

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

On this the 23rd day of April, 2018, the City Council of the City of Port Lavaca, Texas, convened in a special meeting at 5:30 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

*Arrived at 6:16 p.m. (no vote entertained since beginning of meeting)

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 special meeting to order at 5:42 P.M. and presided.

AGENDA ITEMS TO BE CONSIDERED AND TAKE ANY ACTION DEEMED NECESSARY:

CONSIDER APPROVAL OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017, PRESENTED BY THE AUDIT FIRM OF HARRISON, WALDROP & UHEREK, L.L.P.

This item was passed for another time.

RECEIVE PRESENTATION FROM GUADALUPE-BLANCO RIVER AUTHORITY (GBRA) ON WATER PLANT UPGRADES

No action needed and none taken.

CONSIDER A VARIANCE TO SECTION 903.2.1.2 OF THE ADOPTED 2012 INTERNATIONAL BUILDING CODE, REGARDING AN AUTOMATIC SPRINKLER SYSTEM FOR AN A-2 OCCUPANCY AT 206 S. COMMERCE STREET

Fire Chief Reyes and Fire Captain Juan Luna advised Council a variance to section 903.2.1.2 of the Adopted 2012 International Building Code, regarding an automatic sprinkler system for an A-2 Occupancy located at 206 S. Commerce Street could be approved; provided a monitored fire alarm is installed with manual pull stations at each exit discharge, serving the means of egress system (a place or means of going out or exit).

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 the Planning Board and staff, Council hereby approves a variance to section 903.2.1.2 of the Adopted 2012 International Building Code, regarding an automatic sprinkler system for an A-2 Occupancy located at 206 S. Commerce Street; provided a monitored fire alarm is installed with manual pull stations at each exit discharge, serving the means of egress system (a place or means of going out or exit).

Councilman Smith seconded said motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER REQUEST FROM ISMAEL SERNA FOR A VARIANCE TO ALLOW THE PLACEMENT OF A CARPORT ON LOT 9 OF THE BOWMAN SUBDIVISION #1 LOCATED AT 1209 HENRY STREET TO ENCROACH INTO THE 10 FT UTILITY EASEMENT AND THE 15 FT MINIMUM BUILDING SETBACK

City Engineer/Economic Development Official Weaver advised Council that Mr. Ismael Serna has applied for a Building Permit to install a pre-fabricated carport, that does not have exterior walls, on his property at 1209 Henry Street, Lot 9, Bowman Subdivision. The carport will encroach into a 10 ft platted utility easement (shown as dashed line on google maps image) and the 15 ft building setback line that has been established for all existing subdivisions without platted setbacks.

She said the Public Works Director, Oscar Pena, has confirmed that the sewer line is located within the right-of-way (ROW) of Henry Street and the water line is on the opposite side of the street, so there are no known utilities in this easement that would be impacted with the construction of this carport. Mr. Serna has submitted consent letters from his neighbors. She said the Planning Board and staff have approved this request.

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 Planning Board and staff, Council hereby approves the request of Mr. Ismael Serna for a variance to place a carport on his property at 1209 Henry Street, Lot 9, Bowman Subdivision, encroaching into a 10 ft platted utility easement and the 15 ft building setback line that has been established for all existing subdivisions without platted setbacks.

Councilwoman Padron seconded said motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER REQUESTS FROM JIMMY SHELTON FOR A VARIANCE TO THE CITY OF PORT LAVACA CODE OF ORDINANCES FOR THE FOLLOWING REGARDING A PROPOSED RESIDENTIAL SUBDIVISION:

- **CHAPTER 42 SECTION 131 (a)(1) FOR MINIMUM LOT SIZE**
- **CHAPTER 42 SECTION 131 (a)(3) FOR MINIMUM CORNER LOT WIDTH**
- **CHAPTER 42 SECTION 131 (b)(1) FOR MINIMUM SETBACKS**

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 Planning Board and staff, Council hereby approves the request of Mr. Jimmy Shelton has a requested the following variances regarding a proposed residential subdivision:

- **Chapter 42 Section 131 (a)(1) for Minimum Lot Size**
Minimum lot size to be 5,000 sf in lieu of 5,500 sf

- **Chapter 42 Section 131 (A)(3) for Minimum Corner Lot Width**

Minimum corner lot width to be 60 ft in lieu of 70 ft

- **Chapter 42 Section 131 (B)(1) for Minimum Setbacks**

Minimum front setback to be 20 ft in lieu of 25 ft; and Minimum corner lot side setbacks 15 ft in lieu of 25 ft, except where lots adjoin Independence that setback shall be 20 ft.*

*Mr. Shelton's' proposed housing plans all showed garages facing the front so the Planning Board did not specifically discuss the corner setback if the garage faced the side street. Based upon discussions during the meeting, it is believed the Planning Board would agree to clarify that if garages faced the side street, that setback would be required to be 20 ft. minimum.

