

Motion passed by the following vote:

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

NAYS: None

**CONSIDER RESOLUTION NO. 121117-1 OF THE CITY OF PORT LAVACA
SUSPENDING THE DECEMBER 21, 2017 EFFECTIVE DATE OF CENTERPOINT
ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS SOUTH TEXAS
DIVISION REQUESTED RATE CHANGE**

Mr. Ron Chaney, CenterPoint Energy Area Manager, advised Council he had been notified earlier that the effective date had been changed from December 21, 2017 and extended to January 20, 2018.

Mayor Whitlow advised he would entertain separate motions:

- 1) To suspend rates; and
- 2) To approve the resolution.

Councilman Smith made a motion to pass the following to suspend rates:

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

THAT, the ~~December 21, 2017~~ **January 20, 2018**, effective date of the rate request submitted by CenterPoint on or about November 16, 2017, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

Councilman Dent seconded said motion.

Motion passed by the following vote:

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

NAYS: None

Councilman Smith made a motion to pass the following resolution:

WHEREAS, on or about November 16, 2017, CenterPoint Energy Entex and CenterPoint Energy Texas Gas (CenterPoint), pursuant to Gas Utility Regulatory Act § 104.102 filed with the City of Port Lavaca a Statement of Intent to change gas rates in all municipalities exercising original jurisdiction within its Southern Division service area effective ~~December 21, 2017~~ **January 20, 2018**; and

WHEREAS, it is reasonable for the City of Port Lavaca to cooperate with other similarly situated cities in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, the Gas Utility Regulatory Act § 104.107 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days; and

WHEREAS, CenterPoint has filed an application with the Railroad Commission, GUD No. 10669, that could become the docket into which appeals of city action on the CenterPoint filing are consolidated;

WHEREAS, the Gas Utility Regulatory Act § 103.022 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility.

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

1. That the ~~December 21, 2017~~ **January 20, 2018**, effective date of the rate request submitted by CenterPoint on or about November 16, 2017, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.
2. That the City is authorized to cooperate with other cities in the CenterPoint service area to hire and direct legal counsel and consultants, 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 a rate ordinance and the rate case filed with the City or Railroad Commission.
3. That subject to the right to terminate employment at any time, the City of Port Lavaca hereby authorizes the hiring of Thomas Brocato of the law firm of Lloyd Gosselink and consultants to represent the City in all matters associated with the CenterPoint application to increase rates and appeals thereof.
4. That intervention in Railroad Commission GUD No. 10669 be authorized.
5. That the City's reasonable rate case expenses shall be reimbursed by CenterPoint.
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.

7. A copy of this Resolution shall be sent to Stacey Murphree, Regulatory Portfolio Management, CenterPoint Energy, 1111 Louisiana Street, Houston, Texas 77002, and to Thomas Brocato, at Lloyd Gosselink, 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

Councilman Ward seconded said motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER REQUEST FROM MR. GARY MINTER ON BEHALF OF THE JEHOVAH'S WITNESSES FACILITY LOCATED AT 805 ALCOA DRIVE FOR A VARIANCE TO THE CITY'S CODE OF ORDINANCE DESCRIBED AS CHAPTER 26 MANUFACTURED HOUSING, SECTION 26-7 (A) RECREATIONAL VEHICLES AND PERIOD OF TIME OCCUPIED

Building Official Byron Smith advised Council that Mr. Gary Minter is requesting a variance on behalf of the Jehovah's Witnesses facility located at 805 Alcoa Drive to the City's Code of Ordinance described as Chapter 26 Manufactured Housing, Section 26-7 (A) Recreational Vehicles and period of time occupied. He said the variance will be to allow a temporary RV facility located at the property for housing of parishioners while in the area to repair structures from Hurricane Harvey storm damage. He stated the request is to allow stays of up to 120 days in lieu of the mandated 30-day maximum stay on residential lots. Staff recommends 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 recommendation of staff, Council hereby approves the request of Mr. Gary Minter on behalf of the Jehovah's Witnesses facility located at 805 Alcoa Drive for a variance to the City's Code of Ordinance described as Chapter 26 Manufactured Housing, Section 26-7 (A) Recreational Vehicles to allow stays of up to 120 days in lieu of the mandated 30-day maximum stay on residential lots.

