

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

On this the 8<sup>th</sup> day of January, 2018, 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 6:33 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 were none.

### **CONSENT AGENDA:**

(A) **MINUTES OF DECEMBER 11, 2017 REGULAR MEETING**

(B) **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 Dent seconded said motion.

Motion passed by the following vote:

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

NAYS: None

**CONSIDER AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY WITH TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) TO CLOSE MAIN STREET FOR THE IGUANA FEST COMMENCING AT NOON ON FRIDAY, APRIL 06, 2018 THRU NOON ON SUNDAY, APRIL 08, 2018**

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 and adopts the agreement made and entered into by and between the Texas Department of Transportation (TxDOT) and the City of Port Lavaca; for the purpose of temporary closure of state-right-of-way to close Main Street for the Iguana Fest from Noon on Friday, April 06, 2018 through Noon on Sunday, April 08, 2018.

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

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-010818-1E ESTABLISHING PROVISIONS FOR CONDUCT FOR THE CITY OF PORT LAVACA GENERAL OFFICERS ELECTION HELD ON THE UNIFORM DATE OF MAY 05, 2018 AND AUTHORIZING MAYOR TO ISSUE ORDER OF ELECTION**

Councilwoman Padron made a motion to pass the following:

WHEREAS, in accordance with the City Charter of the City of Port Lavaca, the Texas Election Code and other applicable state and federal laws, the City Council of the City of Port Lavaca, Texas hereby finds that a general officers election should be held on Saturday, May 05, 2018.

WHEREAS, in addition to calling and ordering the general officers election, City Council finds it necessary and expedient to establish provisions for the conduct of such election:

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

SECTION 1. THAT, an election shall be held on Saturday, May 05, 2018, which is a uniform election date, in the City of Port Lavaca, Texas, which date is not less than forty-five (45) days from the date of the adoption of this resolution for the purpose of electing the following officers:

- One Mayor, At-Large Position, for a term of two (2) years; and
- One Council Member, Single District Two (2), for a term of 3 years; and
- One Council Member, Single District Six (6), for a term of 3 years; and

SECTION 2. THAT. the Qualifications for Office, per City Charter Article 4.02, are as follows:

a) In addition to the requirements of state law, at the time of election to office, the Mayor and each member of Council shall be at least twenty one (21) years of age, shall be a United States citizen and qualified voter of the State of Texas, shall have resided in the City for not less than one (1) year immediately preceding the election filing deadline and, if elected from a district, shall have resided in the district from which elected for not less than six (6) months immediately preceding the election filing deadline.

b) Candidates for office shall make a sworn application for a place on the ballot within the times prescribed by the Texas Election Code, and pay any filing fee established by ordinance. Applications shall designate the position sought and applications for council member shall include the district number, if applicable. It shall be the duty of the Office of the City Secretary of the City of Port Lavaca to place the name of all qualified candidates making timely application on the official ballot. Legal proof of length of residency in the City and/or district must be presented to the Office of the City Secretary upon filing for office.

SECTION 3. THAT, per City Charter, Article 4.03, the candidate receiving a majority of the votes cast for the office sought shall be elected to that office. In the event no candidate receives a majority of the votes cast at the regular election, then and in that event, a run-off election shall be held in accordance with Texas Election Law following procedures therein.

SECTION 4. THAT, the Office of the City Secretary of the City of Port Lavaca shall consist of the City Secretary and/or the Assistant City Secretary and shall perform all duties necessary to conduct the general officer's election.



SECTION 5. THAT, the Office of the City Secretary, is expressly authorized to obtain election supplies and equipment required by law and necessary to conduct such election.

