

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

On this the 8<sup>th</sup> day of October, 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
Rosie G. Padron	Councilwoman, District 4
Jim Ward	Councilman, District 5, Mayor Pro Tem
Ken Barr	Councilman, District 6

And with the following absent:

Jan Regan	Councilwoman, District 3
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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 6:36 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 the following citizens spoke about general appearance of the City, wrecked vehicles, property with weeds, high grass and needing cleaning:
  - James Rudellat   Port Lavaca, Texas
  - Liz Rudellat     Port Lavaca, Texas
  - Susan Traylor    Port Lavaca, Texas

#### **CONSENT AGENDA:**

- (A) **MINUTES OF SEPTEMBER 04, 2018 SPECIAL MEETING**
- (B) **MINUTES OF SEPTEMBER 10, 2018 REGULAR MEETING**
- (C) **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 Ward seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Padron, Ward and Barr

NAYS: None

**CONSIDER REQUEST OF THE CHILDREN'S DISCOVERY MUSEUM (CDM) FOR USE OF THE LIGHTHOUSE BEACH AND PAVILION TO HAVE MARINE-LIFE EDUCATIONAL FIELD TRIP EVENTS ON NOVEMBER 5, 6 AND 7, 2018 OR IN CASE RAINED OUT, ALTERNATE DAYS OF NOVEMBER 13, 14 AND 15, 2018; AND ALSO REQUEST WAIVER OF ANY FEES ASSOCIATED WITH THESE DATES**

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 the request of the Children's Discovery Museum (CDM) to use the Lighthouse Beach and Pavilion for the Marine -Life Educational Field Trip events on November 5, 6 and 7, 2018 or in case rained out, alternate days of November 13, 14, and 15, 2018 and also waive any fees associated with event.

Councilwoman Padron seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Padron, Ward and Barr

NAYS: None

**CONSIDER AWARD OF BID FOR A PRE-DISASTER DEBRIS MANAGEMENT MONITORING CONTRACT**

City Engineer/Community & Economic Development Officer Jody Weaver advised Council staff had received three (3) proposals for Debris Management (Pre-Disaster Contract).

	Witt O'Brien's	True North	LandMark
Scenario 1	\$1,445,840.00	\$1,350,760.00	\$1,512,510.00
Scenario 2	\$365,875.00	\$335,860.00	\$383,355.00

	2 <sup>nd</sup> Lowest	Lowest	Highest
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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 authorizes the City Manager to negotiate a Pre-Disaster Contract for Debris Management/Monitoring with True North Company, Arlington, TX and authorize the Mayor to sign contract once the language has been approved by the City Attorney.

Councilman Ward seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Padron, Ward and Barr

NAYS: None

**CONSIDER ADOPTION OF RESOLUTION NO. R-100818-1 DESIGNATING AN ENGINEERING SERVICE PROVIDER FOR THE TEXAS HAZARD MITIGATION ASSISTANCE (HMA) PROGRAM APPLICATION AND PROJECT-RELATED ENGINEERING SERVICES**

Councilman Ward made a motion to pass the following:

WHEREAS, Port Lavaca seeks assistance in pre-award and post-award engineering services, if awarded an HMA Hazard Mitigation Grant;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Qualifications (RFQ) for engineering services has been completed in accordance with Texas HMA requirements;

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers;

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



Section 1. That G&W Engineers, Inc., 205 W. Live Oak, