

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

On this the 9th day of April, 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 6:38 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 MARCH 07, 2018 JOINT WORKSHOP SESSION OF CITY COUNCIL AND PORT COMMISSION**
- (B) **MINUTES OF MARCH 12, 2018 REGULAR MEETING**
- (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, Regan, Padron, Ward and Barr

NAYS: None

CONDUCT SECOND PUBLIC HEARING ON THE NEED TO CONTINUE A JUVENILE CURFEW ORDINANCE, CODIFIED AS CHAPTER 30, OFFENSES, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF PORT LAVACA, TEXAS

Mayor Whitlow announced that the public hearing was now open at 6:44 p.m.

After calling for comments and receiving none, Mayor Whitlow announced the hearing was now closed at 6:45 p.m.

No action needed and none taken.

CONSIDER SECOND AND FINAL READING OF AN ORDINANCE (G-3-18) OF THE CITY OF PORT LAVACA, TEXAS ESTABLISHING A JUVENILE CURFEW WITHIN THE CORPORATE LIMITS OF THE CITY OF PORT LAVACA; ALSO DESCRIBED IN THE CODE OF ORDINANCES AS CHAPTER 30, OFFENSES, ARTICLE II, JUVENILE CURFEW; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING PENALTIES THEREFORE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Mayor Whitlow read for the second and final reading:

CONSIDER SECOND AND FINAL READING OF AN ORDINANCE (G-3-18) OF THE CITY OF PORT LAVACA, TEXAS ESTABLISHING A JUVENILE CURFEW WITHIN THE CORPORATE LIMITS OF THE CITY OF PORT LAVACA; ALSO DESCRIBED IN THE CODE OF ORDINANCES AS CHAPTER 30, OFFENSES, ARTICLE II, JUVENILE CURFEW; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING PENALTIES THEREFORE; PROVIDING SEVERABILITY; AND PROVIDING 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-3-18) on this its second and final reading.

Councilwoman Padron seconded said motion.

Motion passed by the following vote:

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

NAYS: None

SOLICIT PUBLIC COMMENTS IN REGARD TO APPLICATION FOR 2018-2019 ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) GRANT FUNDS

Mayor Whitlow announced that the public hearing was now open at 6:51 p.m.

After calling for comments and receiving none, Mayor Whitlow announced the hearing was now closed at 6:56 p.m.

No action needed and none taken.

CONSIDER RESOLUTION NO. R-040918-2 TO SUPPORT AN APPLICATION FOR 2018-2019 ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) GRANT FUNDS

Councilwoman Regan made a motion to pass the following:

WHEREAS, the City of Port Lavaca desires to maintain the Bulkhead at the Harbor of Refuge and expand economic opportunities; and

WHEREAS, certain grant funds are available as a result of impacts from Hurricane Harvey to facilitate the much-needed repairs of the Bulkhead at the Harbor of Refuge; and

WHEREAS, it is necessary and in the best interests of the City of Port Lavaca to apply for funding under the 2018 Economic Development Administration Grant Program.

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

Section 1. That a 2018 Economic Development Administration Grant Program application is hereby authorized to be filed with the Economic Development Administration in conjunction with the Golden Crescent Regional Planning Council for funding consideration under the 2018 Economic Development Administration Grant Program; and

- Section 2. That the application be for up to \$1,250,000 of grant funds to repair the Bulkhead at the Harbor of Refuge in the City of Port Lavaca; and
- Section 3. That minimum matching funds in the amount of \$250,000 in cash are committed by the City of Port Lavaca from the Port Commission Reserve fund should match funds not be committed toward the application activities; and
- Section 4. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.
- Section 5. That the Mayor is designated as the Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and participation in the Community Development Block Grant Program.

