

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

On this the 9<sup>th</sup> day of October, 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 6:31 P.M. and presided.
- Councilman Jim Ward gave the invocation.
- Mayor Whitlow led the pledge of allegiance to the American and Texas flags.
- Presentation(s)/Proclamation(s) by Mayor:
  - **Employee Service Award(s):**
    - Inez Sanchez      Municipal Court      15 Years
    - Karen Neal        Police Department    10 Years
- Mayor asked for comments from the public and there were none.

### **CONSENT AGENDA:**

- (A) MINUTES OF SEPTEMBER 05, 2017 SPECIAL MEETING
- (B) MINUTES OF SEPTEMBER 11, 2017 REGULAR MEETING
- (C) MINUTES OF SEPTEMBER 18, 2017 SPECIAL MEETING
- (D) MINUTES OF SEPTEMBER 25, 2017 SPECIAL MEETING
- (E) 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

**CONSIDER REQUEST OF OUR LADY OF THE GULF CATHOLIC CHURCH FOR TWO (2) SEPARATE PROCESSIONS AROUND THE PERIMETER OF THE PARISH AND NEIGHBORING STREETS, ASSISTANCE WITH TRAFFIC CONTROL AND WAIVER OF ANY FEES ASSOCIATED WITH EVENTS FOR THE FOLLOWING DATES AND APPROXIMATE TIMES:**

- **THURSDAY      OCTOBER 12, 2017      7:00 P.M.**
- **SUNDAY        NOVEMBER 26, 2017      7:00 P.M.**

City Secretary Grant advised Council that Our Lady of the Gulf Catholic Church has requested to conduct two (2) separate processions around the perimeter of the parish and neighboring streets Thursday, October 12, 2017 and on Sunday, November 26, 2017 at approximately 7:00 p.m. and have provided a map outlining the proposed route for the parades. She said there is also request for assistance with traffic control from the police department and waiver of any fees associated with the events.

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 Our Lady of the Gulf Catholic Church to conduct the processions around the perimeter of the parish and neighboring streets on Thursday, October 12, 2017 at approximately 7:00 p.m. and directs staff to provide any necessary assistance regarding traffic control and safety issues and waives all fees associated with the event.

Councilwoman Regan seconded said 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 the recommendation of staff, Council hereby approves the request of Our Lady of the Gulf Catholic Church to conduct the processions around the perimeter of the parish and neighboring streets on Sunday, November 26, 2017 at approximately 7:00 p.m. and directs staff to provide any necessary assistance regarding traffic control and safety issues and waives all fees associated with the event.

Councilwoman Padron seconded said motion

Motion passed by the following vote:

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

NAYS: None

**CONSIDER RESOLUTION NO. R-100917-1 FOR NOMINATIONS FOR APPOINTMENT TO THE CALHOUN COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS FOR 2018-2019**

Councilman Ward made a motion to pass the following:

WHEREAS, this is selection year for the Board of Directors of the Calhoun County Appraisal District; and

WHEREAS, the Board of Directors consists of five members who serve two-year terms, beginning January 1, 2018 through December 31, 2019; and

WHEREAS, the City of Port Lavaca, Texas is a taxing unit entitled to nominate candidates to the Calhoun County Appraisal District, if so desired.

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

THAT, the following individuals are nominated and submitted, as exhibited in the attached list, to Calhoun County Appraisal District for election to the Board of Directors of the Calhoun County Appraisal District Board of Directors.

- 1) Kenneth (Ken) Barr
- 2) William H. (Bill) Bauer, Jr.
- 3) Kevin Hill
- 4) Vern Lyssy
- 5) Jesse H. Rodriguez, Jr.
- 6) William (Bill) Swope

Councilwoman Regan seconded said motion

Motion passed by the following vote:

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

NAYS: None

**CONSIDER AND DISCUSS REPORT FROM THE PORT LAVACA EVENTS COMMITTEE**

Tenia French, with the Port Lavaca Events Committee advised Council of the following updates:

- Will not have the 2017 Flip Flop Event this year;
- Christmas Tree Lighting, Ice Skating Rink, etc. will be held at the Bayfront Peninsula Park on Wednesday, December 06, 2017;
- Iguana Fest will be held on the first weekend in April 2018; and
- July 4<sup>th</sup> event also planned.

