

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

On this the 8th day of May, 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	Mayor
Jerry Smith	Councilman, District 1
Tim Dent	Councilman, District 2
Lee Rivera*	Councilman, District 3
Jan Regan**	Councilwoman, District 3
Rosie G. Padron	Councilwoman, District 4
Jim Ward	Councilman, District 5
Ken Barr	Councilman, District 6, Mayor Pro Tem

*Term expires at this meeting.

**Term begins at this meeting.

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 Jim Ward gave the invocation.
- Mayor Whitlow led the pledge of allegiance to the American and Texas flags.
- Presentations by Mayor:
 - **Proclamation:**
 - Motorcycle Safety and Awareness Month
- Recognition of Outgoing Council Member:
 - **Lee Rivera**
 - Served for 13 years (May 2004 to May 2017)
- Mayor asked for comments from the public and there were none.

ADMINISTER OATHS OF OFFICE AND ISSUE CERTIFICATES OF ELECTION TO NEWLY ELECTED OFFICIALS OF THE PORT LAVACA CITY COUNCIL

City Secretary Grant certified that the newly elected officials were duly elected for purposes of the May 06, 2017 General Election pursuant to the Order issued on March 13, 2017, canceling the election scheduled for May 06, 2017 and declaring “unopposed candidates elected” which are as follows:

- Jerry Smith, City Council Member, District #1, a 3 year term to expire May 2020; and
- Jan Regan, City Council Member, District #3, a 3 year term to expire May 2020.

Each newly elected official, under oath, executed a Statement of Elected Official and were administered the Oath of Office.

The newly elected officials then assumed their respective seats and Council proceeded with the remainder of the meeting.

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”

Mayor Whitlow asked Barr if he would be interested in taking the position again and he responded yes.

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

Councilman Dent seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSENT AGENDA:

(A) **MINUTES OF APRIL 10, 2017 REGULAR MEETING**

(B) **PAYMENT OF INVOICES EXCEEDING \$1,500**

Mayor Whitlow requested item (B) be removed for further discussion.

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 approves consent agenda item (A) with the exception of item (B) Payment of Invoices Exceeding \$1,500.

Councilman Smith seconded this motion.

Motion passed by the following vote:

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

NAYS: None

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 recommendation of staff, Council hereby approves consent agenda item (B) Payment of Invoices Exceeding \$1,500.

Councilman Ward seconded this motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER REQUEST OF CALHOUN COUNTY CITIZENS IN ACTION (CCIA) FOR USE OF GEORGE ADAMS PARK ON JUNE 16 THRU JUNE 18, 2017 FOR THE ANNUAL JUNETEENTH CELEBRATION, WAIVER OF FEES ASSOCIATED WITH THE EVENT; WITH THE EXCEPTION OF ALCOHOL IN PARK FEE

The Calhoun Citizens in Action (CCIA) have requested the use of the George Adams Park for the Juneteenth Celebration, to be held on June 16th thru June 18th, 2017 and waiver of applicable fees in connection with this event with the exception of the alcohol permit.

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 Council hereby grants the request of the Calhoun Citizens in Action (CCIA) to utilize George Adams Park on June 16th thru June 18th, 2017, 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 Barr seconded said motion

Motion passed by the following vote:

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

NAYS: None

RECEIVE BEACH DAYS REPORT FROM THE CHAMBER OF COMMERCE

The City Council received a Beach Days report from the Chamber of Commerce by Tenia French.

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 accepts the Beach Days report from the Chamber of Commerce.

Councilman Ward seconded said motion

Motion passed by the following vote:

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

NAYS: None

RECEIVE IGUANA FEST REPORT FROM THE PORT LAVACA EVENTS COMMITTEE AND CONSIDER REQUEST FOR MAIN STREET THEATRE DONATION

The City Council received an Iguana Fest report from Tenia French, with the Port Lavaca Events Committee and she also asked Council to consider a donation for the Main Street Theatre. She reported the festival expenditures was \$14,760 under a budget of \$25,000.