Councilman Ward 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-4-18) TO MAKE AMENDMENTS TO THE ORDINANCE DESCRIBED IN THE CITY OF PORT LAVACA CODE OF ORDINANCES AS APPENDIX "A" – FEES, RATES AND CHARGES; CHAPTER 50 UTILITIES, SEC. 50-67, LARGE COMMERCIAL; AND ESTABLISHING AN EFFECTIVE DATE

Mayor Whitlow read for the second and final reading:

CONSIDER FIRST READING OF AN ORDINANCE (G-4-18) TO MAKE AMENDMENTS TO THE ORDINANCE DESCRIBED IN THE CITY OF PORT LAVACA CODE OF ORDINANCES AS APPENDIX "A" – FEES, RATES AND CHARGES; CHAPTER 50 UTILITIES, SEC. 50-67, LARGE COMMERCIAL; AND ESTABLISHING 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-3-18) on this its first reading.

Councilwoman Reagan seconded said motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER APPOINTMENT OF SEVEN (7) REGISTERED VOTERS WITHIN THE CITY FOR A NEW TERM OF TWO (2) YEARS AS PLANNING BOARD MEMBERS

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 appoints the following seven (7) citizens to serve on the Planning Board for a term of two (2) years:

1. Tiney Browning
2. Mike Elgin
3. Clay Coffey
4. Mark Howell
5. Chad Dowell
6. Joseph Jones
7. Justin Weaver

BE IT ALSO RESOLVED, THAT, a plaque of service be presented to Jesse Rodriguez, a long-time Planning Board member, at the next Council meeting scheduled for May 14, 2018.

Councilman Smith seconded said motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER REQUEST OF THE PORT LAVACA EVENTS COMMITTEE FOR THE USE OF THE BAYFRONT PENINSULA AND TO USE HOTEL OCCUPANCY TAX (HOT) FUNDS UP TO SIXTEEN THOUSAND DOLLARS (\$16,000) FOR A 4TH OF JULY CELEBRATION

Tania French, with the Port Lavaca Events Committee, advised Council to consider request to hold a 4th of July celebration at Bayfront Peninsula Park; also, for Council to approve \$16,000 from Hotel Occupancy Tax (HOT) Funds for fireworks show at end of event. She said the committee is seeking sponsors so that the cost will not be on the city and maybe will not have to use the HOT funds.

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 approves the Port Lavaca Events Committee to hold a 4th of July celebration at Bayfront Peninsula Park; and also approves \$16,000 from Hotel Occupancy Tax (HOT) Funds to be used in case it is needed.

Councilman Dent seconded said motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER RECOMMENDATION OF THE PORT LAVACA EVENTS COMMITTEE TO PROMOTE THE ARTS BY PARTNERING WITH MAIN STREET, INC.; TO AUTHORIZE FIFTEEN HUNDRED DOLLARS (1,500) OF HOTEL OCCUPANCY TAX (HOT) FUNDS TO BE USED FOR DEVELOPMENT OF A WEBSITE AND ADVERTISING TO PROMOTE UPCOMING THEATRE PRODUCTIONS

Tania French, with the Port Lavaca Events Committee, advised Council to consider request to promote the Arts by partnering with Main Street, Inc.; to authorize Fifteen Hundred dollars (\$1,500) from Hotel Occupancy Tax (HOT) Funds to be used for development of a website and advertising to promote upcoming theatre productions.

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 Council hereby approves the Port Lavaca Events Committee to promote the Arts by partnering with Main Street, Inc.; to authorize Fifteen Hundred dollars (\$1,500) from Hotel Occupancy Tax (HOT) Funds to be used for development of a website and advertising to promote upcoming theatre productions.

Councilman Ward seconded said motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER REQUEST OF THE LUCIA ORNELAS FOUNDATION FOR USE OF THE BAYFRONT PENINSULA PAVILION ON MAY 4TH AND 5TH, 2018 FOR THEIR CHARITY FISHING TOURNAMENT AND ALSO REQUEST WAIVER OF DEPOSIT AND RENTAL FEES ASSOCIATED WITH THE EVENT

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 the request of the Lucia Ornelas Foundation for the use of the Bayfront Peninsula Pavilion for a charity fishing tournament on Friday, May 4, 2018 and Saturday, May 5, 2018 and waive all fees associated with this 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-040918-1E TO APPOINT ELECTION OFFICERS; DESIGNATE EARLY VOTING BALLOT BOARD; SPECIFY COMPENSATION RATE OF ELECTION OFFICERS; ROLE OF CITY SECRETARY AND/OR ASSISTANT CITY SECRETARY; SPECIFY UNIFORM DATE OF MAY 05, 2018 TO HOLD GENERAL OFFICERS ELECTION IN THE CITY OF PORT LAVACA, TEXAS

Councilman Dent 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 has the authority to appoint the Election Officers for city elections.

