

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

On this the 13<sup>th</sup> day of August, 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
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 6:33 P.M. and presided.
- Councilman Ward gave the invocation.
- Mayor Whitlow led the pledge of allegiance to the American and Texas flags.
- Mayor Whitlow announced of creating an Ad Hoc Committee:
  - He appointed City Councilwoman Jan Regan and Port Commission Board Member Raymond Butler to the Mayor's Ad Hoc Committee to pursue waterfront expansion areas for the City's parks and business enterprises and said committee is to report to both the City Council and Port Commission on a quarterly basis.
- Mayor asked for comments from the public and there were the following:
  - Tania French of the Port Lavaca Events Committee gave the City Council an update of what the Committee has been doing.

### **CONSENT AGENDA:**

- (A) **MINUTES OF JULY 09, 2018 REGULAR MEETING**
- (B) **MINUTES OF JULY 30, 2018 SPECIAL MEETING AND WORKSHOP**
- (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 Smith seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Regan, Ward and Barr

NAYS: None

**RECEIVE BUDGET REPORT FROM THE GUADALUPE-BLANCO RIVER AUTHORITY (GBRA) FOR THE PORT LAVACA WATER TREATMENT PLANT FOR THE 2019 FISCAL YEAR**

Council Members received a work plan and budget report from Stephanie Shelley of the Guadalupe-Blanco River Authority (GBRA) for the fiscal year ending August 31, 2019.

Summary of estimated expenses:	<u>Fiscal Year 2018</u>	<u>Fiscal Year 2019</u>	<u>Difference</u>
Total Plant Expenses	\$ 1,671,213	\$ 1,639,799	\$ -56,214.00
Cost per 1,000 gallons (treated)	\$ 2.41	\$ 2.37	\$ -1.66 %

No action needed and none taken.

**CONSIDER PLACING A PROPOSAL TO ADOPT A TAX RATE FOR THE 2018-2019 FISCAL YEAR AS AN ACTION ITEM ON THE AGENDA OF A FUTURE MEETING, SPECIFYING THEREIN THE DESIRED RATE AND PUBLISHING NOTICE THEREOF**

Finance Director Mason advised Council that the proposed tax rate for 2018 will be \$0.7944 per \$100 value. She said that staff recommended placing a proposal to adopt a Tax Rate for the 2018-2019 fiscal year as an action item on the September 10, 2018 regular meeting agenda, with a desired rate of \$0.7944 per \$100 value.

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 placing a proposal to adopt a Tax Rate for the 2018-2019 fiscal year as an action item on the September 10, 2018 regular meeting agenda, with a desired rate of \$0.7944 per \$100 value and publishing notice thereof.

Councilman Barr seconded this motion.

Motion passed by the following vote:

AYES: Smith, Dent, Regan, Ward and Barr

NAYS: None

**CONSIDER SETTING TWO (2) PUBLIC HEARINGS ON THE PROPOSED 2018-2019 FISCAL YEAR BUDGET FOR MONDAY, AUGUST 20, 2018 AND MONDAY, AUGUST 27, 2018**

Finance Director Mason stated that two special meetings for public hearings on the proposed 2018-2019 fiscal year budget need to be set. She said staff recommends the following dates and times:

- Monday, August 20, 2018 5:30 P.M.
- Monday, August 27, 2018 5:30 P.M.

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 two special meetings for public hearings on the proposed 2018-2019 fiscal year budget be set for Monday, August 20, 2018 at 5:30 p.m. and Monday, August 27, 2018 at 5:30 p.m.

Councilman Smith seconded this motion.

Motion passed by the following vote:

AYES: Smith, Dent, Regan, Ward and Barr

NAYS: None



**CONSIDER SETTING TWO (2) PUBLIC HEARINGS ON THE PROPOSED 2018 TAX RATE FOR MONDAY, AUGUST 20, 2018 AND MONDAY, AUGUST 27, 2018**

Finance Director Mason stated that two special meetings for public hearings on the proposed 2018 tax rate need to be set. She said staff recommends the following dates and times:

- Monday, August 20, 2018 5:30 P.M.
- Monday, August 27, 2018 5:30 P.M.

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 two special meetings for public hearings on the proposed 2018 tax rate be set for Monday, August 20, 2018 at 5:30 p.m. and Monday, August 27, 2018 at 5:30 p.m.

Councilwoman Regan seconded this motion.

Motion passed by the following vote:

AYES: Smith, Dent, Regan, Ward and Barr

NAYS: None

**CONSIDER REQUEST OF UNITED WAY FOR USE OF THE BAYFRONT PENINSULA PARK FOR THEIR 5<sup>TH</sup> ANNUAL FAMILY DAY ON SATURDAY, SEPTEMBER 22, 2018 AND WAIVER OF ANY FEES ASSOCIATED WITH THE EVENT**

Public Works Director Oscar Pena advised Council that the United Way of Calhoun County, a non-profit organization, is planning a Family Day and requested the use of the Bayfront Peninsula Park on Saturday, September 22, 2018 from 11:00 A.M. to 2:00 P.M. He said they have also requested waiver of any applicable permit fees associated with the event and staff recommends approval.