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 POLICE DEPARTMENT TO PURCHASE FIVE (5) NEW 5-TON AIR CONDITIONING/HEATING PACKAGE UNITS TO INCLUDE MATERIALS, EQUIPMENT AND LABOR TO INSTALL NEW UNITS AND ALSO REMOVE OLD UNITS

Police Chief Colin Rangnow advised Council the Police Department is in need of new AC/Heating package units that service the downstairs area of the Department. He said at least two (2) of the units are inoperable and the remaining units continue to have ongoing maintenance issues and several of the units are inundated with rust which results in roof leaks. He stated the Department has experienced roof leaks over vital areas, dispatch and the 911 equipment closet, as a result of the rusted AC/Heating Units. He said it is vital to the Department to have adequate cooling to maintain electrical operating systems.

Quotes for Police Department includes five (5) 5-ton gas/electric roof-top units, all necessary electric work, gas line disconnects and re-connect, installation of said units and removal of older units, curb adaptor and lift crane service. Staff recommends Coastal Refrigeration for \$26,935.

Victoria Air Conditioning LTD	\$38,350
Efficiency Air, Inc.	\$32,127
Coastal Refrigeration	\$26,935

Interim City Manager DiLibero advised Council that Coastal Refrigeration would also take care of the unit on the Finance end of City Hall for the sum of \$6,660. Staff recommends having all of the City Hall roof units replaced at one time for a total sum of \$33,595.

City Attorney Odefey recommended having Coastal Refrigeration sign a short contract requiring a payment bond and proof of workman's compensation and also noted that the price might be a little higher because this will be a City requirement.

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 recommendations of City Attorney and staff, Council hereby authorizes the purchase of six (6) new 5-ton air conditioning/heating package units, installed on the roof of City Hall over the Police Department and Financial area, to include materials, equipment and labor to install new units and also remove old units, through Coastal Refrigeration, for the sum of thirty-three thousand five hundred ninety-five dollars and zero cents (\$33,595) and City requires vendor to include a payment bond, proof of workman's compensation and a signed contract.

Councilwoman Regan 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 (G-1-18) 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

Mayor Whitlow read for the first reading:

CONSIDER FIRST READING OF AN ORDINANCE (G-1-18) 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-1-18) on this its first reading with exceptions to the Day Passes showing Annual Day Pass will remain at \$25.00 and the Annual Senior Day Pass will remain at \$20.00 and changes will appear on the second and final reading of this ordinance.

Councilwoman Regan seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Regan, Padron and Barr

NAYS: Ward

CONSIDER RESOLUTION NO. R-121117-2 OF THE CITY OF PORT LAVACA (THE CITY), CALHOUN COUNTY, TEXAS, AUTHORIZING SUBMISSION OF AN APPLICATION FOR FUNDS AVAILABLE THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) HOME PROGRAM

Councilman Barr made a motion to pass the following:

WHEREAS, the Texas Department of Housing and Community Affairs (TDHCA) has notified the public of a funding availability to benefit lower income residents of Texas communities through the Texas HOME Investment Partnerships Program; and

WHEREAS, the Texas HOME Program has identified significant housing needs in the City, particularly for the rehabilitation and reconstruction of owner occupied housing; and

WHEREAS, the City wishes to assist our lower income homeowners while simultaneously enhancing the health, economic, and aesthetic quality of the community:

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

ONE, the City acknowledges and agrees to a request made by the Interim City Manager to apply for a HOME Program Reservation Agreement (HRA, PWD, DR);

TWO, match, if applicable, will be provided in accordance to 10 TAC of up to 12% of Project Hard Costs, whichever is less, per household assisted through the Texas HOME Program in the form of waived fees, cash, leverage, and other forms of eligible match;

THREE, the City designates the Interim City Manager, William A. DiLibero, as the person authorized to sign all forms related to the preparation of, and to execute any and all HOME agreements including loan documents and grant agreements;

FOUR, the City will use general funds up to the amount of \$40,000 as a cash reserve to pay program costs before reimbursements are received from the State of Texas HOME Program.

Councilman Ward seconded said motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER RECOMMENDATION OF THE PORT COMMISSION FOR THE CITY MANAGER TO ISSUE PROPOSALS TO ACCEPT BIDS FOR LEASING 732 BROADWAY STREET; TRACTS 7, 8 AND 11 AT CITY HARBOR (EVELYN'S)

Interim City Manager DiLibero advised Council that at the June 6, 2017 City Council meeting, Council authorized Port Commission to finalize a lease for 732 Broadway Street, Tracts 7, 8, and 11 at City Harbor (Evelyn's). He also said the Port Commission had authorized him (DiLibero) to solicit bid proposals to lease Evelyn's to the highest bidder, when they met on November 22, 2017. He stated he will bring a recommendation to the Council to execute a lease for the Evelyn's property at the February 12, 2018 regular City Council meeting.