There was no action needed and none taken.

**CONSIDER FIRST READING OF AN ORDINANCE (G-3-17) TO MAKE AMENDMENTS TO THE ORDINANCE DESCRIBED IN THE CITY OF PORT LAVACA CODE OF ORDINANCES AS APPENDIX "A" – FEES, RATES AND CHARGES AND ESTABLISHING AN EFFECTIVE DATE**

City Secretary Grant advised Council this was in reference to the Electrical Contractors and Electricians registration fee which has been \$50.00; however, House Bill (H.B.) No. 3329 from Texas 85<sup>th</sup> Legislation, mandates no fee is to be charged, effective September 01, 2017. She also stated there had been an oversight and this section was not included in the first rates amendment ordinance (G-2-17) adopted on September 11, 2017.

Mayor Whitlow read for the first reading:

CONSIDER FIRST READING OF AN ORDINANCE (G-3-17) TO MAKE AMENDMENTS TO THE ORDINANCE DESCRIBED IN THE CITY OF PORT LAVACA CODE OF ORDINANCES AS APPENDIX "A" – FEES, RATES AND CHARGES AND ESTABLISHING 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 Council hereby approves said ordinance (G-3-17) on this its first reading with changes discussed to appear on the second and final reading.

Councilman Ward seconded said motion

Motion passed by the following vote:

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

NAYS: None

**CONSIDER AND REVIEW RECOMMENDATION OF EVALUATION COMMITTEE AND AUTHORIZE THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH THE SELECTED FIRM FOR DISASTER RECOVERY AND FEMA PUBLIC ASSISTANCE SERVICES ASSOCIATED WITH DAMAGES SUSTAINED DUE TO HURRICANE HARVEY AND AUTHORIZE THE MAYOR TO SIGN NEGOTIATED CONTRACT**

City Engineer/Economic Development/Planning J. Weaver advised Council that Request for Proposals (RFP's) had been prepared for FEMA Public Assistance (PA) consultants. She said four (4) proposals were received and the review/selection committee consisting of herself, City Manager Bradshaw and Public Works Director Pena had scored them. The scores out of a possible 100 are as follows:

Score	Company, City and State
• 92	True North Emergency Management, Arlington, TX / Victoria, TX
• 91	Whitt O'Brien's, Washington, DC / Houston, TX
• 88	Aptim Environmental & Infrastructure, Houston, TX
• 81	Landmark Enterprises, Daphne, AL

Weaver said it is anticipated that approximately 90% of the cost of this consultant will be reimbursed by FEMA and also recommends awarding the proposal to True North Emergency Management, Arlington, TX.

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 authorizes City Manager to negotiate a contract with True North Emergency Management and also authorize for the Mayor to sign the contract after approval by the City Attorney.

BE IT ALSO RESOLVED THAT, in the unlikely event that staff and True North are unable to agree upon a contract, authorization is given to then proceed with negotiations with the next ranking offeror (Whitt O'Brien's) and so forth.

Councilwoman Padron seconded said motion

Motion passed by the following vote:

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

NAYS: None

**CONSIDER AWARD OF BID FOR 2016-2017 FY CAPITAL IMPROVEMENT PROJECT (CIP) THE BONORDEN ADDITION STREET RECONSTRUCTION PROJECT**

Public Works Director Pena advised Council the Bonorden Addition Street Reconstruction is part of the 2016-2017 Capital Improvement Project (CIP) that was budgeted for the current 2016-2017 Fiscal Year. He said the original bid opening was scheduled for August 29, 2017; however, due to hurricane Harvey, the bid opening was delayed until September 14, 2017. CivilCorp and staff opened bids for the project and received bids from Lester Construction, Brannan Paving Co., Inc. and Jimmy Evans Company and bid tabulation is as follows:

<u>Contractors Bidding</u>	<u>Base Bid</u>	<u>Calendar days to Complete</u>
Lester Contracting	\$ 1,255,697.50	365
Brannan Paving Co., Inc.	\$ 1,358,333.35	365
Jimmy Evans Company	\$ 1,513,249.00	365

He said funds were allocated (\$1,283,092.65 for the base-bid) in the 2016/2017 Fiscal Year budget. Staff recommends awarding the bid to Lester Contracting in the amount \$1,255,697.50 for the completed project.

