

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

On this the 9th day of May, 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
Ken Barr	Councilman, District 6, Mayor Pro Tem

And with the following absent:

Jim Ward	Councilman, District 5
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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 6:33 P.M. and presided.
- Councilman Smith gave the invocation.
- Mayor Whitlow led the pledge of allegiance to the American and Texas flags.
- Mayor Whitlow recognized the Youth Advisory Council (YAC) Graduation Ceremony.
- Mayor Whitlow read following proclamations:
 - Safety Awareness for Everyone (SAFE) Week - May 9 thru May 13, 2016
 - April is the Motorcycle Safety and Awareness Month
- Mayor asked for comments from the public and there were none.

CONSENT AGENDA:

- (A) MINUTES OF APRIL 01, 2016 SPECIAL MEETING
- (B) MINUTES OF APRIL 11, 2016 SPECIAL MEETING
- (C) MINUTES OF APRIL 11, 2016 REGULAR MEETING
- (D) MINUTES OF APRIL 18, 2016 SPECIAL MEETING
- (E) MINUTES OF APRIL 25, 2016 WORKSHOP AND SPECIAL MEETING
- (F) PAYMENT OF INVOICES EXCEEDING \$1,500

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 all consent agenda items as listed.

Councilman Rivera seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Rivera, Padron and Barr

NAYS: None

RECEIVE AND APPROVE PRESENTATION OF THE CALHOUN COUNTY 9-1-1 2016 FISCAL BUDGET IN ACCORDANCE WITH THE HEALTH AND SAFETY CODE, TITLE 9 SAFETY, SUBTITLE B EMERGENCIES, CHAPTER 772 LOCAL ADMINISTRATION OF EMERGENCY COMMUNICATIONS, SECTION 772.309(4) GOVERNING BODY OF PARTICIPATING JURISDICTION

Andrew Chamber and Raquel Morales, Chairman and Coordinator of the Calhoun County 9-1-1 Board were in attendance to present their 2016 Fiscal Year Budget. Mr. Chamber advised the budget must be approved by the 9-1-1 Board and then presented to and approved by the Commissioner's Court of the county for which the district is established and the governing body of the principal municipality. The board shall perform an independent financial audit of the district annually and present to all participating public agencies. This is in accordance with the Health and Safety Code, Title 9 Safety, Subtitle B Emergencies, Chapter 772 Local Administration of Emergency Communications, Section 772.309(4) Governing Body of Participating Jurisdiction.

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, Council hereby receives the Calhoun County 9-1-1 Board's 2016 Fiscal Year Budget, a copy in its entirety, can be found in the office of the City Secretary.

Councilman Barr seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Rivera, Padron and Barr

NAYS: None

CONSIDER AWARD OF BID FOR THE 2015-2016 CAPITAL IMPROVEMENTS PROJECT (CIP) - N. COMMERCE STREET SANITARY SEWER REPLACEMENT PROJECT

Public Works Director Gurley advised Council that the 2015-2016 Capital Improvement Plan (CIP) includes the N. Commerce Street Sanitary Sewer Replacement Project. He said staff opened bids on April 26, 2016 from the following vendors:

• Texas Pride Utilities	\$226,431.00	120	calendar days
• Lopez Utilities	\$241,887.75	90	calendar days
• Mercer Construction	\$315,706.00	180	calendar days
• Lester Contracting	\$338,238.48	90	calendar days

He said that staff and CivilCorp Engineers recommend the bid be awarded to Texas Pride Utilities in the amount of \$226,431.00, which is below the budget of \$300,000 and Texas Pride is also committing to complete the project prior to school starting in mid-August 2016.

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 awards the bid for the 2015-2016 Capital Improvements Plan (CIP) N. Commerce Street Sanitary Sewer Replacement Project, to Texas Pride Utilities in the amount of \$226,431.00 to be completed in 120 calendar days.

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

Councilman Smith seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Rivera, Padron and Barr

NAYS: None

CONSIDER RESOLUTION NO. R-050916 -1 OF THE CITY OF PORT LAVACA FINDING THAT AEP TEXAS CENTRAL COMPANY'S APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED

Councilman Smith made a motion to pass the following:

WHEREAS, the City of Port Lavaca , Texas ("City") is an electric utility customer of AEP Texas Central Company ("TCC" or "Company"), and a regulatory authority with an interest in the rates and charges of TCC; and

WHEREAS, the City is a member of the Cities Served by AEP TCC ("Steering Committee"), a membership of similarly situated cities served by TCC that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in TCC's service area; and

WHEREAS, on or about April 6, 2016 TCC filed with the City an Application for Approval of a Distribution Cost Recovery Factor ("DCRF"), PUC Docket No. 45787, seeking to increase electric distribution rates by \$54,012,978; and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

WHEREAS, the Steering Committee is coordinating its review of TCC's DCRF filing with designated attorneys and consultants to resolve issues in the Company's application; and

WHEREAS, the Steering Committee's members and attorneys recommend that members deny the DCRF.

