

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

On this the 8th day of August, 2016, 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 6:34 P.M. and presided.
- Councilman Ward gave the invocation.
- Mayor Whitlow led the pledge of allegiance to the American and Texas flags.
- Introduction of New Employees:
 - Mr. Tracy Horejsi – Animal Control Department
- Mayor asked for comments from the public and there were none.

CONSENT AGENDA:

- (A) **MINUTES OF JULY 07, 2016 WORKSHOP SESSION**
- (B) **MINUTES OF JULY 11, 2016 REGULAR MEETING**
- (C) **MINUTES OF JULY 13, 2016 JOINT WORKSHOP SESSION**
- (D) **MINUTES OF JULY 18, 2016 SPECIAL MEETING**
- (E) **PAYMENT OF INVOICES EXCEEDING \$1,500**

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 recommendation of staff, Council hereby approves all consent agenda items as listed.

Councilman Barr seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONDUCT PUBLIC HEARING FOR ADOPTING THE COMPREHENSIVE PLAN FOR THE CITY OF PORT LAVACA, TEXAS

Mayor Whitlow announced that the public hearing was open at 6:40 p.m.

Mayor Whitlow asked if there were any comments from citizens and the following person spoke:
Jody Thorne 1904 Lighthouse Beach Road Port Lavaca, Texas

Mayor Whitlow announced that the public hearing was closed at 6:52 p.m.

No action taken and none needed.

CONSIDER FIRST READING OF AN ORDINANCE (G-9-16) OF THE CITY OF PORT LAVACA, TEXAS, ADOPTING THE COMPREHENSIVE PLAN AND SETTING AN EFFECTIVE DATE

Mayor Whitlow read the following:

CONSIDER FIRST READING OF AN ORDINANCE (G-9-16) OF THE CITY OF PORT LAVACA, TEXAS, ADOPTING THE COMPREHENSIVE PLAN AND SETTING AN EFFECTIVE DATE

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, in accordance with recommendation of staff, Council hereby approves ordinance (G-9-16) on this its first reading.

Councilman Smith seconded said motion

Motion passed by the following vote:

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

NAYS: None

RECEIVE BUDGET REPORT FROM THE GUADALUPE-BLANCO RIVER AUTHORITY (GBRA) FOR THE PORT LAVACA WATER TREATMENT PLANT FOR THE 2017 FISCAL YEAR

Council Members received a work plan and budget report from Stephanie Shelly of the Guadalupe-Blanco River Authority (GBRA) for the fiscal year ending August 31, 2017.

Summary of estimated expenses:	<u>Fiscal Year 2016</u>	<u>Fiscal Year 2017</u>	<u>Difference</u>
Total Plant Expenses	\$ 1,588,522	\$ 1,718,723	\$ 130,201
Cost per 1,000 gallons (treated)	\$ 2.29	\$ 2.48	\$ 8.30%

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, Council hereby accepts the budget report from the Guadalupe-River Authority (GBRA) for the Port Lavaca Water Treatment Plant for the 2017 fiscal year.

Councilman Barr seconded this motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER REQUEST OF CALHOUN COUNTY FAIR ASSOCIATION (CCFA) FOR WAIVER OF PARADE PERMIT FEES ON SATURDAY, OCTOBER 08, 2016 AND ALSO ASSISTANCE WITH TRAFFIC CONTROL FROM START AT SANDCRAB STADIUM, TO SAN FAUBION, N. VIRGINIA, AND MAIN STREETS TO END AT THE BAYFRONT PENINSULA

Public Works Director Gurley advised Council that the Calhoun County Fair Association (CCFA) will be having their annual parade on Saturday, October 08, 2016.

He said CCFA has asked that all fees associated with the parade be waived and also asks assistance with traffic control. Staff recommends approval of request.

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 request of the Calhoun County Fair Association (CCFA) to have their annual parade on Saturday, October 08, 2016 with waiver of permit fees and also assistance with traffic control.