Councilwoman Regan 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 reimburse one thousand dollars (\$1,000) to the Main Street Committee in recognition of assistance with the Iguana Fest with stipulation that five hundred dollars (\$500) of this reimbursement go to the Main Street Theatre.

Councilman Ward seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER REQUEST FROM THE PORT LAVACA EVENTS COMMITTEE TO THE AGREEMENT FOR THE TEMPORARY CLOSURE OF THE STATE RIGHT-OF-WAY WITH TEXAS DEPARTMENT OF TRANSPORTATION – CLOSE MAIN STREET FOR 2017 FLIP FLOP FESTIVAL BETWEEN VIRGINIA AND COMMERCE STREETS

Tenia French, with the Port Lavaca Events Committee made this request to City Council.

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 and adopts the agreement made and entered into by and between Texas Department of Transportation and the City of Port Lavaca; for the purpose of temporary closure of state-right-of-way to close Main Street for the 2017 Flip Flop Festival between Virginia and Commerce Streets.

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

Councilman Dent seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER REQUEST FROM THE PORT LAVACA EVENTS COMMITTEE TO ALLOCATE \$75,000 FROM HOTEL/MOTEL FUND FOR 2017 FLIP FLOP FESTIVAL

Tenia French, with the Port Lavaca Events Committee made this request to City Council.

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 Council hereby approves allocating Seventy-Five Thousand dollars (\$75,000) from Hotel/Motel Fund for the 2017 Flip Flop Festival.

Councilman Smith seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER REQUEST FROM THE PORT LAVACA EVENTS COMMITTEE TO ALLOCATE \$2,000 FROM HOTEL/MOTEL FUND FOR PROMOTION OF THE PATRIOTIC CONCERT FEATURING THE LACKLAND AIR FORCE BAND OF THE WEST

Tenia French, with the Port Lavaca Events Committee made this request to City Council.

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 Council hereby approves allocating Two Thousand dollars (\$2,000) from Hotel/Motel Fund for promotion of the Patriotic Concert featuring "The Lackland Air Force Band of the West", for the 2017 Flip Flop Festival.

Councilwoman Padron seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER REQUEST FROM THE PORT LAVACA EVENTS COMMITTEE FOR USE OF THE BAYFRONT PENINSULA PAVILION AND WAIVING FEES FOR THE FOLLOWING EVENTS:

- | | | | | |
|----|----------|------|----|-------------------|
| A) | SATURDAY | JULY | 01 | PATRIOTIC CONCERT |
| B) | FRIDAY | SEPT | 01 | 2017 FLIP FLOP |
| C) | SATURDAY | SEPT | 02 | 2017 FLIP FLOP |

Tenia French, with the Port Lavaca Events Committee made this request to City Council.

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 Port Lavaca Events Committee for use of the Bayfront Peninsula Pavilion and the waiver of fees for the following events:

- | | | | | |
|----|----------|------|----|-------------------|
| A) | Saturday | July | 01 | Patriotic concert |
| B) | Friday | Sept | 01 | 2017 flip flop |
| C) | Saturday | Sept | 02 | 2017 flip flop |

Councilman Ward seconded said motion

Motion passed by the following vote:

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

NAYS: None

**CONSIDER REQUEST FROM THE PORT LAVACA EVENTS COMMITTEE FOR
USE OF THE NAUTICAL LANDINGS MEETING ROOM AND WAIVING FEES FOR
THE FOLLOWING EVENTS:**

- | | | | | |
|----|----------|------|----|-----------------------------------|
| A) | THURSDAY | MAY | 11 | 2017 FLIP FLOP ANNOUNCEMENT PARTY |
| B) | THURSDAY | AUG | 31 | 2017 FLIP FLOP |
| C) | FRIDAY | SEPT | 01 | 2017 FLIP FLOP |
| D) | SATURDAY | SEPT | 02 | 2017 FLIP FLOP |

Tenia French, with the Port Lavaca Events Committee made this request to City Council.

