

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

On this the 9th day of December, 2013, 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
Floyd Felder	Councilman, District 1
Raymond Perez	Councilman, District 2
Lee Rivera	Councilman, District 3
Jim Ward	Councilman, District 5, Mayor Pro-Tem
Ken Barr	Councilman, District 6

And with the following absent:

Rosie G. Padron	Councilwoman, District 4
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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 6:35 P.M. and presided.
- Councilman Felder gave the invocation.
- Mayor Whitlow led the pledge of allegiance to the American and Texas flags.
- Presentations by Mayor:
 - Recognized Johnny Martinez for his 8 years of service to the City of Port Lavaca as a Port Commission Board Member
- Mayor asked for Comments from the public and there were none.

CONSENT AGENDA:

- (A) **MINUTES OF NOVEMBER 12, 2013 SPECIAL MEETING**
- (B) **MINUTES OF NOVEMBER 13, 2013 SPECIAL MEETING**
- (C) **MINUTES OF NOVEMBER 20, 2013 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 Perez seconded this motion.

Motion passed by the following vote:

AYES: Felder, Perez, Rivera, Ward and Barr

NAYS: None

CONSIDER RESOLUTION NO. R120913-1E CERTIFYING RETURNS OF THE CITY OF PORT LAVACA SPECIAL ELECTION HELD ON THE UNIFORM DATE OF NOVEMBER 05, 2013 AND DECLARING ORDINANCE G-2-13 UPHELD AND CONTINUED IN FULL EFFECT AS OF NOVEMBER 13, 2013

Councilman Barr made a motion to pass the following:

WHEREAS, the returns of the City of Port Lavaca Special Election held on the uniform date of November 05, 2013 were canvassed at a special meeting held on Wednesday, November 13, 2013, at 2:00 p.m., by Mayor Whitlow, Councilman Felder, Councilman Rivera, Councilman Ward and City Secretary Grant with the following results:

Votes	Early Voting	Election Day	Total Votes
For (<i>A Favor</i>)	740	409	1,149
Against (<i>En Contra</i>)	190	146	336
Total Ballots Cast	930	555	1,485

WHEREAS, the purpose of placing a Proposition before the electorate for approval or rejection of the entire ordinance identified as number G-2-13 to extend the hours for sale and consumption of alcoholic beverages within the City of Port Lavaca, Texas, to 2:00 a.m. and which was passed and adopted by the City of Port Lavaca City Council on April 08, 2013 and ordained by same to go into effect on April 25, 2013; and

WHEREAS, a Petitioner's Committee composed of ten qualified voters commenced referendum proceedings against said ordinance on May 03, 2013; and

WHEREAS, the governing body received certification from the City Secretary of the petition being sufficient on August 12, 2013 and the special election was ordered to be held; and

WHEREAS, it appearing from said returns duly and legally made, that one thousand four hundred eighty-five (1,485) valid ballots were cast and that the proposition in said election received the votes set out hereinabove.

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

THAT the Proposition before the electorate for approval or rejection of the entire ordinance identified as number G-2-13 to extend the hours for sale and consumption of alcoholic beverages within the City of Port Lavaca, Texas, to 2:00 a.m. was duly passed in favor of continuing with said ordinance by a majority of the qualified voters and is hereby declared upheld and therefore back in full effect as of November 13, 2013.

Councilman Ward seconded this motion.

Motion passed by the following vote:

AYES: Felder, Perez, Rivera, Ward and Barr

NAYS: None

CONSIDER RESOLUTION NO. R120913-2 VOTING FOR CANDIDATES IN THE ELECTION OF MEMBERS OF THE BOARD OF DIRECTORS OF THE CALHOUN COUNTY APPRAISAL DISTRICT BOARD FOR 2014-2015

Councilman Felder 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, 2014 through December 31, 2015; and

WHEREAS, the CITY OF PORT LAVACA, TEXAS is a voting unit entitled to vote for up to five candidates from a ballot submitted by 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 number of votes cast for the candidate(s) be submitted by the CITY OF PORT LAVACA, Texas to the Calhoun County Appraisal District allocated as follows:

- William Bauer 63
- Roger Galvan 63
- Kevin Hill 63
- Jessie Rodriguez 62
- William Swope 62

THAT, three hundred thirteen (313) allocated votes are cast by the CITY OF PORT LAVACA, Texas and that eight hundred thirty four (834) votes are needed to reelect.

Councilman Perez seconded this motion.