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 Port Commission and staff, Council hereby authorizes Interim City Manager DiLibero to solicit bid proposals to lease 732 Broadway Street, Tracts 7, 8, and 11 at City Harbor (Evelyn's) to the highest bidder.

Councilwoman Padron seconded said motion.

Motion passed by the following vote:

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

NAYS: None

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

- **TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS IN ACCORDANCE WITH SECTION 551.087 OF THE TEXAS GOVERNMENT CODE**
- **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 7:55 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 9:20 p.m.

ECONOMIC DEVELOPMENT NEGOTIATIONS

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 authorizes Interim City Manager DiLibero, with assistance of City Engineer Weaver and City Attorney Odefey and Ad Hoc Committee to negotiate an agreement with the developer in line with discussions of Council and bring to the January 2018 regular City Council meeting.

Councilwoman Padron seconded said motion.

Motion passed by the following vote:

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

NAYS: None

PERSONNEL MATTERS (CITY MANAGER)

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 City Attorney Odefey to amend agreement with Texas First Group Replacement Service, Inc. to authorize reimbursement of rent, utilities and club "Rotary" dues to Interim City Manager DiLibero.

Councilman Dent 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.

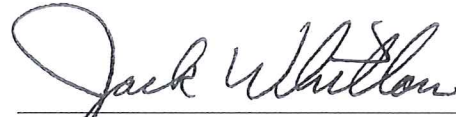
Councilwoman Regan seconded said motion.

Motion passed by the following vote:

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

NAYS: None

Meeting adjourned at 9:29 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 11 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
- 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 06, 2017 SPECIAL MEETING
 - (B) MINUTES OF NOVEMBER 13, 2017 REGULAR MEETING
 - (C) PAYMENT OF INVOICES EXCEEDING \$1,500
2. CONSIDER RESOLUTION NO. 121117-1 OF THE CITY OF PORT LAVACA SUSPENDING THE DECEMBER 21, 2017 EFFECTIVE DATE OF CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS SOUTH TEXAS DIVISION REQUESTED RATE CHANGE

3. CONSIDER REQUEST FROM MR. GARY MINTER ON BEHALF OF THE JEHOVAH'S WITNESSES FACILITY LOCATED AT 805 ALCOA DRIVE FOR A VARIANCE TO THE CITY'S CODE OF ORDINANCE DESCRIBED AS CHAPTER 26 MANUFACTURED HOUSING, SECTION 26-7 (A) RECREATIONAL VEHICLES AND PERIOD OF TIME OCCUPIED
4. CONSIDER REQUEST OF THE POLICE DEPARTMENT TO PURCHASE FIVE (5) NEW 5-TON AIR CONDITIONING/HEATING PACKAGE UNITS TO INCLUDE MATERIALS, EQUIPMENT AND LABOR TO INSTALL NEW UNITS AND ALSO REMOVE OLD UNITS
5. CONSIDER FIRST READING OF AN ORDINANCE (G-1-18) 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 RESOLUTION NO. R-121117-2 OF THE CITY OF PORT LAVACA (THE CITY), CALHOUN COUNTY, TEXAS, AUTHORIZING SUBMISSION OF AN APPLICATION FOR FUNDS AVAILABLE THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) HOME PROGRAM
7. CONSIDER RECOMMENDATION OF THE PORT COMMISSION FOR THE CITY MANAGER TO ISSUE PROPOSALS TO ACCEPT BIDS FOR LEASING 732 BROADWAY STREET; TRACTS 7. 8 AND 11 AT CITY HARBOR (EVELYNS)
8. ANNOUNCEMENT BY MAYOR THAT CITY COUNCIL WILL RETIRE INTO CLOSED SESSION:
 - TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS IN ACCORDANCE WITH SECTION 551.087 OF THE TEXAS GOVERNMENT CODE
 - 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])
9. RETURN TO OPEN SESSION AND TAKE ANY ACTION DEEMED NECESSARY WITH REGARD TO MATTERS DISCUSSED IN CLOSED SESSION

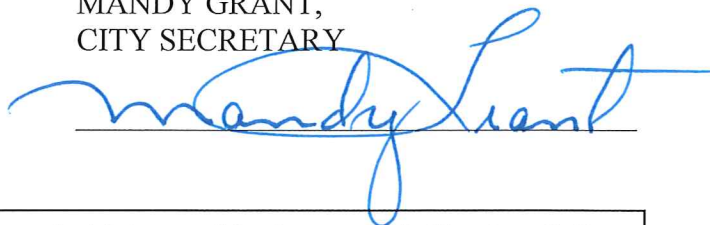
ADJOURN

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 11, 2017, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 5:00 P.M. WEDNESDAY, DECEMBER 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.