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

SECTION 1. That the City is authorized to participate in the Steering Committee in PUC Docket No. 45787.

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

SECTION 3. That the rates proposed by TCC to be recovered through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

SECTION 4. That the Company shall continue to charge its existing rates to customers within the City.

SECTION 5. That the City's reasonable rate case expenses shall be reimbursed in full by TCC within 30 days of presentation of an invoice to TCC.

SECTION 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

SECTION 7. That a copy of this Resolution shall be sent to Jay Tounge, American Electric Power Service Corporation, 1201 Elm Street, Suite 800, Dallas, Texas 75270 and to Thomas Brocato, General Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

Councilman Dent seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Rivera, Padron and Barr

NAYS: None

**CONSIDER QUARTERLY FINANCIAL AND INVESTMENT REPORTS FOR
QUARTER ENDING MARCH 31, 2016**

Finance Director Jones went over the quarterly Financial and Investment reports for the quarter ending March 31, 2016, a copy of which is in the office of the Finance Director.

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 Council hereby approves the quarterly financial and investment reports for the quarter ending March 31, 2016, as presented.

Councilwoman Padron seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Rivera, Padron and Barr

NAYS: None

ADJOURN

Councilman Barr made a motion to adjourn the meeting

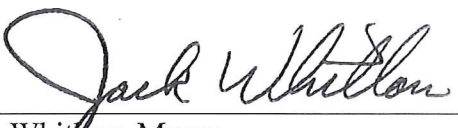
Councilman Dent seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Rivera, Padron and Barr

NAYS: None

Meeting adjourned at 7:14 P.M.



Jack Whitten, Mayor

ATTEST:



Mandy Grant, Interim City Manager

PUBLIC NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS, WILL HOLD A REGULAR MEETING MONDAY, MAY 09, 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
- MAYOR'S PRESENTATIONS:
 - YOUTH ADVISORY COUNCIL (YAC) GRADUATION CEREMONY
- MAYOR'S PROCLAMATIONS:
 - SAFETY AWARENESS FOR EVERYONE (SAFE) WEEK - MAY 9 THRU MAY 13, 2016
 - APRIL IS THE MOTORCYCLE SAFETY AND AWARENESS MONTH
- 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 01, 2016 SPECIAL MEETING
 - (B) MINUTES OF APRIL 11, 2016 SPECIAL MEETING
 - (C) MINUTES OF APRIL 11, 2016 REGULAR MEETING
 - (D) MINUTES OF APRIL 18, 2016 SPECIAL MEETING
 - (E) MINUTES OF APRIL 25, 2016 WORKSHOP AND SPECIAL MEETING
 - (F) PAYMENT OF INVOICES EXCEEDING \$1,500
2. RECEIVE AND APPROVE PRESENTATION OF THE CALHOUN COUNTY E-9-1-1 2016 FISCAL BUDGET IN ACCORDANCE WITH THE HEALTH AND SAFETY CODE, TITLE 9 SAFETY, SUBTITLE B EMERGENCIES, CHAPTER 772 LOCAL ADMINISTRATION OF EMERGENCY COMMUNICATIONS, SECTION 772.309(4) GOVERNING BODY OF PARTICIPATING JURISDICTION
3. CONSIDER AWARD OF BID FOR THE 2015-2016 CAPITAL IMPROVEMENTS PROJECT (CIP) - N. COMMERCE STREET SANITARY SEWER REPLACEMENT PROJECT
4. CONSIDER RESOLUTION NO. R-050916 -1 OF THE CITY OF PORT LAVACA FINDING THAT AEP TEXAS CENTRAL COMPANY'S APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED
5. CONSIDER QUARTERLY FINANCIAL AND INVESTMENT REPORTS FOR QUARTER ENDING MARCH 31, 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, MAY 09, 2016, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 4:00 P.M. FRIDAY, MAY 06, 2016.

MANDY GRANT,
INTERIM CITY MANAGER



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.