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 APPOINTED SELECTION COMMITTEE TO AWARD A CONSTRUCTION CONTRACT TO ROTH CONSTRUCTION, INC. FOR THE BAUER COMMUNITY CENTER RENOVATIONS, IN AN AMOUNT OF \$651,703.00 AND CONSTRUCTION TIME OF 115 DAYS IN ACCORDANCE WITH THE PROPOSAL DOCUMENTS, SUBJECT TO APPROVAL BY CITY ATTORNEY

City Engineer/Economic Development Official Weaver advised Council that the City had solicited bids for a construction contract for the Bauer Community Center renovations. She said the following bids were opened on Tuesday, April 17, 2018 at 2:00 p.m. by the Selection Committee:

<u>Contractors Bidding</u>	<u>Base Bid</u>	<u>Calendar days to Complete</u>
Roth Construction	\$ 651,703.00	115
Absher Construction	\$ 673,000.00	95
K & T Construction	\$ 735,000.00	140
Lauger Construction	No Proposal Submitted	

She said the selection committee recommends that City Council award a construction contract to Roth Construction in the amount of \$651,703.00 with a time of construction of 115 days and authorize the mayor to sign the contract once the city attorney has approved it.

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 Staff, Council hereby awards a construction contract to Roth Construction in the amount of \$651,703.00 with a construction time of 115 calendar days, for the Bauer Community Center renovations and authorize the mayor to sign the contract once the city attorney has approved it

Councilman Ward seconded said motion.

Motion passed by the following vote:

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

NAYS: None

RECEIVE REPORT FROM RAWLEY MC COY ARCHITECHTS ON STATUS OF THE BAUER COMMUNITY RENOVATION PROJECT

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 receipt of report from Rawley McCoy Architects on status of the Bauer Community Renovation Project.

Councilwoman Regan seconded said motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER PRELIMINARY PLAT OF THE ERIC HO SUBDIVISION NO. 1, A 21.90 ACRE SUBDIVISION BEING A PART OF LOTS 1, 2, 3 AND 8 IN MARY H. BICKFORD SUBDIVISION

City Engineer/Economic Development Official Weaver advised Council that the Planning Board and staff recommend approval of preliminary plat of the Eric Ho Subdivision No. 1, a 21.90-acre subdivision being a part of lots 1, 2, 3 and 8 in Mary H. Bickford subdivision.

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 the Planning Board and Staff, Council hereby approves preliminary plat of the Eric Ho Subdivision No. 1, a 21.90-acre subdivision being a part of lots 1, 2, 3 and 8 in Mary H. Bickford subdivision.

Councilman Ward seconded said motion.

Motion passed by the following vote:

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

NAYS: None

CONSIDER CONSTRUCTION PLANS AND TECHNICAL SPECIFICATIONS OF THE ERIC HO SUBDIVISION NO. 1

City Engineer/Economic Development Official Weaver advised Council that the Planning Board and staff recommend approval of construction plans and technical specifications of the Eric Ho Subdivision No. 1, a 21.90-acre subdivision being a part of lots 1, 2, 3 and 8 in Mary H. Bickford subdivision.

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, in accordance with recommendation of the Planning Board and Staff, Council hereby approves construction plans and technical specifications of the Eric Ho Subdivision No. 1, a 21.90-acre subdivision being a part of lots 1, 2, 3 and 8 in Mary H. Bickford subdivision.

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**

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 8:35 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

Councilwoman Padron seconded said motion

Motion passed by the following vote:

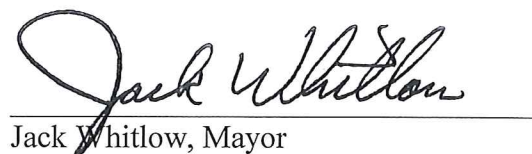
AYES: Smith, Dent, Regan, Padron, Ward and Barr

NAYS: None

Meeting adjourned at 8:36 P.M.