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 approves the United Way of Calhoun County use of the Bayfront Peninsula Park on Saturday, September 22, 2018 from 11:00 A.M. to 2:00 P.M and waives any applicable permit fees associated with the event.

Councilman Dent seconded this motion.

Motion passed by the following vote:

AYES: Smith, Dent, Regan, Ward and Barr

NAYS: None

**CONSIDER TRAFFIC CONTROL SIGN (“RIGHT TURN ONLY”) AT INTERSECTION OF E. ASH STREET AND N. VIRGINIA STREET DURING THE SCHOOL YEAR DROP-OFF HOURS AND PICK-UP HOURS**

Public Works Director Oscar Pena advised Council that the staff at Harrison/Jefferson/Madison (HJM) Elementary School would like for the city to continue the traffic control implemented on E. Ash and Virginia Streets, during the reconstruction of Commerce Street. Pena said that due to a lack of resources to utilize cones for traffic control, the school is requesting that traffic coming off of E. Ash Street, be allowed to only turn north on Virginia Street, during the school year drop-off hours and pick-up hours. He said staff recommends the installation of a “Right Turn Only” traffic sign at the intersection of E. Ash and Virginia Streets during the hours of 7:30 a.m. - 8:00 a.m. and again at 3:00 p.m. - 4:00 p.m.

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 the installation of a “Right Turn Only” traffic sign at the intersection of E. Ash and Virginia Streets during the hours of 7:30 a.m. - 8:00 a.m. and again at 3:00 p.m. - 4:00 p.m.

Councilman Ward seconded this motion.

Motion passed by the following vote:

AYES: Smith, Dent, Regan, Ward and Barr

NAYS: None

**RECEIVE POLICY OF THE PORT LAVACA POLICE DEPARTMENT FOR THE PURPOSE OF ESTABLISHING GUIDELINES AND PROCEDURES FOR THE DECORUM AND SECURITY OF THE MUNICIPAL COURT OPERATIONS AND STAFF**

Municipal Court Judge Raymond Perez advised Council that this policy was in accordance with Senate Bill 42.

He said this Bill requires presiding Municipal Judges to create a court security committee for the purpose of establishing guidelines and procedures for the decorum and security of the Municipal Court operations and staff.

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 accepts Policy No. 9.1 of the Port Lavaca Police Department for the purpose of establishing guidelines and procedures for the decorum and security of the Municipal Court operations and staff; and a copy in its entirety is filed in the City Secretary's office.

Councilwoman Regan seconded this motion.

Motion passed by the following vote:

AYES: Smith, Dent, Regan, Ward and Barr

NAYS: None

**CONSIDER AWARD OF CONSTRUCTION BID FOR THE BAYFRONT PENINSULA FISHING PIER**

City Engineer/Economic Development Official Weaver advised Council that the City had solicited bids for a construction contract for the Bayfront Peninsula Fishing Pier. She said the following seven (7) bids were opened on Tuesday, August 07, 2018:

Bidders:	Total Base Bid	Deductive Bid	5% Bid Bond	Time to Complete
Derrick Construction	\$361,500.00	\$324,750.00	X	120
Shirley & Sons	\$368,372.00	\$319,502.00	X	60
CFG Industries	\$526,000.00	\$476,000.00	X	90
HCS, INC.	\$748,000.00	\$721,000.00	X	150
Custom Tech	\$848,000.00	\$820,000.00	X	180
Precision Facilities	\$853,000.00	No Bid	CC \$45,000.00	84
MD Merret, Inc.	\$913,468.00	\$883,468.00	X	210



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 awards a construction contract for the Bayfront Peninsula Fishing Pier, to Derrick Construction of Rockport, Texas, in the amount of three hundred six-one thousand five hundred dollars and no cents (\$361,500.00) and also with a construction time of one hundred twenty (120) calendar days, from receipt of Notice to Proceed by the City.

Councilman Barr seconded this motion.

Motion passed by the following vote:

AYES: Smith, Dent, Regan, Ward and Barr

NAYS: None

**CONSIDER AUTHORIZING CITY MANAGER TO CONTRACT DREDGING SERVICES FOR THE LIGHTHOUSE BEACH BOAT RAMP**

City Manager Dilibero advised Council the boat ramp at Lighthouse Beach requires dredging in order for it to be useable, especially at the entrance of it. SCR Contractors use the ramp for work on the causeway indicate the entry channel can be as shallow as six inches and they must time their arrivals and departures based on the tides. He said that due to the size of the project, only one company, USA – Columbia Dredging, has bid on the project and has also committed to maintaining the pricing on the project. Dilibero said each year funds are set aside in the Capital Budget for the dredging project. He said the boat ramp is dredged every four to five years and the cost of the project is thirty-five thousand dollars and no cents (\$35,000.00). Dilibero also told Council that residents have expressed concern that the boat ramp remains closed and have requested that it be opened.