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 Council hereby approves the request of the Port Lavaca Events Committee for use of the Nautical Landings Meeting Room and the waiver of fees for the following events:

- | | | | | |
|----|----------|------|----|-----------------------------------|
| A) | Thursday | May | 11 | 2017 flip flop announcement party |
| B) | Thursday | Aug | 31 | 2017 flip flop |
| C) | Friday | Sept | 01 | 2017 flip flop |
| D) | Saturday | Sept | 02 | 2017 flip flop |

Councilman Barr seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER CENTERPOINT ENERGY 2017 ANNUAL GAS RELIABILITY INFRASTRUCTURE PROGRAM (GRIP) ADJUSTMENT FOR THE SOUTH TEXAS DIVISION

City Manager Bradshaw advised that CenterPoint Energy filed a tariff increase which establishes the annual Gas Reliability Infrastructure Program (GRIP) for the South Texas Division. The rate adjustment was set to go into effect on May 29, 2017 unless the City suspends that date for a period of no longer than forty-five (45) days. Rate adjustment will increase \$2.04 per month per resident going from \$21.20 to \$23.24.

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 CenterPoint Energy 2017 Gas Reliability Infrastructure Program (GRIP) adjustments for the South Texas Division to go into effect on May 29, 2017; however, the City will suspend that date for a period of no longer than forty-five (45) days and a copy is on file in the office of the City Secretary.

Councilman Dent seconded this motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER AMENDMENT NO. TWO (2) TO ALAN PLUMMER ASSOCIATES, INC. (APAI) CONTRACT FOR THE CITY'S WWTP PERMIT WITH TCEQ

Public Works Director Pena advised Council that at the regular scheduled meeting of March 14, 2016 Council approved an amendment to the existing contract with Alan Plummer and Associates for the purpose of renewing the City's Waste Water Treatment Plant (WWTP) permit. Due to complications with the zinc levels set by Texas Commission Environmental Quality (TCEQ) on discharge parameters, our permit is still in the process of being renewed and requires additional work by Alan Plummer Associates, Inc. (APAI). He said the cost for the specific services is not possible to predict in advance; therefore, APAI is proposing a budget of fifteen thousand dollars (\$15,000) at this time.

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 amendment number two (2) to Alan Plummer Associates, Inc. (APAI) Contract, in the amount of fifteen thousand dollars (\$15,000), for the City's Waste Water Treatment Plant (WWTP) Permit with Texas Commission Environmental Quality (TCEQ).

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

Councilwoman Padron seconded this motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER RECOMMENDATION OF THE PARKS AND RECREATION BOARD TO APPOINT OR REAPPOINT MEMBER(S) TO THE BOARD TO FILL EXPIRED TERM(S)

Public Works Director Pena advised Council that terms have expired for Mac Sistrunk and Olga Szela and they have both expressed the desire to be reappointed to the Parks and Recreation Board. He said the Parks and Recreation Board has recommended both Sistrunk and Szela be reappointed to continue serving another 2 year term.

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 Parks and Recreation Board and staff, Council hereby reappoints Mac Sistrunk and Olga Szela to continue serving on the Parks and Recreation Board for another term of two (2) years.

Councilman Smith seconded this motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER RECOMMENDATION OF THE PARKS AND RECREATION BOARD TO RELOCATE THE SMALL PAVILION AT BAYFRONT PENINSULA PARK

This item was pulled from consideration; therefore, no action needed and none taken.

CONSIDER RECOMMENDATION OF THE PORT COMMISSION TO APPOINT OR REAPPOINT MEMBER(S) TO THE BOARD TO FILL EXPIRED TERM(S)

Public Works Director Pena advised Council that the term has expired for Alex Davila and he has expressed the desire to be reappointed to the Port Commission Board.

He said the Port Commission Board has recommended that Alex Davila be reappointed to continue serving another 2 year term.

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 the Port Commission and staff, Council hereby reappoints Alex Davila to continue serving on the Port Commission Board for another term of two (2) years.