SECTION 6. THAT, such election shall be conducted by the City of Port Lavaca, with Early Voting Days and the Election Day voting to be at the following polling place designated for each City election district:

<u>DISTRICT NUMBER</u>	<u>POLLING PLACE</u>
District One	City of Port Lavaca City Hall – Main Lobby 202 N. Virginia Street
District Two	City of Port Lavaca City Hall – Main Lobby 202 N. Virginia Street
District Three	City of Port Lavaca City Hall - Main Lobby 202 N. Virginia Street
District Four	City of Port Lavaca City Hall - Main Lobby 202 N. Virginia Street
District Five	City of Port Lavaca City Hall - Main Lobby 202 N. Virginia Street
District Six	City of Port Lavaca City Hall -Main Lobby 202 N. Virginia Street

SECTION 7. THAT, Early Voting Days shall be conducted during the following schedule:

Monday	April	23	from	8:00	a.m.	to	5:00	p.m.
<b>Tuesday</b>	<b>April</b>	<b>24</b>	<b>from</b>	<b>7:00</b>	<b>a.m.</b>	<b>to</b>	<b>7:00</b>	<b>p.m.</b>
Wednesday	April	25	from	8:00	a.m.	to	5:00	p.m.
<b>Thursday</b>	<b>April</b>	<b>26</b>	<b>from</b>	<b>7:00</b>	<b>a.m.</b>	<b>to</b>	<b>7:00</b>	<b>p.m.</b>
Friday	April	27	from	8:00	a.m.	to	5:00	p.m.
Monday	May	30	from	8:00	a.m.	to	5:00	p.m.
Tuesday	May	1	from	8:00	a.m.	to	5:00	p.m.

Early voting by personal appearance shall be conducted during the regular business hours of the Office of the City Secretary each week day from 8:00 a.m. until 5:00 p.m., except for the second and fourth days of the early voting period by personal appearance. On the second and fourth days of early voting by personal appearance, the Office of the City Secretary's regular business hours are hereby designated as 7:00 a.m. until 7:00 p.m.

SECTION 8. THAT, Election Day Voting shall be conducted during the following date and time:

Saturday	May	05	from	7:00	a.m.	to	7:00	p.m.
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SECTION 9. THAT, Notice of the election, including a Spanish translation thereof, shall be posted at City Hall and published in a local newspaper as provided by the Home Rule Charter of the City of Port Lavaca, the Texas Election Code and/or other state and federal law, and the Mayor, or his designee, is hereby authorized and directed to execute such Notice together with an Order calling such election.

SECTION 10. THAT, should any part, section, subsection, paragraph, sentence, clause or phrase contained in this resolution be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this resolution, but in all respects said remaining portion shall be and remain in full force and effect.

SECTION 11. THAT, this resolution shall be effective immediately upon adoption.

Councilman Ward seconded said motion.

Motion passed by the following vote:

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

NAYS: None

**CONSIDER LEASE AGREEMENT WITH CALHOUN COUNTY FOR USE OF ELECTRONIC VOTING EQUIPMENT FOR THE CITY OF PORT LAVACA GENERAL OFFICERS ELECTION HELD ON THE UNIFORM DATE OF MAY 05, 2018**

City Secretary Grant advised Council the lease proposal for the use of Calhoun County's Electronic Voting Equipment in connection with the May 05, 2018 City of Port Lavaca General Elections would be approximately \$1,296.00. She also advised staff recommends Council approve 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 staff, Council hereby approves a lease agreement with Calhoun County Elections for the use of Electronic Voting Equipment in connection with the May 05, 2018 City of Port Lavaca General Elections, a copy of which is on file in the office of the City Secretary, and reference to which is here made for any and all purposes.

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

Councilwoman Regan seconded said motion.

Motion passed by the following vote:

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

NAYS: None

**CONSIDER SOLICITING REQUEST FOR PROPOSALS FOR TECHNOLOGY SERVICES ON DOCUMENT MANAGEMENT FOR CITY COUNCIL, BOARDS AND COMMISSIONS**

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 authorizes the City Manager solicit request for proposals (RFP's) for technology services on meeting document management and storage for City Council, Boards and Commissions.

Councilman Dent 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-2-18) AMENDING THE CITY OF PORT LAVACA CODE OF ORDINANCES CHAPTER 40, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; SEC. 40-3 BUILDING TRADE CODES- ADDITION AND PROVIDING AN EFFECTIVE DATE**

Mayor Whitlow read for the first reading:

CONSIDER FIRST READING OF AN ORDINANCE (G-2-18) AMENDING THE CITY OF PORT LAVACA CODE OF ORDINANCES CHAPTER 40, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; SEC. 40-3 BUILDING TRADE CODES- ADDITION AND PROVIDING AN EFFECTIVE DATE



Councilman Dent made a motion

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

THAT Council hereby approves said ordinance (G-2-18) on this its first reading.