WHEREAS, in addition, that the general officers' election has been ordered for Saturday, May 05, 2018 by Resolution #R-010818-1E adopted on January 08, 2018.

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

SECTION 1. THAT, in accordance with the Texas Election Code, a presiding judge and an alternate presiding judge must be appointed for each election precinct [EC §32.001(a)]. The role of the alternate judge is to serve as presiding judge for an election if the presiding judge cannot serve [EC §32.001(b)]. In an election conducted by the presiding judge, the alternate judge serves as one of the election clerks [EC §32.032].

SECTION 2. THAT, such election shall be conducted by the City of Port Lavaca, with Early Voting Days and the main Election Day voting to be at the following polling places designated for each City election district and the following citizens, registered to vote in the city, are hereby appointed Election Officers to conduct said election:

All Polling Places:	City of Port Lavaca City Hall - Main Lobby 202 N. Virginia Street Port Lavaca, Texas 77979
Bernardo Perez Garcia	Presiding Judge
Margaret Ann Hilscher	Alternate Judge
Mary Watkins	Presiding Judge for the Early Voting Ballot Board and the Central Counting Station

SECTION 3 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 officers' election.

SECTION 4. THAT, the Office of the City Secretary is hereby authorized and directed to provide a copy of the RESOLUTION to the judges as written notice of their appointment as required the Texas Election Code [EC §32.009].

If either the Presiding Judge or the Alternate Presiding Judge is unable to perform his/her assigned duties, the Office of the City Secretary is authorized to select an Acting Presiding or Acting Alternate Presiding Judge from the qualified Election Clerks, as needed.

SECTION 5. THAT, the Presiding Judge shall have the authority to appoint two (2) clerks to assist in the holding of such election. Said election officers shall also serve as the Early Voting Ballot Board (EVBB) for such election. The Central Counting Station will be in the City Hall Conference Room.

SECTION 6. THAT, the Election Judge(s) shall be compensated at an hourly rate of \$12.00; early voting clerks and election clerks shall be compensated at an hourly rate of \$11.00 as provided by the State Election Code [EC §32.091(a)].

SECTION 7. THAT, the City Secretary is hereby appointed the Elections Clerk for early voting; and the Assistant City Secretary is hereby appointed the Deputy Election Clerk for early voting in accordance with Section 83.001 *et seq.* of the Texas Election Code. The place for early voting days and election day is hereby designated as the City of Port Lavaca, City Hall - Main Lobby, 202 N. Virginia Street, Port Lavaca, Texas.

SECTION 8. THAT, the Mayor is authorized to sign Writ of Election to the Presiding Judge.

SECTION 9. 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

DISCUSS AND CONSIDER THE R.E.S.T.O.R.E. ACT GRANT ACTIVITIES

There was only a discussion on this agenda item.

No action needed and none taken.

CONSIDER PROPOSAL FOR EMERGENCY REBUILD OF CLARIFIER NO. 1 AT LYNN BAYOU WASTEWATER TREATMENT PLANT

Public Works Director Pena advised Council that some key components are in need of emergency repairs at the Lynn Bayou Wastewater Treatment Plant. Damages to Clarifier #1 were caused by age and some by Hurricane Harvey. There is no money budgeted; however, the damage has been added to the Hurricane Damage Inventory and hopefully the city may be eligible up to 90% reimbursement from FEMA.

