

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

On this the 10th day of July, 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
Jan Regan	Councilwoman, 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 6:37 P.M. and presided.
- Councilman Jim Ward gave the invocation.
- Mayor Whitlow led the pledge of allegiance to the American and Texas flags.
- Mayor asked for comments from the public and there was the following:
 - Tenia French with the Port Lavaca Events Committee gave update on events.

CONSENT AGENDA:

- (A) **MINUTES OF JUNE 12, 2017 REGULAR MEETING**
- (B) **MINUTES OF JUNE 19, 2017 SPECIAL & WORKSHOP SESSION**
- (C) **MINUTES OF JUNE 26, 2017 WORKSHOP SESSION**
- (D) **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 Ward seconded said motion

Motion passed by the following vote:

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

NAYS: None

**CONDUCT PUBLIC HEARING IN CONNECTION WITH CONDEMNATION OF
SUBSTANDARD BUILDING LOCATED AT 405 S GUADALUPE STREET**

Mayor Whitlow announced that the public hearing was now open at 6:41 p.m.

Mayor Whitlow asked if there were any comments from citizens and the following spoke:

- | | | |
|------------------|-------------------------|-------------|
| 1) Mary Ann Orta | 411 S. Guadalupe Street | Port Lavaca |
| 2) Susan Wall | 418 S. Guadalupe Street | Port Lavaca |

Mayor Whitlow announced that the public hearing was now closed at 7:15 p.m.

**CONSIDER AND TAKE ACTION TO FIND THE FOLLOWING PROPERTY, 405 S.
GUADALUPE, LOCATED IN THE CITY OF PORT LAVACA, IS IN VIOLATION OF
THE SUBSTANDARD BUILDING CODE, CHAPTER 12, SECTION IV OF THE CITY
OF PORT LAVACA CODE OF ORDINANCES, FOLLOWING PUBLIC HEARING
HELD ON JUNE 12, 2017 AND ORDER THEM TO BE VACATED, SECURED,
REPAIRED, REMOVED, OR DEMOLISHED BY THE OWNER WITHIN NINETY (90)
DAYS OF THE DATE OF THIS MEETING**

Building Official Smith and City Attorney Odefey advised Council that this property was ready for commencement of condemnation proceedings.

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 City Attorney and Staff, Council hereby finds that the property located at 405 S. Guadalupe Street, within the city limits of Port Lavaca, Texas, is in violation of the Substandard Building Code, Chapter 12, Section IV, of the City of Port Lavaca Code of Ordinances, following a Public Hearing held on July 10, 2017 and orders that it be vacated, secured, repaired, removed or demolished by the owner within ninety (90) days of the date of this meeting.

Councilman Ward seconded said motion

Motion passed by the following vote:

AYES: Dent, Regan, Padron, Ward and Barr

NAYS: None

ABSTAIN: Smith
(Reason is due to being a neighbor)

CONSIDER RECOMMENDATION OF THE PLANNING BOARD ON REQUEST FROM JIMMY SHELTON DBA SHELTON PROPERTIES, LLC. FOR VARIANCE TO THE CITY OF PORT LAVACA CODE OF ORDINANCES CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, BUILDING TRADES CODE, SEC. 12-24(D)(1) FRONT SETBACK LINES REQUESTED TO BE THIRTEEN (13) FEET IN LIEU OF THE ORDAINED FIFTEEN (15') FEET FOR PROPERTY LOCATED AT 509 S. GUADALUPE STREET AND MARTIN LUTHER KING DRIVE

Building Official Smith advised Council that Mr. Jimmy Shelton DBA Shelton Properties, LLC. is requesting a variance to the City's Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article II, Building Trades Code, Section 12-24(d)(1) Front Setback lines requested to be thirteen (13) feet in lieu of the ordained fifteen (15) feet for property located at 509 S. Guadalupe Street and Martin Luther King Drive. He said Planning Board has recommended approval of this request.

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 request of Mr. Jimmy Shelton DBA Shelton Properties, LLC. for a variance to the City's Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article II, Building Trades Code, Section 12-24(d)(1) Front Setback lines to be thirteen (13) feet in lieu of the ordained fifteen (15) feet for property located at 509 S. Guadalupe Street and Martin Luther King Drive.

