

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

On this the 12th day of December, 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
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 6:32 P.M. and presided.
- Councilman Ward gave the invocation.
- Mayor Whitlow led the pledge of allegiance to the American and Texas flags.
- Mayor Presented Employee Service Awards to:
 - Mandy Grant City Secretary Department 25 Years
 - Oscar Pena Public Works Department 25 Years
- Mayor Proclaimed "April" as Fair Housing Month
- Mayor asked for comments from the public and there were none.

CONSENT AGENDA:

- (A) **MINUTES OF NOVEMBER 14, 2016 REGULAR MEETING**
- (B) **MINUTES OF NOVEMBER 28, 2016 WORKSHOP SESSION**
- (C) **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, Rivera, Padron, Ward and Barr

NAYS: None

RECEIVE AND APPROVE PRESENTATION OF THE CALHOUN COUNTY E-9-1-1 2017 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

City Secretary Grant advised Council that neither Andrew Chamber and/or Raquel Morales, Chairman and Coordinator of the Calhoun County 9-1-1 Board could be in attendance to present their 2017 Fiscal Year Budget. She said 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 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 receives the Calhoun County 9-1-1 Board's 2017 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, Ward and Barr

NAYS: None

CONSIDER RESOLUTION NO. R-121216-1 TO DESIGNATE ADMINISTRATION AND ENGINEERING SERVICE PROVIDERS FOR THE 2017-2018 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TCDBG) FUND CONTRACT

Mayor Whitlow announced the following Resolution.

Councilman Rivera made a motion to pass the following:

WHEREAS, the 2017-2018 TxCDBG Community Development Fund contract requires implementation by professionals experienced in the administration of federally-funded community development projects;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Proposals (RFP) process for administration services and a Request for Qualifications (RFQ) for engineering services has been completed in accordance with Texas CDBG requirements;

WHEREAS, the proposals received by the due date have been scored to determine the most qualified and responsive providers for each professional service;

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

Section 1A. That **GrantWorks, Inc.** be awarded a contract to provide Texas CDBG project-related **administration services** for the 2017-2018 Community Development Fund project.

Section 1B. That **CivilCorp, LLC** be awarded a contract to provide Texas CDBG project-related **professional engineering services** for the 2017-2018 Community Development Fund project.

Section 2. That any and all contracts or commitments made with the above-named services providers are dependent on the successful negotiation of a contract with the service provider.

Councilwoman Padron seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER RESOLUTION NO. R-121216-2 TO DESIGNATE AUTHORIZED SIGNATORS FOR THE 2016 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TCDBG) FUND CONTRACT NO. 7216142

Mayor Whitlow announced the following:

A RESOLUTION BY THE DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) CONTRACT NUMBER 7216142.

Councilman Ward made a motion to pass the following:

WHEREAS, the City of Port Lavaca has received a 2016 Texas Community Development Block Grant award to provide Public Infrastructure Improvements; and

WHEREAS, it is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas Department of Agriculture, and;

WHEREAS, an original signed copy of the TxCDBG Depository/Authorized Signatories Designation Form (Form A202) is to be submitted with a copy of this Resolution, and;

WHEREAS, the City of Port Lavaca acknowledges that in the event that an authorized signatory of the City changes (elections, illness, resignations, etc.) the City must provide TxCDBG with the following:

- a resolution stating who the new authorized signatory is (not required if this original resolution names only the title and not the name of the signatory); and
- a revised TxCDBG *Depository/ Authorized Signatories Designation Form (Form A202)*.

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

The Mayor, Mayor Pro Tem, and City Manager be authorized to execute contractual documents between the Texas Department of Agriculture and the City for the 2016 Texas Community Development Block Grant Program

The Mayor, Mayor Pro Tem, City Manager, and Finance Director be authorized to execute the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for requesting funds approved in the 2016 Texas Community Development Block Grant Program

Councilman Smith seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER PROCLAMATION OF APRIL AS FAIR HOUSING MONTH

Councilman Barr made a motion to pass the following:

WHEREAS, Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

WHEREAS, The principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

WHEREAS, The National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

NOW, THEREFORE, WE, the City Council of the City of Port Lavaca, Texas, do proclaim April as Fair Housing Month in City of Port Lavaca and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.

Councilman Ward seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER PURCHASE OF A 2016 FORD EXPLORER FROM CALDWELL COUNTRY FORD, THROUGH THE BUYBOARD COOPERATIVE PURCHASING PROGRAM, FOR THE CODE ENFORCEMENT DEPARTMENT

Fire Chief Reyes advised Council that the Code Enforcement department is in need of a vehicle to replace a 2010 Ford Fusion 4 door sedan, which was involved in a 2 vehicle accident. He said the city insurance paid \$5,869 for the wrecked 2010 Ford Fusion.