Cost proposals were requested from Mercer Construction, Newman Regency Group and All Pump and Equipment. The only company that is able to handle this job is All Pump and Equipment for a proposed sum of \$19,057. Staff recommends Council approve this request.

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 proposal submitted by All Pump and Equipment to repair or rebuild Clarifier No. 1 at the Lynn Bayou Wastewater Treatment Plant, for the sum of \$19,057.

Councilman Ward seconded said motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER PROPOSAL FOR EMERGENCY REHABILITATION OF RECEIVING BOX ON EXISTING AIR SCRUBBER AT LYNN BAYOU WASTEWATER TREATMENT PLANT

Public Works Director Pena advised Council that the receiving box on the air scrubber is also in need of emergency repairs at the Lynn Bayou Wastewater Treatment Plant. He said it has degraded internally due to the high content of hydrogen sulfide gas accumulation. He said a price was received from Insituform Technologies, through the Buyboard Cooperative Purchasing Program, in the amount of \$88,995 to do the necessary repairs.

Pena also advised that while the receiving box is being repaired, wastewater will still need to be transported from Cilla and Main lift-stations to the head of the plant and bypass the air box. Aquazyme Services has proposed furnishing the wastewater transport services at a cost of \$7,110. There is no money budgeted for these emergency repairs and this will be paid from Utility Fund Reserves.

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 proposals from Insituform Technologies, through Buyboard (\$88,995), and Aquazyme Services (7,110) for a combined total cost of \$96,105 for emergency rehabilitation of receiving box on existing air scrubber at Lynn Bayou Wastewater Treatment Plant and also for wastewater transport services.

Councilman Barr seconded said motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER A CHANGE ORDER TO THE FLOOR POLISHING CONTRACT AT THE BAUER COMMUNITY CENTER

City Engineer/Economic & Comm. Dev Official Weaver advised Council there was a change order to the floor polishing contract at the Bauer Community Center for an additional sum of \$13,200, being a 16% change order and bringing the total contract to \$94,925.

Mayor Whitlow also created an Ad Hoc Committee for color selection at the Bauer Center consisting of Councilwoman Jan Reagan and Councilwoman Rosie Padron to work with Architect.

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 recommendation of Staff, Council hereby approves change order No. 1 to the floor polishing contract at the Bauer Community Center for an additional sum of \$13,200, being a 16% change order and bringing the total contract to \$94,925.

Councilman Ward seconded said motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER APPROVAL OF CITY QUARTERLY FINANCIAL AND INVESTMENT REPORTS FOR QUARTER ENDING DECEMBER 31, 2017

Finance Director Mason presented Council with the quarterly financial and investment reports for quarter ending December 31, 2017, a copy of which is in the office of the Finance Director.

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 quarterly financial and investment reports for quarter ending December 31, 2017, as presented.

Councilman Barr 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 DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY (DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PARTY), IN ACCORDANCE WITH CHAPTER 551, TITLE 5, SECTION 551.072 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 8:12 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 9:50 p.m. and there would be no action taken with regard to matters discussed in closed session over real property.

Mayor Whitlow announced there would be action taken on closed session over City Manager.

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, Council hereby hires William A. Dilibero, on a month to month basis effective April 10, 2018, as the new City Manager for the City of Port Lavaca for an annual salary of \$125,000; and car allowance at a monthly rate of \$300.00; and City's portion of any benefit for a regular full-time employee; and finally, City acknowledged Charter Provision requiring 30-day severance at termination and agreed to pay per Charter Provision.

Councilman Barr seconded said motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER COUNCIL REVIEWING AND RATIFYING THE LEASE PREPARED AND NEGOTIATED BY THE INTERIM CITY MANAGER AND THE CITY ATTORNEY BETWEEN THE CITY OF PORT LAVACA AND FORMOSA PLASTICS CORPORATION FOR USE OF THE PARKING LOT AT THE BAUER COMMUNITY CENTER AND TAKE ANY ACTION DEEMED NECESSARY

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 ratifies the lease from the Council meeting of March 12, 2018 between the City of Port Lavaca and Formosa Plastics Corporation for use of the parking lot at the Bauer Community Center to be in effect until October 31, 2018 and Formosa will contribute \$25,000 to the City of Port Lavaca.