Councilman Barr seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER RECOMMENDATION OF THE PLANNING BOARD ON REQUEST FROM JIMMY SHELTON DBA SHELTON PROPERTIES, LLC. FOR VARIANCE TO THE CITY OF PORT LAVACA CODE OF ORDINANCES CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, BUILDING TRADES CODE, SEC. 12-24(D)(1) AND CORNER LOTS REQUESTED TO BE FIVE (5) FEET IN LIEU OF THE ORDAINED MINIMUM TEN-FOOT (10') SETBACK ON THE SIDE STREET FOR PROPERTY LOCATED AT 509 S. GUADALUPE STREET AND MARTIN LUTHER KING DRIVE

Building Official Smith advised Council that Mr. Jimmy Shelton DBA Shelton Properties, LLC. is requesting a variance to the City's Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article II, Building Trades Code, Section 12-24(d)(1) Corner Lots Setback lines requested to be five (5) feet in lieu of the ordained ten (10) feet for property located at 509 S. Guadalupe Street and Martin Luther King Drive. He said Planning Board has recommended approval of this 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 the Planning Board and staff, Council hereby approves the request of Mr. Jimmy Shelton DBA Shelton Properties, LLC. for a variance to the City's Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article II, Building Trades Code, Section 12-24(d)(1) Corner Lots Setback lines to be five (5) feet in lieu of the ordained ten (10) feet for property located at 509 S. Guadalupe Street and Martin Luther King Drive.

Councilman Ward seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER RESOLUTION NO. R-071017-1 TO ADOPT A FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) IN COMPLIANCE WITH THE CITY OF PORT LAVACA HOME RULE CHARTER

Councilman Dent made a motion to pass the following:

WHEREAS the City Charter requires the City Manager to submit a plan for capital improvement covering the succeeding five years and proposed method of financing to the City Council prior to the beginning of each budget year; and,

WHEREAS the City Manager submitted a Five-Year Capital Program to the City Council on July 6, 2017 in compliance with the City Charter and,

WHEREAS the City Council has reviewed the Five-Year Capital Program, found it to be in compliance with all City Charter and believes its approval by resolution is in the best interest of Port Lavaca residents.

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

THAT the Five-Year Capital Program (October 1, 2017 – September 30, 2022), a copy of which is attached hereto and incorporated in the Fiscal Year Budget 2017-2018, is hereby adopted in compliance with the City Charter.

Councilman Ward seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER REQUEST OF THE CHILDREN'S DISCOVERY MUSEUM (CDM) FOR USE OF THE LIGHTHOUSE BEACH AND PAVILION FOR "MARINE LIFT EDUCATIONAL DAY" HELD ON NOVEMBER 06 THRU 10, 2017; WAIVER OF PAVILION RENTAL AND OTHER FEES ASSOCIATED WITH THIS EVENT

Public Works Director Pena advised Council that the Children's Discovery Museum (CDM) would like to use the Lighthouse Beach and Pavilion to have a "Marine Lift Educational Day". He said the event will be held November 6-10, 2017 and this is during a slow time for Lighthouse Beach. He said last year's event was a big success with over 600 students from around the Golden Crescent attending. The CDM is also requesting waiver of pavilion rental and any other fees associated with this 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 Lift Educational Day" on November 6-10, 2017 and also waives the pavilion rental and any other fees associated with this event.

Councilwoman Padron seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER FIRST READING OF AN ORDINANCE (NO. G-1-17) AMENDING THE CITY OF PORT LAVACA CODE OF ORDINANCES CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, BUILDING TRADE CODES, SECTIONS 12-20 AND 12-21; AND PROVIDING AN EFFECTIVE DATE

Mayor Whitlow read the following:

CONSIDER FIRST READING OF AN ORDINANCE (NO. G-1-17) AMENDING THE CITY OF PORT LAVACA CODE OF ORDINANCES CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, BUILDING TRADE CODES, SECTIONS 12-20 AND 12-21; AND PROVIDING AN EFFECTIVE DATE

Councilman Smith 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-1-17) on this its first reading.