Councilman Ward seconded this motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER REQUEST OF CHILDREN'S DISCOVERY MUSEUM (CDM) FOR USE OF THE LIGHTHOUSE BEACH AND PAVILION FOR "MARINE LIFE EDUCATIONAL DAY" HELD ON NOVEMBER 1ST THRU 3RD, 2016; WAIVER OF THE PAVILION RENTAL AND ANY OTHER FEES ASSOCIATED WITH THE EVENT

Public Works Director Gurley and Selena Milstead advised Council that the Children's Discovery Museum (CDM) would like to use the Lighthouse Beach and Pavilion to have a "Marine Life Educational Day". The event will be held November 1-3, 2016. He said last year's event was a big success with over 600 fourth graders from around the Golden Crescent attending. The CDM would like to ask to have the pavilion rental and any other fees waived for their event.

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 the request of the Children's Discovery Museum (CDM) to use the Lighthouse Beach and Pavilion to have a "Marine Life Educational Day" on November 1-3, 2016 and all fees associated with this event are hereby waived.

Councilwoman Padron seconded this motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER REQUEST OF THE LUCIA ORNELAS FOUNDATION FOR TRAFFIC CONTROL AND WAIVER OF FEES FOR THEIR THIRD ANNUAL “JINGLE BELL 5K RUN” ON SATURDAY, NOVEMBER 26, 2016

Public Works Director Gurley advised Council that the Lucia Ornelas Foundation would like to hold the 3rd Annual “Jingle Bell 5K Run” on Saturday, November 26, 2016. The event will start at the Bauer Community Center over to Lighthouse beach then down Broadway to Calhoun then back to the Bauer. He said the Foundation has asked that all fees associated with the parade be waived and also asks assistance with traffic control. Staff recommends approval of request.

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 the request of the the Lucia Ornelas Foundation to have their third annual “Jingle Bell 5K Run” on Saturday, November 26,, 2016 with waiver of permit fees and also assistance with traffic control.

Councilman Dent seconded this motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER FIRST READING OF AN ORDINANCE (G-8-16) AMENDING THE CITY OF PORT LAVACA CODE OF ORDINANCES CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, BUILDING TRADE CODES; AND PROVIDING AN EFFECTIVE DATE

Mayor Whitlow read the following:

CONSIDER FIRST READING OF AN ORDINANCE (G-8-16) AMENDING THE CITY OF PORT LAVACA CODE OF ORDINANCES CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, BUILDING TRADE CODES; AND PROVIDING AN EFFECTIVE DATE

Councilman Dent made a motion to pass the following:

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

THAT, in accordance with recommendation of staff, Council hereby approves ordinance (G-8-16) on this its first reading.

Councilwoman Padron seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER TEMPORARY SUSPENSION OF A SECTION OF AN ORDINANCE OF THE CITY OF PORT LAVACA (G-2-08; SECTION 19; EXTRA STRENGTH SURCHARGE; WASTEWATER RATES)

Public Works Director Gurley advised Council that Section 19 of Ordinance G-2-08 deals with the extra strength surcharge to commercial and industrial customers. The surcharge is based on the customer discharge of BOD and TSS exceeding 250 ppm. The customer also has to pay for the weekly test to determine the BOD and TSS at a cost of \$300 per month plus a surcharge fee. Staff has been looking at the effects on the wastewater treatment plant on days that the customers exceed the limit allowed and it has no effect on the plant. Staff will do periodically sampling in order monitor the effects on the plant. He said the impact would be minimal for the city but would benefit the commercial and industrial customers greatly by saving the companies the testing and surcharge fees. Staff would like to suspend the extra strength surcharge.

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 to suspend Section 19 of Ordinance G-2-08 in connection with the extra strength surcharge to commercial and industrial customers.

Councilman Rivera seconded this motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER APPOINTMENT/RE-APPOINTMENT OF MEMBER(S) TO THE PORT COMMISSION BOARD

Public Works Director Gurley advised Council the Port Commission Board has a vacancy needing to be filled for a term of two years and Kendra Rodriguez has expressed a desire to be reappointed. He said staff and the Port Commission recommend Kendra Rodriguez be reappointed for a term of two years.