Councilman Ward 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

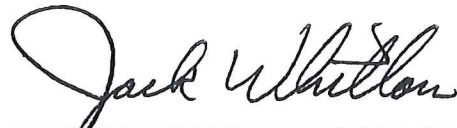
Councilman Ward seconded said motion.

Motion passed by the following vote:

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

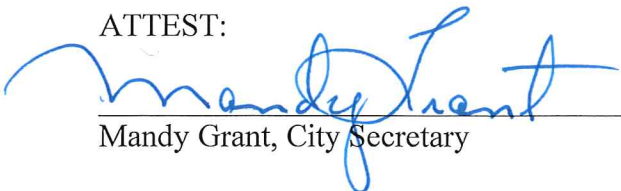
NAYS: None

Meeting adjourned at 10:03 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, APRIL 09, 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 MARCH 07, 2018 JOINT WORKSHOP SESSION OF CITY COUNCIL AND PORT COMMISSION
 - (B) MINUTES OF MARCH 12, 2018 REGULAR MEETING
 - (C) PAYMENT OF INVOICES EXCEEDING \$1,500

2. CONDUCT SECOND PUBLIC HEARING ON THE NEED TO CONTINUE A JUVENILE CURFEW ORDINANCE, CODIFIED AS CHAPTER 30, OFFENSES, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF PORT LAVACA, TEXAS

3. CONSIDER SECOND AND FINAL READING OF AN ORDINANCE (G-3-18) OF THE CITY OF PORT LAVACA, TEXAS ESTABLISHING A JUVENILE CURFEW WITHIN THE CORPORATE LIMITS OF THE CITY OF PORT LAVACA; ALSO DESCRIBED IN THE CODE OF ORDINANCES AS CHAPTER 30, OFFENSES, ARTICLE II, JUVENILE CURFEW; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING PENALTIES THEREFORE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE
4. SOLICIT PUBLIC COMMENTS IN REGARD TO APPLICATION FOR 2018-2019 ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) GRANT FUNDS
5. CONSIDER RESOLUTION NO. R-040918-2 TO SUPPORT AN APPLICATION FOR 2018-2019 ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) GRANT FUNDS
6. CONSIDER FIRST READING OF AN ORDINANCE (G-4-18) TO MAKE AMENDMENTS TO THE ORDINANCE DESCRIBED IN THE CITY OF PORT LAVACA CODE OF ORDINANCES AS APPENDIX "A" – FEES, RATES AND CHARGES; CHAPTER 50 UTILITIES, SEC. 50-67, LARGE COMMERCIAL; AND ESTABLISHING AN EFFECTIVE DATE
7. CONSIDER APPOINTMENT OF SEVEN (7) REGISTERED VOTERS WITHIN THE CITY FOR A NEW TERM OF TWO (2) YEARS AS PLANNING BOARD MEMBERS
8. CONSIDER REQUEST OF THE PORT LAVACA EVENTS COMMITTEE FOR THE USE OF THE BAYFRONT PENINSULA AND TO USE HOTEL OCCUPANCY TAX (HOT) FUNDS UP TO SIXTEEN THOUSAND DOLLARS (\$16,000) FOR A 4TH OF JULY CELEBRATION
9. CONSIDER RECOMMENDATION OF THE PORT LAVACA EVENTS COMMITTEE TO PROMOTE THE ARTS BY PARTNERING WITH MAIN STREET, INC.; TO AUTHORIZE FIFTEEN HUNDRED DOLLARS (1,500) OF HOTEL OCCUPANCY TAX (HOT) FUNDS TO BE USED FOR DEVELOPMENT OF A WEBSITE AND ADVERTISING TO PROMOTE UPCOMING THEATRE PRODUCTIONS
10. CONSIDER REQUEST OF THE LUCIA ORNELAS FOUNDATION FOR USE OF THE BAYFRONT PENINSULA PAVILION ON MAY 4TH AND 5TH, 2018 FOR THEIR CHARITY FISHING TOURNAMENT AND ALSO REQUEST WAIVER OF DEPOSIT AND RENTAL FEES ASSOCIATED WITH THE EVENT