Councilman Ward seconded said motion.

Motion passed by the following vote:

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

NAYS: None

**CONSIDER SECOND AND FINAL 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 (CHAPTER 32 PARKS AND RECREATION) AND ESTABLISHING AN EFFECTIVE DATE**

Mayor Whitlow read for the second and final reading:

CONSIDER SECOND AND FINAL 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 (CHAPTER 32 PARKS AND RECREATION)  
AND ESTABLISHING AN EFFECTIVE DATE

Councilman Barr made a motion

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 second and final reading.

Councilman Dent seconded said motion.

Motion passed by the following vote:

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

NAYS: None

**CONSIDER AWARDING A CONTRACT TO REMOVE TREES AND OTHER VEGETATIVE DEBRIS WHICH FELL INTO LYNN'S BAYOU AS A RESULT OF HURRICANE HARVEY**

City Engineer/Director Community and Economic Development Jody Weaver advised City Council that high winds from Hurricane Harvey hitting on August 25, 2017 knocked over some very large trees and left other vegetative debris in the following locations along Lynn's Bayou within the city limits: (a) behind 813 and 719 Brookhollow; (b) behind 1404 Oak Drive; and (c) behind the Twin Dolphins Movie Theatre.

She said these are very large trees and will require large equipment to remove and dispose of. The contractor will haul the debris to the City's brush pile for later chipping. Weaver requested bids from Rudon Lease (who did similar work upstream for the drainage district prior to the storm), Rexco, Inc., Lester Contracting, and Sylva Construction. She said Rudon Lease and Rexco, Inc. indicated they did not have the time and/or equipment needed to complete the project. She also advised Council the City has a 100-foot-wide drainage easement along the Bayou to clear this debris and will need to work with property owners in the vicinity of the debris in order to access the drainage easement from the road.

Bid tabulation is as follows:

<u>Contractors Bidding</u>	<u>Base Bid</u>
Lester Contracting	\$ 49,000.00
Sylva Construction	\$ 49,050.00
Rudon Lease	No Bid
Rexco, Inc.	No Bid

Councilman Ward made a motion

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 to remove trees and other vegetative debris which fell into Lynn's Bayou as a result of Hurricane Harvey, to the low bidder, Lester Contracting, in the total amount of \$49,000.00 for the completed project.

Councilwoman Regan seconded said motion.

Motion passed by the following vote:

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

NAYS: None



**REVIEW REPORT AND DISCUSS OPTIONS FOR THE REPAIR OF THE BAUER COMMUNITY CENTER AND CONSIDER AUTHORIZING STAFF TO MOVE FORWARD WITH REPAIRS AS DISCUSSED**

Mayor Whitlow advised to have Interim City Manager DeLiBero, Finance Director Mason and City Engineer/Director Community & Economic Development Weaver meet and see what kind of funds are available. Mayor advised they are to prepare report and meet with Finance Committee and report back to council at special meeting scheduled for Monday, January 22, 2018 at 5:30 p.m.

No action taken and none taken.

**CONSIDER AWARDING A CONTRACT TO GRIND AND POLISH THE CONCRETE FLOOR AT THE BAUER COMMUNITY CENTER IN LIEU OF VINYL TILE**

Mayor Whitlow advised this agenda item will be passed to the special meeting scheduled for Monday, January 22, 2018 at 5:30 p.m.

No action needed and none taken.

**REVIEW STATUS REPORT OF REPAIRS TO DAMAGED CITY FACILITIES AS A RESULT OF HURRICANE HARVEY AND TAKE ANY ACTION NEEDED**

City Engineer/Director Community & Economic Development Weaver passed out a report to Council.

No action needed and none taken.

**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**

Mayor Whitlow announced that Council would retire into closed session at 8:08 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 8:40 p.m. and there would be no action taken with regard to matters discussed in closed session.