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 City Manager to contract Dredging Services, as stated above and to provide that work does not start prior to October 15, 2018.

Councilwoman Regan seconded this motion.

Motion passed by the following vote:

AYES: Smith, Dent, Regan, 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 7:32 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 7:58 p.m. and would take action deemed necessary with regard to matters discussed in closed session.

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, Council hereby authorizes the City Manager to proceed with purchase of discussed property, including all corporate shares, assets and land included within the corporation.

Councilwoman Regan seconded this motion.

Motion passed by the following vote:

AYES: Smith, Dent, Regan, Ward and Barr

NAYS: None



**ADJOURN**

Councilman Ward made a motion to adjourn the meeting

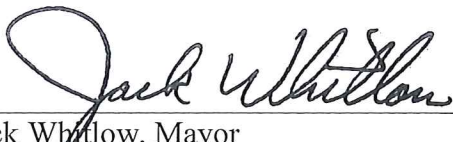
Councilman Barr seconded said motion

Motion passed by the following vote:

AYES: Smith, Dent, Regan, Ward and Barr

NAYS: None

Meeting adjourned at 8:05 P.M.

  
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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, AUGUST 13, 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
- PRESENTATIONS BY THE MAYOR
- 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 JULY 09, 2018 REGULAR MEETING
  - (B) MINUTES OF JULY 30, 2018 SPECIAL MEETING AND WORKSHOP
  - (C) PAYMENT OF INVOICES EXCEEDING \$1,500
2. RECEIVE BUDGET REPORT FROM THE GUADALUPE-BLANCO RIVER AUTHORITY (GBRA) FOR THE PORT LAVACA WATER TREATMENT PLANT FOR THE 2019 FISCAL YEAR
3. CONSIDER PLACING A PROPOSAL TO ADOPT A TAX RATE FOR THE 2018-2019 FISCAL YEAR AS AN ACTION ITEM ON THE AGENDA OF A FUTURE MEETING, SPECIFYING THEREIN THE DESIRED RATE AND PUBLISHING NOTICE THEREOF
4. CONSIDER SETTING TWO (2) PUBLIC HEARINGS ON THE PROPOSED 2018-2019 FISCAL YEAR BUDGET FOR MONDAY, AUGUST 20, 2018 AND MONDAY, AUGUST 27, 2018
5. CONSIDER SETTING TWO (2) PUBLIC HEARINGS ON THE PROPOSED 2018 TAX RATE FOR MONDAY, AUGUST 20, 2018 AND MONDAY, AUGUST 27, 2018
6. CONSIDER REQUEST OF UNITED WAY FOR USE OF THE BAYFRONT PENINSULA PARK FOR THEIR 5<sup>TH</sup> ANNUAL FAMILY DAY ON SATURDAY, SEPTEMBER 22, 2018 AND WAIVER OF ANY FEES ASSOCIATED WITH THE EVENT
7. CONSIDER TRAFFIC CONTROL SIGN ("**RIGHT TURN ONLY**") AT INTERSECTION OF E. ASH STREET AND N. VIRGINA STREET DURING THE SCHOOL YEAR DROP-OFF HOURS AND PICK-UP HOURS
8. RECEIVE POLICY OF THE PORT LAVACA POLICE DEPARTMENT FOR THE PURPOSE OF ESTABLISHING GUIDELINES AND PROCEDURES FOR THE DECORUM AND SECURITY OF THE MUNICIPAL COURT OPERATIONS AND STAFF
9. CONSIDER AWARD OF CONSTRUCTION BID FOR THE BAYFRONT PENINSULA FISHING PIER



10. CONSIDER AUTHORIZING CITY MANAGER TO CONTRACT DREDGING SERVICES FOR THE LIGHTHOUSE BEACH BOAT RAMP
11. 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
12. RETURN TO OPEN SESSION AND TAKE ANY ACTION DEEMED NECESSARY WITH REGARD TO MATTERS DISCUSSED IN CLOSED SESSION

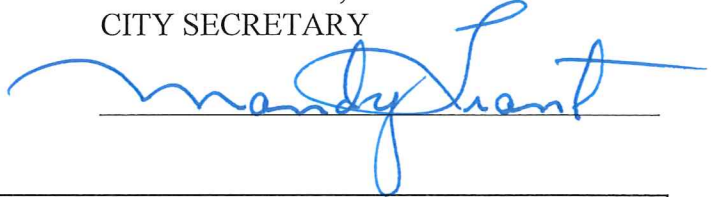
ADJOURN

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, AUGUST 13, 2018, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 5:00 P.M. THURSDAY, AUGUST 09, 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.*