

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

On this the 13th day of March, 2017, 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
Jerry Smith
Tim Dent
Jim Ward
Ken Barr

Mayor
Councilman, District 1
Councilman, District 2
Councilman, District 5
Councilman, District 6, Mayor Pro Tem

And with the following absent:

Lee Rivera
Rosie G. Padron

Councilman, District 3
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 6:41 P.M. and presided.
- Reverend Isaiah Thomas of St. Joseph Baptist Church gave the invocation.
- Mayor Whitlow led the pledge of allegiance to the American and Texas flags.
- Mayor asked for comments from the public and the following spoke:
 - a) Jesse Valeriano Grand Tejas Land dba/Redfish Retreat Subdivision, Phase 3

CONSENT AGENDA:

- (A) **MINUTES OF FEBRUARY 13, 2017 REGULAR MEETING**
- (B) **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 said motion

Motion passed by the following vote:

AYES: Smith, Dent, Ward and Barr

NAYS: None

**CONSIDER REQUEST FOR USE OF BAYFRONT PENINSULA PARK FOR THE
“CELEBRATE THE CHILD” EVENT OF THE HARBOR CHILDRENS ALLIANCE
AND VICTIMS CENTER, ON SATURDAY, APRIL 08, 2017 STARTING AT 10:00 A.M.
AND WAIVER OF FEES ASSOCIATED WITH EVENT**

Parks and Recreation Director Ivanoski advised Council that the Harbor Children’s Alliance & Victim Center would like to put on an event for the 12th Anniversary of the “Celebrate the Child” picnic at the Bayfront Peninsula Park on Saturday, April 08, 2017 from 10:00 a.m. to 2:00 p.m. The event is free of charge. They are asking for all fees to be waived for these events. He also advised staff recommends Council approve request.

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 Harbor Children’s Alliance & Victim Center to put on an event for the 12th Anniversary of the “Celebrate the Child” picnic at the Bayfront Peninsula Park on Saturday, April 08, 2017 from 10:00 a.m. to 2:00 p.m. and hereby waives all applicable fees associated with the event.

Councilman Ward seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Ward and Barr

NAYS: None

**CONSIDER SOURCE OF FUNDING FOR UPCOMING COMMUNITY EVENTS IN
ASSOCIATION WITH THE CHAMBER OF COMMERCE AND TAKE ANY ACTION
DEEMED NECESSARY**

Tenia French, representing the Chamber of Commerce advised Council of some events taking place in the community. She gave a report on the Iguana Fest, 4th of July and the Flip Flop events.

No action needed and none taken.

CONSIDER CERTIFICATION OF CITY SECRETARY THAT ALL CANDIDATES IN THE MAY 06, 2017 GENERAL OFFICERS ELECTION ARE UNOPPOSED

The following was presented to City Council (English and Spanish):

I, Mandy Grant, certify that I am the City Secretary of the City of Port Lavaca, Texas and the authority responsible for preparing the ballot for the May 06, 2017 general city election.
(*Yo, Mandy Grant, certifica que soy la secretaria de la ciudad de Port Lavaca , Texas y la autoridad responsable de preparar la balota para la elección general de la ciudad del 6 de mayo de 2017*).

I further certify that no proposition is to appear on the ballot for the May 6, 2017 election, no person has made a declaration of write-in candidacy, and all of the following candidates are unopposed:

(*Certifico más lejos que no hay asunto aparecer en la balota para la elección del 6 de mayo de 2017, ninguna persona he hecho un declaración de candidatura inscrita, y todos los candidatos siguientes son sin oposición*):

Councilman Barr made a motion

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

THAT Council hereby duly acknowledges delivery and accepts certification by the City Secretary of Unopposed Candidates for the May 6, 2017 City of Port Lavaca General Officers Election in connection with the following offices and candidates:

Council Member, District 1 (*Miembro de consejo, del distrito 1*) Jerry Smith
Council Member, District 3 (*Miembro de consejo, del distrito 3*) Jan Regan

Councilman Ward seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Ward and Barr

NAYS: None

CONSIDER ADOPTING ORDER TO CANCEL ALL OF THE MAY 6, 2017 GENERAL OFFICERS ELECTION INCLUDING PROPOSITION OF LORENE S. SULTON PARK AND DECLARING THE UNOPPOSED CANDIDATES DULY ELECTED

The following was presented by City Secretary Grant (English and Spanish):

The City Council of the City of Port Lavaca, Texas hereby cancels the election scheduled to be held on May 6, 2017 in accordance with Section 2.053(a) of the Texas Election Code. The named candidates have been certified as unopposed and are hereby declared elected:

(El consejo de la ciudad de Port Lavaca, Texas cancela por este medio la elección programar para ser sostenido el 6 de mayo de 2017 de acuerdo con la sección 2.053 (a) del código de la elección de Texas. Han certificado como sin oposición y por este medio se declaran a los candidatos nombrados elegidos):

CANDIDATE (CANDIDATO)	OFFICE (OFICINA)	TERM (TÉRMINO)
Jerry Smith	Council Member, District #1 <i>(Miembro de consejo, distrito #1)</i>	3 yrs 3 años
Jan Regan	Council Member, District #3 <i>(Miembro de consejo, distrito #3)</i>	3 yrs 3 años