Motion passed by the following vote:

AYES: Felder, Perez, Rivera, Ward and Barr

NAYS: None

CONSIDER SECOND AND FINAL READING OF AN ORDINANCE REGULATING THE LOCATION OF NEW MANUFACTURED HOUSING SUBDIVISIONS WITHIN THE CORPORATE LIMITS AND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF PORT LAVACA, TEXAS AND PROVIDING FOR A MORATORIUM ON LOCATING A NEW MANUFACTURED HOUSING SUBDIVISION IN THE CITY OF PORT LAVACA, TEXAS FOR A FIXED PERIOD OF TIME; REPEALING ANY CONFLICTING ORDINANCES; AND SETTING AN EFFECTIVE DATE

Mayor Whitlow read for the second and final reading:

CONSIDER SECOND AND FINAL READING OF AN ORDINANCE REGULATING THE LOCATION OF NEW MANUFACTURED HOUSING SUBDIVISIONS WITHIN THE CORPORATE LIMITS AND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF PORT LAVACA, TEXAS AND PROVIDING FOR A MORATORIUM ON LOCATING A NEW MANUFACTURED HOUSING SUBDIVISION IN THE CITY OF PORT LAVACA, TEXAS FOR A FIXED PERIOD OF TIME; REPEALING ANY CONFLICTING ORDINANCES; AND SETTING AN EFFECTIVE DATE

Councilman Ward made a motion to pass the following:

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

THAT said ordinance is hereby approved on this it's second and final reading.

Councilman Barr seconded this motion.

Motion passed by the following vote:

AYES: Felder, Perez, Rivera, Ward and Barr

NAYS: None

CONSIDER FIRST READING OF AN ORDINANCE REGULATING LOCATING OR OPERATING ADDITIONAL COIN OPERATED MACHINES AS DEFINED IN CHAPTER 8 OF THE CITY OF PORT LAVACA CODE OF ORDINANCES, OR OTHER SIMILAR GAMBLING DEVICES WITHIN THE CORPORATE LIMITS AND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF PORT LAVACA, TEXAS AND PROVIDING FOR A MORATORIUM ON LOCATING OR OPERATING A COIN OPERATED MACHINE IN THE CITY OF PORT LAVACA, TEXAS FOR A FIXED PERIOD OF TIME; REPEALING ANY CONFLICTING ORDINANCES; AND SETTING AN EFFECTIVE DATE

Mayor Whitlow read for the first reading:

CONSIDER FIRST READING OF AN ORDINANCE REGULATING LOCATING OR OPERATING ADDITIONAL COIN OPERATED MACHINES AS DEFINED IN CHAPTER 8 OF THE CITY OF PORT LAVACA CODE OF ORDINANCES, OR OTHER SIMILAR GAMBLING DEVICES WITHIN THE CORPORATE LIMITS AND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF PORT LAVACA, TEXAS AND PROVIDING FOR A MORATORIUM ON LOCATING OR OPERATING A COIN OPERATED MACHINE IN THE CITY OF PORT LAVACA, TEXAS FOR A FIXED PERIOD OF TIME; REPEALING ANY CONFLICTING ORDINANCES; AND SETTING AN EFFECTIVE DATE

Councilman Ward made a motion to pass the following:

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

THAT said ordinance is hereby approved on this it's first reading.

Councilman Felder seconded this motion.

Motion passed by the following vote:

AYES: Felder, Perez, Rivera, Ward and Barr

NAYS: None

CONSIDER FIRST READING OF AN ORDINANCE AMENDING THE CITY CODE OF ORDINANCES TO ADD A NEW CHAPTER 50-68 RELATED TO WATER WELLS, ESTABLISHING REGISTRATION REQUIREMENTS, PROVIDING FOR APPROVED USES AND RESTRICTIONS; ESTABLISHING PENALTIES FOR VIOLATIONS, AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Whitlow read for the first reading:

CONSIDER FIRST READING OF AN ORDINANCE AMENDING THE CITY CODE OF ORDINANCES TO ADD A NEW CHAPTER 50-68 RELATED TO WATER WELLS, ESTABLISHING REGISTRATION REQUIREMENTS, PROVIDING FOR APPROVED USES AND RESTRICTIONS; ESTABLISHING PENALTIES FOR VIOLATIONS, AND PROVIDING FOR AN EFFECTIVE DATE

Councilman Ward made a motion to pass the following:

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

THAT said ordinance is hereby approved on this it's first reading.

Councilman Felder seconded this motion.