Councilwoman Padron seconded this motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER RECOMMENDATION OF THE PORT COMMISSION TO PROCEED WITH ANY ACTION NECESSARY FOR VESSELS AT NAUTICAL LANDINGS MARINA WHO ARE DELINQUENT IN SLIP RENTAL PAYMENTS

Public Works Director Pena advised Council that the Port Commission is recommending that the city proceed with taking any and all action necessary to secure payment from owners with vessels at Nautical Landings Marina or otherwise satisfy the cumulative indebtedness resulting from failure to pay, which may include filing maritime liens, vessel seizure or removal. He said the following list are owners currently delinquent in their slip rental payments:

- a) James O'Neil, name of vessel: Curlew
- b) Connie L. Whiteaker, name of vessel: II Easy
- c) Robert Goecking, name of vessel: Favell

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 Port Commission and staff, Council hereby authorizes the City Manager and City Attorney to proceed with any action necessary for eviction for non-payment.

Councilwoman Padron seconded this motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER RECOMMENDATION OF THE PORT COMMISSION TO PROCEED WITH OBTAINING REQUEST FOR QUOTES (RFQ) FOR NAUTICAL LANDINGS BREAK WATER REPAIR PROJECT, CITY HARBOR DOCK REPAIRS PROJECT AND HARBOR OF REFUGE BULKHEAD REPAIR PROJECT

City Manager Bradshaw and Port Commission Chairman Raymond Butler advised Council that the Port Commission is recommending that the city proceed with submitting RFQs to various engineering firms to provide a suitable design, plan, and specs for repair, including engineering costs and a time line for completion of the RFQ for the following three (3) projects:

- 1) Nautical Landings break-water repair; and
- 2) City Harbor dock repairs; and
- 3) Harbor of Refuge bulkhead repair.

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 authorizes steps to proceed with submitting RFQs to various engineering firms to provide a suitable design, plan, and specs for repair, including engineering costs and a time line for completion of the RFQ for the following three (3) projects:

- 1) Nautical Landings break-water repair; and
- 2) City Harbor dock repairs; and
- 3) Harbor of Refuge bulkhead repair.

Councilman Barr seconded this motion.

Motion passed by the following vote:

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

NAYS: None

**CONSIDER RECOMMENDATION OF THE PORT COMMISSION TO IMPLEMENT
A COMPREHENSIVE STUDY/REVIEW OF INCOME PRODUCING PROPERTIES
OWNED AND OR OPERATED BY THE CITY**

City Manager Bradshaw advised Council that the Port Commission wanted the city to implement a comprehensive study/review of income-producing properties owned and/or operated by the City.

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 authorizes the City Manager to implement a comprehensive study/review of income-producing properties owned and/or operated by the City.

Councilman Smith seconded this motion.

Motion passed by the following vote:

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

NAYS: None

**CONSIDER RECOMMENDATION OF THE PLANNING BOARD FOR VARIANCE
REQUEST TO CODE OF ORDINANCE SECTION 12-24 (D) FOR SETBACK
REQUIREMENTS FROM RONNIE SALENA AT 105 BELLE COURT**

Building Official Smith advised Council that Mr. and Mrs. Ronnie Salena of 105 Belle Court had constructed a carport without a permit. He said they are requesting a variance to the City's Code of Ordinances, Chapter 12 Buildings and Building Regulations, Section 12-24(d) Building Setbacks; Minimum setback requirements which shall be 15 feet. He stated they currently have a 10'X16' structure (carport) on their property that is less than 15 feet from the setback requirement; therefore, not in compliance with the building code. He said the Planning Board and staff have denied this request.

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 recommendation of Planning Board and staff, Council hereby denies request of Mr. and Mrs. Ronnie Salena for a variance to the City's Code of Ordinances, Chapter 12 Buildings and Building Regulations, Section 12-24(d) Building Setbacks; Minimum setback requirements which shall be 15 feet.

Councilwoman Regan seconded this motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER RECOMMENDATION OF THE PLANNING BOARD FOR VARIANCE REQUEST TO CODE OF ORDINANCE SECTION 26-8(B) AND ALSO 42-132 (4) (B) FROM MARIO DESILLOS FOR CONSTRUCTION OF A NEW RV PARK ON HENRY BARBER WAY

Building Official Smith advised Council the Planning Board had contemplated a request from Mr. Mario Desillos for construction of a new Recreational Vehicle (RV) Park on Henry Barber Way (formerly known as County Road 101). Mr. Desillos also asked for the following two (2) variance requests to the City's Code of Ordinances:

- 1) Chapter 26 Manufactured Housing, Section 26-8(b)(4) Recreational Vehicle Parks Exceptions which ordain that minimum spaces shall be 20 feet by 70 feet and Mr. Desillos wants to build sites measuring 22 feet by 50 feet; and
- 2) Chapter 42 Subdivisions and Plats, Article VI Design Standards, Section 42-132 Streets and Alleys (f) Street Cross Sections (4) Local ordain that (b) minimum pavement width shall be 28 feet and Mr. Desillos wants pavement width to be 26 feet.

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 recommendation of Planning Board and staff, Council hereby approves request of Mr. Mario Desillos to construct a new RV Park on Henry Barber Way (formerly known as County Road 101) and also approves the following two (2) variance requests to the City's Code of Ordinances:

- 1) Chapter 26 Manufactured Housing, Section 26-8(b)(4) Recreational Vehicle Parks Exceptions which ordain that minimum spaces shall be 20 feet by 70 feet and Mr. Desillos is authorized to build sites measuring 22 feet by 50 feet; and
- 2) Chapter 42 Subdivisions and Plats, Article VI Design Standards, Section 42-132 Streets and Alleys (f) Street Cross Sections (4) Local ordain that (b) minimum pavement width shall be 28 feet and Mr. Desillos is authorized for pavement width to be 26 feet.

Councilman Dent seconded this motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER RECOMMENDATION OF THE PLANNING BOARD FOR VARIANCE REQUEST TO CODE OF ORDINANCE SECTION 26-6(3) A, B, TO ALLOW AN ADDITION TO THE LYNNS BAYOU MOBILE HOME PARK WITHOUT BEING PLATTED FROM SHELTON PROPERTIES, LLC

Building Official Smith advised Council the Planning Board had received a request from Mr. Jimmy Ray Shelton for variance request to the City's Code of Ordinances, Chapter 26 Manufactured Housing, Section 26-6(3) A, B, Manufactured Housing Parks, New or expanding manufactured housing parks construction, A and B. He said Mr. Shelton owns Shelton Properties, LLC. and wants an addition to the Lynns Bayou Mobile Home Park without being platted. He said the Planning Board and staff have denied this request. Mr. Shelton advised Council he would withdraw his request at this time.

No action needed and none taken.

CONSIDER RECOMMENDATION OF THE PLANNING BOARD FOR REPLAT OF PORT LAVACA ORIGINAL TOWNSITE, BLOCK 13, LOT 1, 2, 3, 4, SE 11' OF LOT 5 LOCATED ON S. GUADALUPE AND MLK TO BLOCK 13, LOT 1 FOR PROPOSED CONSTRUCTION SITE OF FIVE (5) NEW HOMES

Building Official Smith advised Council that Mr. Jimmy Ray Shelton, owner of Shelton Properties LLC requests approval to replat Block 13, Lots 1, 2, 3, 4, and SE 11' of 5 of the Port Lavaca Original Townsite. He said Mr. Shelton intends to construct five (5) new homes on this property being located on S. Guadalupe and MLK. He said the Planning Board had approved the preliminary replat 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 recommendation of Planning Board and staff, Council hereby approves request of Mr. Jimmy Ray Shelton, owner of Shelton Properties LLC to replat Block 13, Lots 1, 2, 3, 4, and SE 11' of 5 of the Port Lavaca Original Townsite to construct five (5) new homes on this property being located on S. Guadalupe and MLK.

Councilman Smith seconded this motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER RECOMMENDATION OF THE PLANNING BOARD FOR VARIANCE REQUEST TO CONSTRUCT A CARPORT ON A CITY EASEMENT FROM SONNY TORRES AT 110 OAK GROVE LANE

Building Official Smith advised Council that Mr. Sonny Torres of 110 Oak Grove Lane has requested a variance to construct a carport on a city utility easement. He said the Planning Board had approved the 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 recommendation of Planning Board and staff, Council hereby approves a variance to construct a carport on a city utility easement to Mr. Sonny Torres of 110 Oak Grove Lane with understanding that carport is subject to removal to facilitate access to city utilities and at owner's expense.