Proposition on the ballot: "FOR OR AGAINST THE SALE OR CONVEYANCE OF UNDEVELOPED PARK LAND LOCATED BEHIND THE PORT LAVACA CEMETERY KNOWN AS LORENE S. SULTON PARK"

(Una propuesta en la votación: "PARA O CONTRA LA VENTA O TRANSPORTE DE SUBDESARROLLADO DE LA TIERRA SITUADO DETRÁS DEL PORT LAVACA CEMENTERIO CONOCIDO COMO LORENE S. SULTON PARQUE")

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

(Una copia de esta orden será fijada el día de elección en cada lugar de la interrogación que habría sido utilizado en la elección).

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, the General Officers Election including any proposition scheduled to be held on May 6, 2017, is hereby cancelled, in accordance with Section 2.053(a) of the Texas Election Code. The named candidates have been certified as unopposed and are hereby elected as follows:

Jerry Smith	Council Member, District #1 <i>(Miembro de consejo, distrito #1)</i>	3 yrs 3 años
Jan Regan	Council Member, District #3 <i>(Miembro de consejo, distrito #3)</i>	3 yrs 3 años

Councilman Barr seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Ward, and Barr

NAYS: None

CONSIDER RECOMMENDATION OF PORT COMMISSION IN CONNECTION WITH SANDRA MERTINK, CURRENT TENANT'S REQUEST FOR EARLY TERMINATION OF LEASE AT NAUTICAL LANDINGS SUITE 3C

James Mertink was in attendance and he spoke on behalf of his wife, Sandy, in asking Council for early termination. He advised Council that Sandra Mertink had requested for early termination of lease at Nautical Landings Suite 3C, in March 2017 and which would otherwise expire at end of July 2017 from the Port Commission and they denied her request. City Manager Bradshaw advised there were other people interested in leasing a suite at Nautical Landings. He said staff recommends approval.

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 Sandra Mertink for early termination of lease at Nautical Landings Suite 3C, in March 2017 and which would otherwise expire at end of July 2017.

Councilman Smith seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Ward, and Barr

NAYS: None

CONSIDER RECOMMENDATION OF PORT COMMISSION IN CONNECTION WITH LEASE AGREEMENT FOR PRESTIGE OYSTERS, INC.

Harbor Master Ivanoski advised Council that Prestige Oysters, Inc. is requesting to renew lease agreement at the Harbor of Refuge identified as Tracts 1, 2 and 10 consisting of 3.756 acres of land for the purpose of a seafood production and distribution facility. Prestige Oysters, Inc. would like to have a five (5) year lease with two (2) five (5) year options on the current property they are leasing. The lease will have a rent adjustment included and is to be adjusted by using the Municipal Cost Index. He said Port Commission wanted to lease for only one (1) year with no options.

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 the lease agreement with Prestige Oysters, Inc. at the Harbor of Refuge identified as Tracts 1, 2 and 10 consisting of 3.756 acres of land for a five (5) year lease with two (2) five (5) year options on the current property they are leasing and to renew at not less than the rate then being paid at rate per acre of similarly situated property owned by the City of Port Lavaca. This contract will commence on April 01, 2017 at a rate of \$2,291.12 per month and rent shall be adjusted on October 1st of every year pursuant to the increase of the Municipal Cost Index.

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, Dent, Ward, and Barr

NAYS: None

CONSIDER FINAL PLAT OF TRINITY SHORES

Building Official Smith advised Council that this final plat of Trinity Shores Subdivision will be used for future development of a new 65,000 sq. ft. nursing home next to the Trinity Shores Assisted Living building. He also said construction could be underway by September and possibly create about 110 new jobs. He stated the Planning Board had approved the final plat and staff concurs.

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 the Planning Board and staff, Council hereby approves the preliminary and final plat of Trinity Shores Subdivision to be used for future development of a new 65,000 sq. ft. nursing home next to the Trinity Shores Assisted Living building.

Councilman Dent seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Ward, and Barr

NAYS: None

CONSIDER CONTRACT CHANGE AUTHORIZATION FOR AMENDMENT NO. 3 OF CITY'S COMPREHENSIVE PLAN IN THE AMOUNT OF \$15,000 FOR R.E.S.T.O.R.E. ACT FUNDING SERVICES BY FREESE & NICHOLS FOR "SHORELINE CLEAN UP, DEBRIS AND SUBMERGED STRUCTURES REMOVAL AND SEDIMENT INVESTIGATIONS"

City Manager Bradshaw advised Council that the City is in an extremely favorable position to received funding provided by the R.E.S.T.O.R.E. Act/BP Oil Spill Settlement. He said the City has filed an application for "Shoreline Clean-Up, Debris and Submerged Structures Removal and Sediment Investigations" to remove derelict barges located on our Bayfront. He stated the total request is for \$500,000 and Freese & Nichols is providing the necessary administrative support and assisting with application representation on behalf of the City. He said that in partnership with the Texas General Land Office (GLO) and Texas Commission on Environmental Quality (TCEQ), the City will fund the removal of derelict barges located on our Bayfront. He said this action will support future Bayfront Development activities.