Councilman Dent seconded said motion

Motion passed by the following vote:

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

NAYS: None

ADJOURN

Councilman Ward made a motion to adjourn the meeting

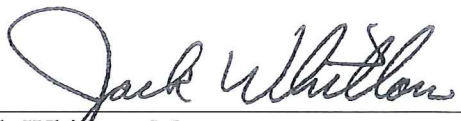
Councilman Barr seconded said motion

Motion passed by the following vote:

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

NAYS: None

Meeting adjourned at 7:40 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, JULY 10, 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 JUNE 12, 2017 REGULAR MEETING
 - (B) MINUTES OF JUNE 19, 2017 SPECIAL MEETING & WORKSHOP SESSION
 - (C) MINUTES OF JUNE 26, 2017 WORKSHOP SESSION
 - (D) PAYMENT OF INVOICES EXCEEDING \$1,500
2. CONDUCT PUBLIC HEARING IN CONNECTION WITH CONDEMNATION OF SUBSTANDARD BUILDING LOCATED AT 405 S GUADALUPE STREET

3. CONSIDER AND TAKE ACTION TO FIND THE FOLLOWING PROPERTY, 405 S. GUADALUPE, LOCATED IN THE CITY OF PORT LAVACA, IS IN VIOLATION OF THE SUBSTANDARD BUILDING CODE, CHAPTER 12, SECTION IV OF THE CITY OF PORT LAVACA CODE OF ORDINANCES, FOLLOWING PUBLIC HEARING HELD ON JUNE 12, 2017 AND ORDER THEM TO BE VACATED, SECURED, REPAIRED, REMOVED, OR DEMOLISHED BY THE OWNER WITHIN NINETY (90) DAYS OF THE DATE OF THIS MEETING
4. CONSIDER RECOMMENDATION OF THE PLANNING BOARD ON REQUEST FROM JIMMY SHELTON DBA SHELTON PROPERTIES, LLC. FOR VARIANCE TO THE CITY OF PORT LAVACA CODE OF ORDINANCES CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, BUILDING TRADES CODE, SEC. 12-24(D)(1) FRONT SETBACK LINES REQUESTED TO BE THIRTEEN (13) FEET IN LIEU OF THE ORDAINED FIFTEEN (15') FEET FOR PROPERTY LOCATED AT 509 S. GUADALUPE STREET AND MARTIN LUTHER KING DRIVE
5. CONSIDER RECOMMENDATION OF THE PLANNING BOARD ON REQUEST FROM JIMMY SHELTON DBA SHELTON PROPERTIES, LLC. FOR VARIANCE TO THE CITY OF PORT LAVACA CODE OF ORDINANCES CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, BUILDING TRADES CODE, SEC. 12-24(D)(1) AND CORNER LOTS REQUESTED TO BE FIVE (5) FEET IN LIEU OF THE ORDAINED MINIMUM TEN-FOOT (10') SETBACK ON THE SIDE STREET FOR PROPERTY LOCATED AT 509 S. GUADALUPE STREET AND MARTIN LUTHER KING DRIVE
6. CONSIDER RESOLUTION NO. R-071017-1 TO ADOPT A FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) IN COMPLIANCE WITH THE CITY OF PORT LAVACA HOME RULE CHARTER
7. CONSIDER REQUEST OF THE CHILDREN'S DISCOVERY MUSEUM (CDM) FOR USE OF THE LIGHTHOUSE BEACH AND PAVILION FOR "MARINE LIFT EDUCATIONAL DAY" HELD ON NOVEMBER 06 THRU 10, 2017; WAIVER OF PAVILION RENTAL AND OTHER FEES ASSOCIATED WITH THIS EVENT
8. CONSIDER FIRST READING OF AN ORDINANCE (NO. G-1-17) AMENDING THE CITY OF PORT LAVACA CODE OF ORDINANCES CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, BUILDING TRADE CODES, SECTIONS 12-20 AND 12-21; AND PROVIDING AN EFFECTIVE DATE

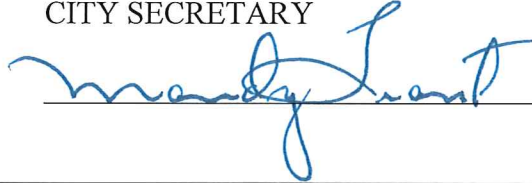
ADJOURN

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, JULY 10, 2017, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 4:00 P.M. WEDNESDAY, JULY 05, 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.