Councilman Ward seconded this motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER REQUEST OF THE PORT LAVACA EVENTS COMMITTEE FOR CLOSURE OF RAILROAD STREET BETWEEN VIRGINIA AND COMMERCE STREET AND GUADALUPE AND COLORADO STREET BETWEEN MAIN AND RAILROAD STREETS FOR 2017 FLIP FLOP FESTIVAL AND TAKE ANY ACTION DEEMED NECESSARY

Tenia French, with the Port Lavaca Events Committee made this request to City Council.

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 recommendation of staff, Council hereby approves temporary closure of Railroad Street between Virginia and Commerce Street and Guadalupe and Colorado Street between Main and Railroad Streets for the 2017 Flip Flop Festival.

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

Councilwoman Regan seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER REQUEST OF THE PORT LAVACA EVENTS COMMITTEE FOR USE OF THE NAUTICAL LANDINGS MEETING ROOM AND WAIVING FEES FOR THE FOLLOWING EVENT AND TAKE ANY ACTION DEEMED NECESSARY

A) SATURDAY JULY 01 WARDROBE CHANGE - PATRIOTIC CONCERT

Tenia French, with the Port Lavaca Events Committee made this request to City Council.

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 Council hereby approves the request of the Port Lavaca Events Committee for use of the Nautical Landings Meeting Room and the waiver of fees for the following events:

A) Saturday July 01 Wardrobe Change – Patriotic Party

Councilman Barr seconded said motion

Motion passed by the following vote:

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

NAYS: None

ADJOURN

Councilman Barr made a motion to adjourn the meeting

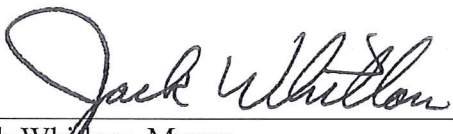
Councilwoman Regan seconded said motion

Motion passed by the following vote:

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

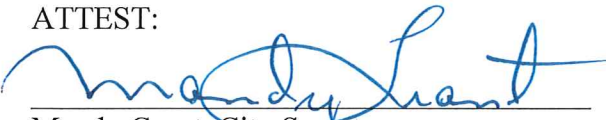
NAYS: None

Meeting adjourned at 8:40 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, MAY 08, 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:
 - MOTORCYCLE SAFETY AND AWARENESS MONTH PROCLAMATION
 - RECOGNIZE OUTGOING COUNCIL MEMBER
 - LEE RIVERA 13 YEARS (MAY 2004 TO MAY 2017)
- 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. ADMINISTER OATHS OF OFFICE AND ISSUE CERTIFICATES OF ELECTION TO NEWLY ELECTED OFFICIALS OF THE PORT LAVACA CITY COUNCIL
2. CONSIDER ELECTION OF MAYOR PRO TEM BY COUNCIL MEMBERS IN ACCORDANCE WITH SECTION 3.04 OF THE CITY OF PORT LAVACA HOME RULE CHARTER
3. CONSENT AGENDA:
 - (A) MINUTES OF APRIL 10, 2017 REGULAR MEETING
 - (B) PAYMENT OF INVOICES EXCEEDING \$1,500
4. CONSIDER REQUEST OF CALHOUN COUNTY CITIZENS IN ACTION (CCIA) FOR USE OF GEORGE ADAMS PARK ON JUNE 16 THRU JUNE 18, 2017 FOR THE ANNUAL JUNETEENTH CELEBRATION, WAIVER OF FEES ASSOCIATED WITH THE EVENT; WITH THE EXCEPTION OF ALCOHOL IN PARK FEE
5. RECEIVE BEACH DAYS REPORT FROM THE CHAMBER OF COMMERCE
6. RECEIVE IGUANA FEST REPORT FROM THE PORT LAVACA EVENTS COMMITTEE AND CONSIDER REQUEST FOR MAIN STREET THEATRE DONATION
7. CONSIDER REQUEST FROM THE PORT LAVACA EVENTS COMMITTEE TO THE AGREEMENT FOR THE TEMPORARY CLOSURE OF THE STATE RIGHT-OF-WAY WITH TEXAS DEPARTMENT OF TRANSPORTATION – CLOSE MAIN STREET FOR 2017 FLIP FLOP FESTIVAL BETWEEN VIRGINIA AND COMMERCE STREETS
8. CONSIDER REQUEST FROM THE PORT LAVACA EVENTS COMMITTEE TO ALLOCATE \$75,000 FROM HOTEL/MOTEL FUND FOR 2017 FLIP FLOP FESTIVAL
9. CONSIDER REQUEST FROM THE PORT LAVACA EVENTS COMMITTEE TO ALLOCATE \$2,000 FROM HOTEL/MOTEL FUND FOR PROMOTION OF THE PATRIOTIC CONCERT FEATURING THE LACKLAND AIR FORCE BAND OF THE WEST
10. CONSIDER REQUEST FROM THE PORT LAVACA EVENTS COMMITTEE FOR USE OF THE BAYFRONT PENINSULA PAVILION AND WAIVING FEES FOR THE FOLLOWING EVENTS:
 - A) SATURDAY JULY 01 PATRIOTIC CONCERT
 - B) FRIDAY SEPT 01 2017 FLIP FLOP
 - C) SATURDAY SEPT 02 2017 FLIP FLOP

11. CONSIDER REQUEST FROM THE PORT LAVACA EVENTS COMMITTEE FOR USE OF THE NAUTICAL LANDINGS MEETING ROOM AND WAIVING FEES FOR THE FOLLOWING EVENTS:
 - A) THURSDAY MAY 11 2017 FLIP FLOP ANNOUNCEMENT PARTY
 - B) THURSDAY AUG 31 2017 FLIP FLOP
 - C) FRIDAY SEPT 01 2017 FLIP FLOP
 - D) SATURDAY SEPT 02 2017 FLIP FLOP
12. CONSIDER CENTERPOINT ENERGY 2017 ANNUAL GAS RELIABILITY INFRASTRUCTURE PROGRAM (GRIP) ADJUSTMENTS FOR THE SOUTH TEXAS DIVISION
13. CONSIDER AMENDMENT NO. TWO (2) TO ALAN PLUMMER ASSOCIATES, INC. (APAI) CONTRACT FOR THE CITY'S WWTP PERMIT WITH TCEQ
14. CONSIDER RECOMMENDATION OF THE PARKS AND RECREATION BOARD TO APPOINT OR REAPPOINT MEMBER(S) TO THE BOARD TO FILL EXPIRED TERM(S)
15. CONSIDER RECOMMENDATION OF THE PARKS AND RECREATION BOARD TO RELOCATE THE SMALL PAVILION AT BAYFRONT PENINSULA PARK
16. CONSIDER RECOMMENDATION OF THE PORT COMMISSION TO APPOINT OR REAPPOINT MEMBER(S) TO THE BOARD TO FILL EXPIRED TERM(S)
17. CONSIDER RECOMMENDATION OF THE PORT COMMISSION TO PROCEED WITH ANY ACTION NECESSARY FOR VESSELS AT NAUTICAL LANDINGS MARINA WHO ARE DELINQUENT IN SLIP RENTAL PAYMENTS
18. CONSIDER RECOMMENDATION OF THE PORT COMMISSION TO PROCEED WITH OBTAINING REQUEST FOR QUOTES (RFQ) FOR NAUTICAL LANDINGS BREAK WATER REPAIR PROJECT, CITY HARBOR DOCK REPAIRS PROJECT AND HARBOR OF REFUGE BULKHEAD REPAIR PROJECT
19. CONSIDER RECOMMENDATION OF THE PORT COMMISSION TO IMPLEMENT A COMPREHENSIVE STUDY/REVIEW OF INCOME PRODUCING PROPERTIES OWNED AND OR OPERATED BY THE CITY
20. CONSIDER RECOMMENDATION OF THE PLANNING BOARD FOR VARIANCE REQUEST TO CODE OF ORDINANCE SECTION 12-24 (D) FOR SETBACK REQUIREMENTS FROM RONNIE SALENA AT 105 BELLE COURT