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 awards the bid for the 2016-2017 Capital Improvement Plan (CIP) for the Bonorden Addition Street Reconstruction to Lester Contracting, in the total amount of \$1,255,697.50 for the completed project.

Councilman Barr 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

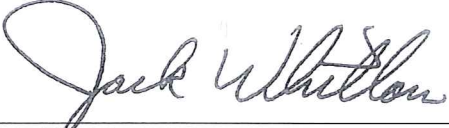
Councilman Barr seconded said motion

Motion passed by the following vote:

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

NAYS: None

Meeting adjourned at 7:03 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, OCTOBER 09, 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
- PRESENTATION(S) BY THE MAYOR:
  - EMPLOYEE SERVICE AWARDS
    - INEZ SANCHEZ      15 YEARS      MUNICIPAL COURT
    - KAREN NEAL      10 YEARS      POLICE DEPARTMENT
- 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 SEPTEMBER 05, 2017 SPECIAL MEETING
  - (B) MINUTES OF SEPTEMBER 11, 2017 REGULAR MEETING
  - (C) MINUTES OF SEPTEMBER 18, 2017 SPECIAL MEETING
  - (D) MINUTES OF SEPTEMBER 25, 2017 SPECIAL MEETING
  - (E) PAYMENT OF INVOICES EXCEEDING \$1,500
2. CONSIDER REQUEST OF OUR LADY OF THE GULF CATHOLIC CHURCH FOR TWO (2) SEPARATE PROCESSIONS AROUND THE PERIMETER OF THE PARISH AND NEIGHBORING STREETS, ASSISTANCE WITH TRAFFIC CONTROL AND WAIVER OF ANY FEES ASSOCIATED WITH EVENTS FOR THE FOLLOWING DATES AND APPROXIMATE TIMES:
  - THURSDAY OCTOBER 12, 2017 7:00 P.M.
  - SUNDAY NOVEMBER 26, 2017 7:00 P.M.
3. CONSIDER RESOLUTION NO. R-100917-1 FOR NOMINATIONS FOR APPOINTMENT TO THE CALHOUN COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS FOR 2018-2019
4. CONSIDER AND DISCUSS REPORT FROM THE PORT LAVACA EVENTS COMMITTEE
5. CONSIDER FIRST READING OF AN ORDINANCE (G-3-17) TO MAKE AMENDMENTS TO THE ORDINANCE DESCRIBED IN THE CITY OF PORT LAVACA CODE OF ORDINANCES AS APPENDIX "A" – FEES, RATES AND CHARGES AND ESTABLISHING AN EFFECTIVE DATE
6. CONSIDER AND REVIEW RECOMMENDATION OF EVALUATION COMMITTEE AND AUTHORIZE THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH THE SELECTED FIRM FOR DISASTER RECOVERY AND FEMA PUBLIC ASSISTANCE SERVICES ASSOCIATED WITH DAMAGES SUSTAINED DUE TO HURRICANE HARVEY AND AUTHORIZE THE MAYOR TO SIGN NEGOTIATED CONTRACT
7. CONSIDER AWARD OF BID FOR 2016-2017 FY CAPITAL IMPROVEMENT PROJECT (CIP) THE BONORDEN ADDITION STREET RECONSTRUCTION PROJECT

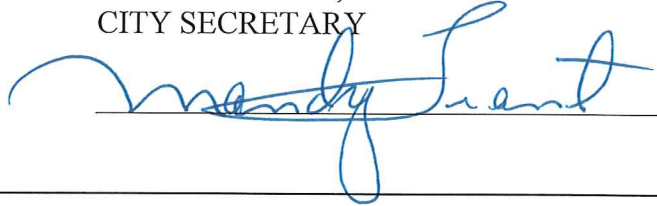
**ADJOURN**

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, OCTOBER 09, 2017, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 3:00 P.M. FRIDAY, OCTOBER 06, 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.*