Motion passed by the following vote:

AYES: Felder, Perez, Rivera, Ward and Barr

NAYS: None

CONSIDER RECOMMENDATION OF PARKS AND RECREATION BOARD TO PURCHASE PLAYGROUND EQUIPMENT FOR THE LIGHTHOUSE BEACH

Public Works Director Gurley advised Council that the Recreation and Parks Board (RPB) and staff would like to have a playground installed in an effort to continue improving Lighthouse Beach and make it a destination for citizens. He said staff has received the following information from The PlayWell Group:

\$63,851.25	Total Cost of Playground Equipment
Minus \$16,039.00	Grant from The PlayWell Group to the City of Port Lavaca
\$47,812.25	Remaining Cost of Playground Equipment

Gurley advised Council that by purchasing the playground equipment now with grant funds, it will save the city some funding for future budgets. He said RPB and staff recommend purchasing the playground equipment and also accepting the grant funds from The PlayWell Group.

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 Parks and Recreation Board and staff, Council hereby authorizes the purchase of playground equipment for the Lighthouse Beach Park from The PlayWell Group, through Buyboard, for the sum of \$47,812.25.

BE IT FURTHER RESOLVED, that Council hereby accepts the Grant from The PlayWell Group, in the amount of \$16,039.00 to be used against the sum of \$63,851.25, which is the total cost of the playground equipment, leaving a balance of \$47,812.25.

Councilman Barr seconded this motion.

Motion passed by the following vote:

AYES: Felder, Perez, Rivera, Ward and Barr

NAYS: None

CONSIDER TASK ORDER NO. 4 FOR SUPPLEMENTAL MITIGATION MONITORING FROM HDR ENGINEERING INC UNDER EXISTING MULTIPLE PROJECT AGREEMENT OF FEBRUARY 9, 2010

Public Works Director Gurley advised Council that the City has hired HDR Engineering, Inc. to handle our issues with the U.S. Army Corps of Engineers (USACE). He said that the USACE has asked for a full delineation of the mitigation sites and an assessment of the habitat types contained within each mitigation site. He stated this work was not expected to be needed in the scope of work. He said that HDR Engineering Inc. has proposed Task Order No. 4 under the existing Multiple Project Agreement, which was approved on February 09, 2010, to address the USACE request, for the sum of \$9,850.00. Staff recommends approval of HDR's proposal.

Councilman Perez 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 proposal from HDR Engineering Inc. for Task Order No. 4 under the existing Multiple Project Agreement, which was approved on February 09, 2010, for the Supplemental Mitigation Monitoring Request from the U.S. Army Corps of Engineers (USACE), for the sum of \$9,850.00.

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

Councilman Felder seconded this motion.

Motion passed by the following vote:

AYES: Felder, Perez, Rivera, Ward and Barr

NAYS: None

CONSIDER AWARD OF BID FOR PATCHING MATERIAL FROM DECEMBER 01, 2013 THROUGH DECEMBER 01, 2014

Public Works Director Gurley advised Council that sealed bids for patching materials for the term of December 01, 2013 through December 01, 2014, had been opened on Wednesday, November 27, 2013. He said only one bid was received from Quality Hot Mix for the following:

Limestone	\$25.50 per yard
Coated Rock PB4	\$49.50 per ton

Councilman Perez 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 patching materials to Quality Hot Mix for Limestone at \$25.50 per yard and Coated Rock PB4 at \$49.50 per ton, for the period of December 01, 2013 thru December 01, 2014.

Councilman Felder seconded this motion.

Motion passed by the following vote:

AYES: Felder, Perez, Rivera, Ward and Barr

NAYS: None

CONSIDER ENTERING INTO AN INTERLOCAL COOPERATION CONTRACT BETWEEN THE CITY OF PORT LAVACA TEXAS AND THE COUNTY OF CALHOUN TEXAS FOR CERTAIN GOVERNMENTAL FUNCTIONS AND GENERAL SERVICES

Police Chief Martinez advised Council that this was an interlocal agreement between the City of Port Lavaca and Calhoun County for certain governmental functions and general services. He stated the parties agree that any matters to be performed under this agreement shall be agreed to in advance between the parties and reduced to writing. He said staff recommends entering into this agreement.

Councilman Perez made a motion

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 City of Port Lavaca and Calhoun County for certain governmental functions and general services.

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

Councilman Felder seconded this motion.

Motion passed by the following vote:

AYES: Felder, Perez, Rivera, Ward and Barr

NAYS: None

CONSIDER APPROVAL OF FINAL BUDGET AMENDMENTS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2013

Finance Director Jones presented Council with some budget amendments for the fiscal year ending September 30, 2013, a copy of which is in the office of the Finance Director.

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 Council hereby approves the budget amendments for the fiscal year ending September 30, 2013, as presented.

Councilman Felder seconded this motion.