He advised there is a bid from Caldwell Country Ford through the Buyboard Cooperative Purchasing Program for a 2016 Ford Explorer Demo in the total amount of \$31,406 and funds are available through the City's Fixed Asset Replacement Fund (FARF). He said the breakdown of cost is as follows:

Base Bid Price	\$ 29,110
Added Options	\$ 3,823
Demo Adjustment	\$ 1,927
Buyboard Fee	\$ 400
Total Price	<u>\$ 31,406</u>
City Insurance Credit	<u>\$ (5,869)</u>

[Vehicle Cost After Insurance: \$25,537]

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 authorizes the purchase of a 2016 Ford Explorer from Caldwell County Chevrolet, through the Buyboard Cooperative Purchasing Program, in the amount of \$31,406 for the Code Enforcement Department from the City's Fixed Asset Replacement Fund (FARF).

Councilwoman Padron seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER REPLACEMENT OF DIGESTER BLOWER AT THE WASTEWATER TREATMENT PLANT

Interim Public Works Director Pena advised Council that one of the blowers on the digester at the Wastewater Treatment Plant (WWTP) is in need of replacing. He said staff received several quotes on repairing or replacing the blower and they are as follows:

<u>TO REPAIR:</u>		<u>TO REPLACE:</u>	
Base Bid Price	\$ 29,775	Base Bid Price	\$ 40,990
Added Options	\$ 19,000	Start-Up Training	\$ 1,345
Total Price	<u>\$ 50,422</u>	Total Price	<u>\$ 42,335</u>

He stated the best quote was from Pinnacle Industries Ltd., at a cost of \$40,990 plus \$1,345 for start-up training. He said \$30,000 was allocated in the 2016-2017 FY budget. He also said that the difference in cost is due to current price increases by the manufacturer. Staff recommends approval of the replacement and start-up training of the blower in the amount of \$42,335.

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, in accordance with the recommendation of staff, Council hereby authorizes the replacement of the digester blower at the Wastewater Treatment Plant (WWTP) and includes start-up training of the blower, in the total amount of \$42,335.

Councilman Dent seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER RECOMMENDATION OF PORT COMMISSION FOR AMENDMENT TERMS TO THE MILLER SEAFOOD LEASE AT THE CITY HARBOR

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 authorizes the amendment terms, additional provision for use and indemnification, to the Miller Seafood lease at the City Harbor.

Councilman Ward seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER RECOMMENDATION OF PORT COMMISSION FOR PAYMENT OF INVOICE #153819 TO CIVILCORP IN THE AMOUNT OF \$8,443.50 FOR INSPECTION-DIVE SERVICES PERFORMED AT CITY HARBOR

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, in accordance with the recommendation of the Port Commission and staff, Council hereby approves payment of Invoice #153819 to CivilCorp, in the amount of \$8,443.50 for inspection-dive services performed at City Harbor.

Councilman Ward seconded said motion

Motion passed by the following vote:

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

NAYS: None

DISCUSS AND CONSIDER FUNDING TO THE VETERAN'S MEMORIAL

City Manager Bradshaw and City Attorney Odefey advised Council that the city has a Veterans Memorial Fund set up and the city administers it. The Veteran's Memorial is at the Bayfront Peninsula which is owned by the city; therefore, any improvements made by the veterans benefits the City. They said proceeds from the City Flip Flop Festival are transferred into the Veteran's Fund to help that cause; however, that amount is determined by City Council and no checks are ever made to any individual.

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 authorizes the transfer of \$5,000 from the City's Flip Flop Festival proceeds to the City Veterans Memorial Fund.

Councilman Barr seconded said motion

Motion passed by the following vote:

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

NAYS: None

CONSIDER APPOINTMENTS OF MEMBERS TO A SPECIAL EVENTS/FESTIVAL COMMITTEE

City Manager Bradshaw advised Council that based on the City workshop held on November 28, 2016 in regards to creating a special events/festival committee, recommendation is that the five (5) members should be from the following:

City of Port Lavaca	2 members
Chamber of Commerce	1 member
Port Lavaca Wave	1 member
Green Iguana Grill	1 member

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 appoints an Ad Hoc Committee of five (5) members compromised from the City of Port Lavaca, the Chamber of Commerce and two (2) businesses within the city.

Councilman Rivera seconded said motion

Motion passed by the following vote:

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

NAYS: None

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

- **TO DISCUSS PERSONNEL MATTERS IN ACCORDANCE WITH TITLE 5, SECTION 551.074 OF THE TEXAS GOVERNMENT CODE (TO DISCUSS APPOINTMENT, EMPLOYMENT, EVALUATION, RESPONSIBILITIES AND DUTIES, REASSIGNMENT, DISCIPLINE OR DISMISSAL OF AN OFFICER OR EMPLOYEE, OR TO HEAR A COMPLAINT OR CHARGE AGAINST AN OFFICER OR EMPLOYEE [CITY MANAGER])**

Mayor Whitlow announced that Council would retire into closed session at 7:25 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 7:56 p.m.