Bradshaw advised this agenda item is a Contract Change Authorization for Amendment #3 of the City's Comprehensive Plan in the amount of \$15,000 for R.E.S.T.O.R.E. Act funding services by Freese & Nichols. He said funding is available within the 2016-2017 Budget "Contracted Services", specifically line items including from the General Fund #001, Beach Fund #503 and the Port Commission Fund #504.

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 the Contract Change Authorization for Amendment #3 of the City's Comprehensive Plan in the amount of \$15,000 for R.E.S.T.O.R.E. Act funding services by Freese & Nichols.

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

Councilman Ward seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Ward, and Barr

NAYS: None

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

- **TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY (DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PARTY), IN ACCORDANCE WITH CHAPTER 551, TITLE 5, SECTION 551.072 OF THE TEXAS GOVERNMENT CODE**

Mayor Whitlow announced that Council would retire into closed session at 6:51 p.m.

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

Mayor Whitlow announced that Council was back in open session at 7:17 p.m. and no action will be taken with regard to matters discussed in closed session.

ADJOURN

Councilman Barr made a motion to adjourn the meeting

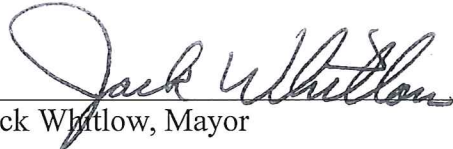
Councilman Dent seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Ward and Barr

NAYS: None

Meeting adjourned at 8:14 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, MARCH 13, 2017 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
- 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 FEBRUARY 13, 2017 REGULAR MEETING
 - (B) PAYMENT OF INVOICES EXCEEDING \$1,500
2. CONSIDER REQUEST FOR USE OF BAYFRONT PENINSULA PARK FOR THE "CELEBRATE THE CHILD" EVENT OF THE HARBOR CHILDRENS ALLIANCE AND VICTIMS CENTER, ON SATURDAY, APRIL 08, 2017 STARTING AT 10:00 A.M. AND WAIVER OF FEES ASSOCIATED WITH EVENT

3. CONSIDER SOURCE OF FUNDING FOR UPCOMING COMMUNITY EVENTS IN ASSOCIATION WITH THE CHAMBER OF COMMERCE AND TAKE ANY ACTION DEEMED NECESSARY
4. CONSIDER CERTIFICATION OF CITY SECRETARY THAT ALL CANDIDATES IN THE MAY 06, 2017 GENERAL OFFICERS ELECTION ARE UNOPPOSED
5. CONSIDER ADOPTING ORDER TO CANCEL ALL OF THE MAY 063, 2017 GENERAL OFFICERS ELECTION INCLUDING PROPOSITION OF LORENE S. SULTON PARK AND DECLARING THE UNOPPOSED CANDIDATES DULY ELECTED
6. CONSIDER RECOMMENDATION OF PORT COMMISSION IN CONNECTION WITH SANDRA MERTINK, CURRENT TENANT'S REQUEST FOR EARLY TERMINATION OF LEASE AT NAUTICAL LANDINGS SUITE 3C
7. CONSIDER RECOMMENDATION OF PORT COMMISSION IN CONNECTION WITH LEASE AGREEMENT FOR PRESTIGE OYSTERS, INC.
8. CONSIDER FINAL PLAT OF TRINITY SHORES
9. CONSIDER CONTRACT CHANGE AUTHORIZATION FOR AMENDMENT NO. 3 OF CITY'S COMPREHENSIVE PLAN IN THE AMOUNT OF \$15,000 FOR R.E.S.T.O.R.E. ACT FUNDING SERVICES BY FREESE & NICHOLS FOR "SHORELINE CLEAN UP, DEBRIS AND SUBMERGED STRUCTURES REMOVAL AND SEDIMENT INVESTIGATIONS"
10. ANNOUNCEMENT BY MAYOR THAT CITY COUNCIL WILL RETIRE INTO CLOSED SESSION:
 - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY (DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PARTY), IN ACCORDANCE WITH CHAPTER 551, TITLE 5, SECTION 551.072 OF THE TEXAS GOVERNMENT CODE
11. RETURN TO OPEN SESSION AND TAKE ANY ACTION DEEMED NECESSARY WITH REGARD TO MATTERS DISCUSSED IN CLOSED SESSION

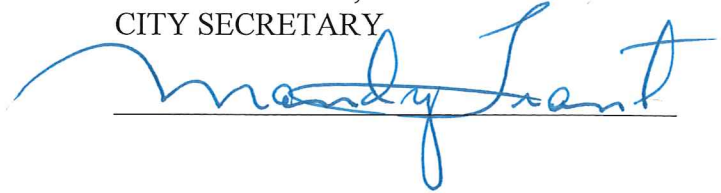
ADJOURN

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, MARCH 13, 2017, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 5:00 P.M. FRIDAY, MARCH 10, 2017.

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.