Motion passed by the following vote:

AYES: Felder, Perez, Rivera, Ward and Barr

NAYS: None

ADJOURN

Councilman Barr made a motion to adjourn the meeting

Councilman Felder seconded said motion

Motion passed by the following vote:

AYES: Felder, Perez, Rivera, Ward and Barr

NAYS: None

Meeting adjourned at 7:15 P.M.

Mayor

ATTEST:

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 09, 2013 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 COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH CHAPTER 551 OF TITLE 5, 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:
 - RECOGNITION OF JOHNNY MARTINEZ FOR HIS SERVICE TO THE CITY OF PORT LAVACA AS A PORT COMMISSION BOARD MEMBER
- 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 12, 2013 SPECIAL MEETING
 - (B) MINUTES OF NOVEMBER 13, 2013 SPECIAL MEETING
 - (C) MINUTES OF NOVEMBER 20, 2013 WORKSHOP SESSION
 - (D) PAYMENT OF INVOICES EXCEEDING \$1,500
2. CONSIDER RESOLUTION NO. R120913-1E CERTIFYING RETURNS OF THE CITY OF PORT LAVACA SPECIAL ELECTION HELD ON THE UNIFORM DATE OF NOVEMBER 05, 2013 AND DECLARING ORDINANCE G-2-13 UPHELD AND CONTINUED IN FULL EFFECT AS OF NOVEMBER 13, 2013
3. CONSIDER RESOLUTION NO. R120913-2 VOTING FOR CANDIDATES IN THE ELECTION OF MEMBERS OF THE BOARD OF DIRECTORS OF THE CALHOUN COUNTY APPRAISAL DISTRICT BOARD FOR 2014-2015
4. CONSIDER SECOND AND FINAL READING OF AN ORDINANCE REGULATING THE LOCATION OF NEW MANUFACTURED HOUSING SUBDIVISIONS WITHIN THE CORPORATE LIMITS AND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF PORT LAVACA, TEXAS AND PROVIDING FOR A MORATORIUM ON LOCATING A NEW MANUFACTURED HOUSING SUBDIVISION IN THE CITY OF PORT LAVACA, TEXAS FOR A FIXED PERIOD OF TIME; REPEALING ANY CONFLICTING ORDINANCES; AND SETTING AN EFFECTIVE DATE
5. CONSIDER FIRST READING OF AN ORDINANCE REGULATING LOCATING OR OPERATING ADDITIONAL COIN OPERATED MACHINES AS DEFINED IN CHAPTER 8 OF THE CITY OF PORT LAVACA CODE OF ORDINANCES, OR OTHER SIMILAR GAMBLING DEVICES WITHIN THE CORPORATE LIMITS AND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF PORT LAVACA, TEXAS AND PROVIDING FOR A MORATORIUM ON LOCATING OR OPERATING A COIN OPERATED MACHINE IN THE CITY OF PORT LAVACA, TEXAS FOR A FIXED PERIOD OF TIME; REPEALING ANY CONFLICTING ORDINANCES; AND SETTING AN EFFECTIVE DATE
6. CONSIDER FIRST READING OF AN ORDINANCE AMENDING THE CITY CODE OF ORDINANCES TO ADD A NEW CHAPTER 50-68 RELATED TO WATER WELLS, ESTABLISHING REGISTRATION REQUIREMENTS, PROVIDING FOR APPROVED USES AND RESTRICTIONS; ESTABLISHING PENALTIES FOR VIOLATIONS, AND PROVIDING FOR AN EFFECTIVE DATE

7. CONSIDER RECOMMENDATION OF PARKS AND RECREATION BOARD TO PURCHASE PLAYGROUND EQUIPMENT FOR THE LIGHTHOUSE BEACH
8. CONSIDER TASK ORDER NO. 4 FOR SUPPLEMENTAL MITIGATION MONITORING FROM HDR ENGINEERING INC UNDER EXISTING MULTIPLE PROJECT AGREEMENT OF FEBRUARY 9, 2010
9. CONSIDER AWARD OF BID FOR PATCHING MATERIAL FROM DECEMBER 01, 2013 THROUGH DECEMBER 01, 2014
10. CONSIDER ENTERING INTO AN INTERLOCAL COOPERATION CONTRACT BETWEEN THE CITY OF PORT LAVACA TEXAS AND THE COUNTY OF CALHOUN TEXAS FOR CERTAIN GOVERNMENTAL FUNCTIONS AND GENERAL SERVICES
11. CONSIDER APPROVAL OF FINAL BUDGET AMENDMENTS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2013

ADJOURN

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 09, 2013, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 5:00 P.M. WEDNESDAY, DECEMBER 04, 2013.

MANDY GRANT,
CITY SECRETARY

BY: _____

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.