**ADJOURN**

Councilman Barr made a motion to adjourn the meeting

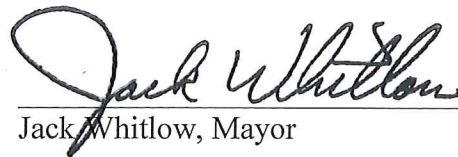
Councilman Ward seconded said motion.

Motion passed by the following vote:

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

NAYS: None

Meeting adjourned at 8:42 P.M.

  
\_\_\_\_\_  
Jack Whitlow, Mayor

ATTEST:

  
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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, JANUARY 08 2018 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 DECEMBER 11, 2017 REGULAR MEETING
  - (B) PAYMENT OF INVOICES EXCEEDING \$1,500



2. CONSIDER AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY WITH TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) TO CLOSE MAIN STREET FOR THE IGUANA FEST COMMENCING AT NOON ON FRIDAY, APRIL 06, 2018 THRU NOON ON SUNDAY, APRIL 08, 2018
3. CONSIDER RESOLUTION NO. R-010818-1E ESTABLISHING PROVISIONS FOR CONDUCT FOR THE CITY OF PORT LAVACA GENERAL OFFICERS ELECTION HELD ON THE UNIFORM DATE OF MAY 05, 2018 AND AUTHORIZING MAYOR TO ISSUE ORDER OF ELECTION
4. CONSIDER LEASE AGREEMENT WITH CALHOUN COUNTY FOR USE OF ELECTRONIC VOTING EQUIPMENT FOR THE CITY OF PORT LAVACA GENERAL OFFICERS ELECTION HELD ON THE UNIFORM DATE OF MAY 05, 2018
5. CONSIDER SOLICITING REQUEST FOR PROPOSALS FOR TECHNOLOGY SERVICES ON DOCUMENT MANAGEMENT FOR CITY COUNCIL, BOARDS AND COMMISSIONS
6. CONSIDER FIRST READING OF AN ORDINANCE (G-2-18) AMENDING THE CITY OF PORT LAVACA CODE OF ORDINANCES CHAPTER 40, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; SEC. 40-3 BUILDING TRADE CODES- ADDITION AND PROVIDING AN EFFECTIVE DATE
7. CONSIDER SECOND AND FINAL 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 (CHAPTER 32 PARKS AND RECREATION) AND ESTABLISHING AN EFFECTIVE DATE
8. CONSIDER AWARDING A CONTRACT TO REMOVE TREES AND OTHER VEGETATIVE DEBRIS WHICH FELL INTO LYNN'S BAYOU AS A RESULT OF HURRICANE HARVEY
9. REVIEW REPORT AND DISCUSS OPTIONS FOR THE REPAIR OF THE BAUER COMMUNITY CENTER AND CONSIDER AUTHORIZING STAFF TO MOVE FORWARD WITH REPAIRS AS DISCUSSED
10. CONSIDER AWARDING A CONTRACT TO GRIND AND POLISH THE CONCRETE FLOOR AT THE BAUER COMMUNITY CENTER IN LIEU OF VINYL TILE

11. REVIEW STATUS REPORT OF REPAIRS TO DAMAGED CITY FACILITIES AS A RESULT OF HURRICANE HARVEY AND TAKE ANY ACTION NEEDED
12. 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
13. RETURN TO OPEN SESSION AND TAKE ANY ACTION DEEMED NECESSARY WITH REGARD TO MATTERS DISCUSSED IN CLOSED SESSION

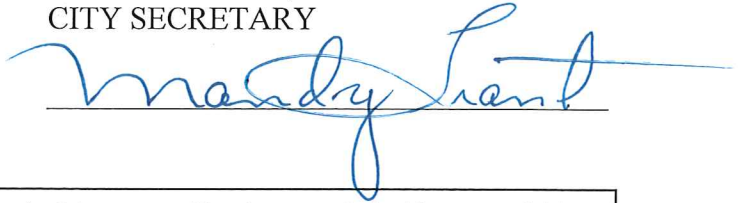
ADJOURN

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, JANUARY 08, 2018, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 5:00 P.M. WEDNESDAY, JANUARY 03, 2018.

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.*