21. CONSIDER RECOMMENDATION OF THE PLANNING BOARD FOR VARIANCE REQUEST TO CODE OF ORDINANCE SECTION 26-8(B) AND ALSO 42-132 (4) (B) FROM MARIO DESILLOS FOR CONSTRUCTION OF A NEW RV PARK ON HENRY BARBER WAY
22. CONSIDER RECOMMENDATION OF THE PLANNING BOARD FOR VARIANCE REQUEST TO CODE OF ORDINANCE SECTION 26-6(3) A, B, TO ALLOW AN ADDITION TO THE LYNNS BAYOU MOBILE HOME PARK WITHOUT BEING PLATTED FROM SHELTON PROPERTIES, LLC
23. CONSIDER RECOMMENDATION OF THE PLANNING BOARD FOR REPLAT OF PORT LAVACA ORIGINAL TOWNSITE, BLOCK 13, LOT 1, 2, 3, 4, SE 11' OF LOT 5 LOCATED ON S. GUADALUPE AND MLK TO BLOCK 13, LOT 1 FOR PROPOSED CONSTRUCTION SITE OF FIVE (5) NEW HOMES
24. CONSIDER RECOMMENDATION OF THE PLANNING BOARD FOR VARIANCE REQUEST TO CONSTRUCT A CARPORT ON A CITY EASEMENT FROM SONNY TORRES AT 110 OAK GROVE LANE

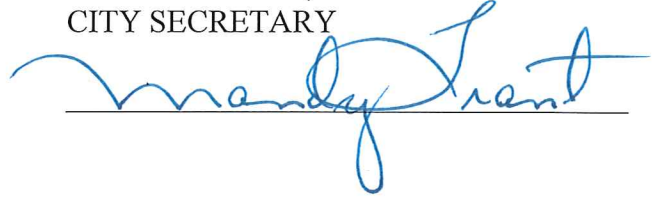
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JACK WHITLOW, MAYOR

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, MAY 08, 2017, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 5:00 P.M. WEDNESDAY, MAY 03, 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.

PUBLIC NOTICE TO ADD SUPPLEMENTAL ITEM(S) FOR AGENDA OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PORT LAVACA, SCHEDULED FOR MONDAY, MAY 08 2017, BEGINNING AT 6:30 P.M., IN COUNCIL CHAMBERS AT CITY HALL, 202 NORTH VIRGINIA STREET, PORT LAVACA, TEXAS:

25. CONSIDER REQUEST OF THE PORT LAVACA EVENTS COMMITTEE FOR CLOSURE OF RAILROAD STREET BETWEEN VIRGINIA AND COMMERCE STREET AND GUADALUPE AND COLORADO STREET BETWEEN MAIN AND RAILROAD STREETS FOR 2017 FLIP FLOP FESTIVAL AND TAKE ANY ACTION DEEMED NECESSARY
26. CONSIDER REQUEST OF THE PORT LAVACA EVENTS COMMITTEE FOR USE OF THE NAUTICAL LANDINGS MEETING ROOM AND WAIVING FEES FOR THE FOLLOWING EVENT AND TAKE ANY ACTION DEEMED NECESSARY
 - A) SATURDAY JULY 01 WARDROBE CHANGE PATRIOTIC CONCERT

JACK WHITLOW, MAYOR

CERTIFICATION OF POSTING NOTICE

THIS IS TO CERTIFY THAT THE ABOVE NOTICE TO ADD SUPPLEMENTAL ITEM(S) FOR AGENDA OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PORT LAVACA, SCHEDULED FOR MONDAY, MAY 08, 2017, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 1:00 P.M., THURSDAY, MAY 04, 2017.

MANDY GRANT,
CITY SECRETARY