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 Port Commission and staff, Council hereby reappoints Kendra Rodriguez to the Port Commission Board and shall serve for a term of two years, beginning in August 2016.

Councilman Smith seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER ACCEPTANCE OF REQUEST FOR PROPOSAL (RFP) FOR AUDIT SERVICES FOR THE CITY OF PORT LAVACA

Finance Director Jones advised Council that the City's Audit Committee requested her to do a Request for Proposal (RFP) for audit services. She said that an engagement letter is signed between the City and the Audit firm each year prior to the close of the fiscal year to be audited. She said thirteen (13) RFP's were sent out and three (3) were received. The audit fee could change from year to year; however, HWU fee has consistently charged \$30,000 per audit period. An additional \$4,000 will be incurred for a Single Audit if Federal money received by the City exceeds \$750,000 in the fiscal year. The RFP requested the audit firms max charges for the next five years. She commented that Harrison, Waldrop and Uherek, L.L.P. (HWU) have audited the City since 2006 and staff recommends accepting the RFP them.

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 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, 2016 for the sum of \$30,000.00 and if needed, an additional \$4,000.00, for a 3 year term with option to extend, 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.

Councilwoman Padron seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER PLACING A PROPOSAL TO ADOPT A TAX RATE FOR THE 2016-2017 FISCAL YEAR AS AN ACTION ITEM ON THE AGENDA OF A FUTURE MEETING, SPECIFYING THEREIN THE DESIRED RATE AND PUBLISHING NOTICE THEREOF

Finance Director Jones advised Council that the proposed tax rate for 2016 will be \$0.7900 per \$100 value. She said that staff recommended placing a proposal to adopt a Tax Rate for the 2016-2017 fiscal year as an action item on the September 12, 2016 regular meeting agenda, with a desired rate of \$0.7900 per \$100 value.

Councilman Dent made a motion to pass the following:

THAT, in accordance with the recommendation of staff, Council hereby approves placing a proposal to adopt a Tax Rate for the 2016-2017 fiscal year as an action item on the September 12, 2016 regular meeting agenda, with a desired rate of \$0.7900 per \$100 value and publishing notice thereof.

Councilman Rivera seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER SETTING TWO (2) PUBLIC HEARINGS ON THE PROPOSED 2016-2017 FISCAL YEAR BUDGET FOR MONDAY, AUGUST 22, 2016 AND MONDAY, AUGUST 29, 2016

Finance Director Jones stated that two special meetings for public hearings on the proposed 2016-2017 fiscal year budget need to be set. She said staff recommends the following dates and times:

- Monday, August 22, 2016 5:30 P.M.
- Monday, August 29, 2016 5:30 P.M.

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, in accordance with the recommendation of staff, Council hereby approves two special meetings for public hearings on the proposed 2016-2017 fiscal year budget be set for Monday, August 22, 2016 at 5:30 p.m. and Monday, August 29, 2016 at 5:30 p.m.

Councilman Barr seconded this motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER SETTING TWO (2) PUBLIC HEARINGS ON THE PROPOSED 2016 TAX RATE FOR MONDAY, AUGUST 22, 2016 AND MONDAY, AUGUST 29, 2016

Finance Director Jones stated that two special meetings for public hearings on the proposed 2016 tax rate need to be set. She said staff recommends the following dates and times:

- Monday, August 22, 2016 5:30 P.M.
- Monday, August 29, 2016 5:30 P.M.

Councilwoman Padron 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 two special meetings for public hearings on the proposed 2016 tax rate be set for Monday, August 22, 2016 at 5:30 p.m. and Monday, August 29, 2016 at 5:30 p.m.