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 authorizes an increase in salary for City Manager Bradshaw, in accordance with contract, to one hundred twenty-five thousand dollars (\$125,000) per year, beginning December 1st, 2016.

Councilwoman Padron seconded said motion

Motion passed by the following vote:

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

NAYS: None

ADJOURN

Councilman Ward made a motion to adjourn the meeting

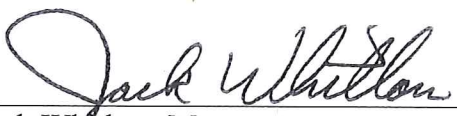
Councilman Rivera seconded said motion

Motion passed by the following vote:

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

NAYS: None

Meeting adjourned at 8:00 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, DECEMBER 12, 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
- PRESENTATIONS BY THE MAYOR:
 - EMPLOYEE SERVICE AWARDS
 - MANDY GRANT CITY SECRETARY 25 YEARS
 - OSCAR PENA PUBLIC WORKS 25 YEARS
- 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 NOVEMBER 14, 2016 REGULAR MEETING
 - (B) MINUTES OF NOVEMBER 28, 2016 WORKSHOP SESSION
 - (C) PAYMENT OF INVOICES EXCEEDING \$1,500
2. RECEIVE AND APPROVE PRESENTATION OF THE CALHOUN COUNTY E-9-1-1 2017 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 RESOLUTION NO. R-121216-1 TO DESIGNATE ADMINISTRATION AND ENGINEERING SERVICE PROVIDERS FOR THE 2017-2018 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TCDBG) FUND CONTRACT
4. CONSIDER RESOLUTION NO. R-121216-2 TO DESIGNATE AUTHORIZED SIGNATORS FOR THE 2016 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TCDBG) FUND CONTRACT NO. 7216142
5. CONSIDER PROCLAMATION OF APRIL AS FAIR HOUSING MONTH
6. CONSIDER PURCHASE OF A 2016 FORD EXPLORER FROM CALDWELL COUNTRY FORD, THROUGH THE BUYBOARD COOPERATIVE PURCHASING PROGRAM, FOR THE CODE ENFORCEMENT DEPARTMENT
7. CONSIDER REPLACEMENT OF DIGESTER BLOWER AT THE WASTEWATER TREATMENT PLANT
8. CONSIDER RECOMMENDATION OF PORT COMMISSION FOR AMENDMENT TERMS TO THE MILLER SEAFOOD LEASE AT THE CITY HARBOR
9. CONSIDER RECOMMENDATION OF PORT COMMISSION FOR PAYMENT OF INVOICE #153819 TO CIVILCORP IN THE AMOUNT OF \$8,443.50 FOR INSPECTION-DIVE SERVICES PERFORMED AT CITY HARBOR
10. DISCUSS AND CONSIDER FUNDING TO THE VETERAN'S MEMORIAL
11. CONSIDER APPOINTMENTS OF MEMBERS TO A SPECIAL EVENTS/FESTIVAL COMMITTEE

12. ANNOUNCEMENT BY MAYOR THAT CITY COUNCIL WILL RETIRE INTO CLOSED SESSION:
 - TO DISCUSS PERSONNEL MATTERS IN ACCORDANCE WITH TITLE 5, SECTION 551.074 OF THE TEXAS GOVERNMENT CODE (TO DISCUSS APPOINTMENT, EMPLOYMENT, EVALUATION, RESPONSIBILITIES AND DUTIES, REASSIGNMENT, DISCIPLINE OR DISMISSAL OF AN OFFICER OR EMPLOYEE, OR TO HEAR A COMPLAINT OR CHARGE AGAINST AN OFFICER OR EMPLOYEE [CITY MANAGER])
13. RETURN TO OPEN SESSION AND TAKE ANY ACTION DEEMED NECESSARY WITH REGARD TO MATTERS DISCUSSED IN CLOSED SESSION

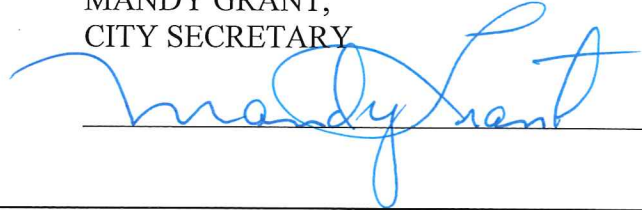
ADJOURN

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, DECEMBER 12, 2016, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 6:00 P.M. FRIDAY, DECEMBER 09, 2016.

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.