11. CONSIDER RESOLUTION NO. R-040918-1E TO APPOINT ELECTION OFFICERS; DESIGNATE EARLY VOTING BALLOT BOARD; SPECIFY COMPENSATION RATE OF ELECTION OFFICERS; ROLE OF CITY SECRETARY AND/OR ASSISTANT CITY SECRETARY; SPECIFY UNIFORM DATE OF MAY 05, 2018 TO HOLD GENERAL OFFICERS ELECTION IN THE CITY OF PORT LAVACA, TEXAS
12. DISCUSS AND CONSIDER THE R.E.S.T.O.R.E. ACT GRANT ACTIVITIES
13. CONSIDER PROPOSAL FOR EMERGENCY REBUILD OF CLARIFIER NO. 1 AT LYNN BAYOU WASTEWATER TREATMENT PLANT
14. CONSIDER PROPOSAL FOR EMERGENCY REHABILITATION OF RECEIVING BOX ON EXISTING AIR SCRUBBER AT LYNN BAYOU WASTEWATER TREATMENT PLANT
15. CONSIDER A CHANGE ORDER TO THE FLOOR POLISHING CONTRACT AT THE BAUER COMMUNITY CENTER
16. CONSIDER APPROVAL OF CITY QUARTERLY FINANCIAL AND INVESTMENT REPORTS FOR QUARTER ENDING DECEMBER 31, 2017
17. ANNOUNCEMENT BY MAYOR THAT CITY COUNCIL WILL RETIRE INTO CLOSED SESSION:
 - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY (DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PARTY), IN ACCORDANCE WITH CHAPTER 551, TITLE 5, SECTION 551.072 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])
18. RETURN TO OPEN SESSION AND TAKE ANY ACTION DEEMED NECESSARY WITH REGARD TO MATTERS DISCUSSED IN CLOSED SESSION

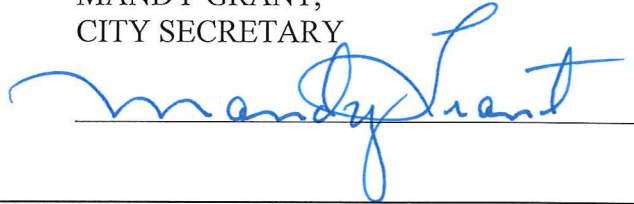
ADJOURN

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, APRIL 09, 2018, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 5:00 P.M. THURSDAY, APRIL 05, 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.

PUBLIC NOTICE TO ADD SUPPLEMENTAL ITEM(S) FOR AGENDA OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PORT LAVACA, SCHEDULED FOR MONDAY, APRIL 09, 2018, BEGINNING AT 6:30 P.M., IN COUNCIL CHAMBERS AT CITY HALL, 202 NORTH VIRGINIA STREET, PORT LAVACA, TEXAS:

19. CONSIDER COUNCIL REVIEWING AND RATIFYING THE LEASE PREPARED AND NEGOTIATED BY THE INTERIM CITY MANAGER AND THE CITY ATTORNEY BETWEEN THE CITY OF PORT LAVACA AND FORMOSA PLASTICS CORPORATION FOR USE OF THE PARKING LOT AT THE BAUER COMMUNITY CENTER AND TAKE ANY ACTION DEEMED NECESSARY

JACK WHITLOW, MAYOR

CERTIFICATION OF POSTING NOTICE

THIS IS TO CERTIFY THAT THE ABOVE NOTICE TO ADD SUPPLEMENTAL ITEM(S) FOR AGENDA OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PORT LAVACA, SCHEDULED FOR MONDAY, APRIL 09, 2018, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 2:00 P.M., FRIDAY, APRIL 06, 2018.

MANDY GRANT,
CITY SECRETARY

