G-1-02 AND CODIFIED AS CHAPTER 26, IN THE CITY OF PORT LAVACA CODE OF ORDINANCES; WHICH IS AN ORDINANCE REGARDING MOBILE HOMES; MANUFACTURED HOUSING; MANUFACTURED HOUSING PARKS; RECREATIONAL VEHICLES; RECREATIONAL VEHICLE PARKS; DELETING AN APPEALS PROCESS; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE

4. CONSIDER REQUEST OF CALHOUN COUNTY CITIZENS IN ACTION (CCIA) FOR USE OF GEORGE ADAMS PARK ON JUNE 15 THRU JUNE 17, 2012 FOR ANNUAL JUNETEENTH CELEBRATION, WAIVER OF FEES (WITH THE EXCEPTION OF ALCOHOL IN PARK FEE) AND USE OF OTHER ITEMS
5. CONSIDER REQUEST OF REQUEST OF CHAMBER OF COMMERCE FOR USE OF FAYE STERLING PARK ON THURSDAY, MAY 17, 2012 FROM 5:30 0P.M. TO 7:30 P.M. TO HAVE A “FUN AFTER 5 MIXER” FOR THE BUSINESSES OF THE COMMUNITY AND WAIVER OF FEES (WITH THE EXCEPTION OF ALCOHOL IN PARK FEE)
6. CONSIDER ADOPTION OF CITY OF PORT LAVACA 2012 STRATEGIC PLAN PREPARED AND FACILITATED BY RON COX CONSULTING
7. CONSIDER RECOMMENDATION TO SUSPEND CENTERPOINT ENERGY 2012 GAS RELIABILITY INFRASTRUCTURE PROGRAM (GRIP) ADJUSTMENTS FOR A PERIOD OF NO LONGER THAN 45 DAYS FROM THE PLANNED EFFECTIVE DATE OF MAY 29, 2012
8. CONSIDER CHANGE ORDER NUMBER ONE TO INSITUFORM FOR INFILTRATION / INFLOW (I&I) IMPROVEMENT IN THE AMOUNT NOT TO EXCEED \$75,000
9. CONSIDER PURCHASE OF VEHICLE FOR POLICE DEPARTMENT
10. CONSIDER APPROVAL OF QUARTERLY FINANCIAL AND INVESTMENT REPORT

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, MAY 14, 2012, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 5:00 P.M. WEDNESDAY, MAY 09, 2012.

MANDY GRANT,
CITY SECRETARY

BY: _____

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.