Councilman Barr seconded said motion

Motion passed by the following vote:

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

NAYS: None

ADJOURN

Councilman Dent made a motion to adjourn the meeting

Councilman Barr seconded said motion

Motion passed by the following vote:

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

NAYS: None

Meeting adjourned at 7:23 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, AUGUST 08, 2016 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
- INTRODUCTION OF NEW CITY EMPLOYEES
- 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 JULY 07, 2016 WORKSHOP SESSION
 - (B) MINUTES OF JULY 11, 2016 REGULAR MEETING
 - (C) MINUTES OF JULY 13, 2016 JOINT WORKSHOP SESSION
 - (D) MINUTES OF JULY 18, 2016 SPECIAL MEETING
 - (E) PAYMENT OF INVOICES EXCEEDING \$1,500
2. CONDUCT PUBLIC HEARING FOR ADOPTING THE COMPREHENSIVE PLAN FOR THE CITY OF PORT LAVACA, TEXAS
3. CONSIDER FIRST READING OF AN ORDINANCE (G-9-16) OF THE CITY OF PORT LAVACA, TEXAS, ADOPTING THE COMPREHENSIVE PLAN AND SETTING AN EFFECTIVE DATE
4. RECEIVE BUDGET REPORT FROM THE GUADALUPE-BLANCO RIVER AUTHORITY (GBRA) FOR THE PORT LAVACA WATER TREATMENT PLANT FOR THE 2017 FISCAL YEAR
5. CONSIDER REQUEST OF CALHOUN COUNTY FAIR ASSOCIATION (CCFA) FOR WAIVER OF PARADE PERMIT FEES ON SATURDAY, OCTOBER 08, 2016 AND ALSO ASSISTANCE WITH TRAFFIC CONTROL FROM START AT SANDCRAB STADIUM, TO SAN FAUBION, N. VIRGINIA, AND MAIN STREETS TO END AT THE BAYFRONT PENINSULA
6. CONSIDER REQUEST OF CHILDREN'S DISCOVERY MUSEUM (CDM) FOR USE OF THE LIGHTHOUSE BEACH AND PAVILION FOR "MARINE LIFE EDUCATIONAL DAY" HELD ON NOVEMBER 1ST THRU 3RD, 2016; WAIVER OF THE PAVILION RENTAL AND ANY OTHER FEES ASSOCIATED WITH THE EVENT
7. CONSIDER REQUEST OF THE LUCIA ORNELAS FOUNDATION FOR TRAFFIC CONTROL AND WAIVER OF FEES FOR THEIR THIRD ANNUAL "JINGLE BELL 5K RUN" ON SATURDAY, NOVEMBER 26, 2016

8. CONSIDER FIRST READING OF AN ORDINANCE (G-8-16) AMENDING THE CITY OF PORT LAVACA CODE OF ORDINANCES CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, BUILDING TRADE CODES; AND PROVIDING AN EFFECTIVE DATE
9. CONSIDER TEMPORARY SUSPENSION OF A SECTION OF AN ORDINANCE OF THE CITY OF PORT LAVACA (G-2-08; SECTION 19; EXTRA STRENGTH SURCHARGE; WASTEWATER RATES)
10. CONSIDER APPOINTMENT/RE-APPOINTMENT OF MEMBER(S) TO THE PORT COMMISSION BOARD
11. CONSIDER ACCEPTANCE OF REQUEST FOR PROPOSAL (RFP) FOR AUDIT SERVICES FOR THE CITY OF PORT LAVACA
12. CONSIDER PLACING A PROPOSAL TO ADOPT A TAX RATE FOR THE 2016-2017 FISCAL YEAR AS AN ACTION ITEM ON THE AGENDA OF A FUTURE MEETING, SPECIFYING THEREIN THE DESIRED RATE AND PUBLISHING NOTICE THEREOF
13. CONSIDER SETTING TWO (2) PUBLIC HEARINGS ON THE PROPOSED 2016-2017 FISCAL YEAR BUDGET FOR MONDAY, AUGUST 22, 2016 AND MONDAY, AUGUST 29, 2016
14. CONSIDER SETTING TWO (2) PUBLIC HEARINGS ON THE PROPOSED 2016 TAX RATE FOR MONDAY, AUGUST 22, 2016 AND MONDAY, AUGUST 29, 2016

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, AUGUST 08, 2016, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 5:00 P.M. FRIDAY, AUGUST 05, 2016.

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.