ATTEST:


Mandy Grant, City Secretary


Jack Whitlow, Mayor

PUBLIC NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS, WILL HOLD A SPECIAL MEETING ON MONDAY, APRIL 23, 2018, BEGINNING AT 5:30 P.M. AT THE REGULAR MEETING PLACE IN COUNCIL CHAMBERS, AT CITY HALL, 202 N. 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 MAY BE IN CONFLICT WITH 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

AGENDA: (COUNCIL WILL CONSIDER/DISCUSS THE FOLLOWING ITEMS AND TAKE ANY ACTION DEEMED NECESSARY)

1. CONSIDER APPROVAL OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017, PRESENTED BY THE AUDIT FIRM OF HARRISON, WALDROP & UHEREK, L.L.P.
2. RECEIVE PRESENTATION FROM GUADALUPE-BLANCO RIVER AUTHORITY (GBRA) ON WATER PLANT UPGRADES
3. CONSIDER A VARIANCE TO SECTION 903.2.1.2 OF THE ADOPTED 2012 INTERNATIONAL BUILDING CODE, REGARDING AN AUTOMATIC SPRINKLER SYSTEM FOR AN A-2 OCCUPANCY AT 206 S. COMMERCE STREET
4. CONSIDER REQUEST FROM ISMAEL SERNA FOR A VARIANCE TO ALLOW THE PLACEMENT OF A CARPORT ON LOT 9 OF THE BOWMAN SUBDIVISION #1 LOCATED AT 1209 HENRY STREET TO ENCROACH INTO THE 10 FT UTILITY EASEMENT AND THE 15 FT MINIMUM BUILDING SETBACK

5. CONSIDER REQUESTS FROM JIMMY SHELTON FOR A VARIANCE TO THE CITY OF PORT LAVACA CODE OF ORDINANCES FOR THE FOLLOWING REGARDING A PROPOSED RESIDENTIAL SUBDIVISION:
 - CHAPTER 42 SECTION 131 (a)(1) FOR MINIMUM LOT SIZE
 - CHAPTER 42 SECTION 131 (a)(3) FOR MINIMUM CORNER LOT WIDTH
 - CHAPTER 42 SECTION 131 (b)(1) FOR MINIMUM SETBACKS
6. CONSIDER RECOMMENDATION OF THE APPOINTED SELECTION COMMITTEE TO AWARD A CONSTRUCTION CONTRACT TO ROTH CONSTRUCTION, INC. FOR THE BAUER COMMUNITY CENTER RENOVATIONS, IN AN AMOUNT OF \$651,703.00 AND CONSTRUCTION TIME OF 115 DAYS IN ACCORDANCE WITH THE PROPOSAL DOCUMENTS, SUBJECT TO APPROVAL BY CITY ATTORNEY
7. RECEIVE REPORT FROM RAWLEY MC COY ARCHITECTS ON STATUS OF THE BAUER COMMUNITY RENOVATION PROJECT
8. CONSIDER PRELIMINARY PLAT OF THE ERIC HO SUBDIVISION NO. 1, A 21.90 ACRE SUBDIVISION BEING A PART OF LOTS 1, 2, 3 AND 8 IN MARY H. BICKFORD SUBDIVISION
9. CONSIDER CONSTRUCTION PLANS AND TECHNICAL SPECIFICATIONS OF THE ERIC HO SUBDIVISION NO. 1
10. 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
11. RETURN TO OPEN SESSION AND TAKE ANY ACTION DEEMED NECESSARY WITH REGARD TO MATTERS DISCUSSED IN CLOSED SESSION

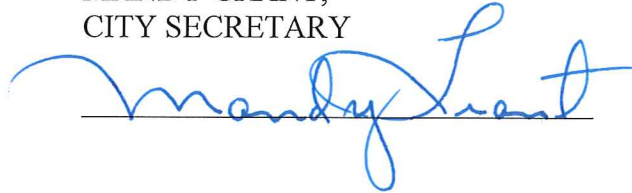
ADJOURN

JACK WHITLOW, MAYOR

CERTIFICATION OF POSTING NOTICE

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING NOTICE OF A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS, TO BE HELD ON MONDAY, APRIL 23, 2018 BEGINNING AT 5:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 5:00 P.M., THURSDAY, APRIL 19, 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.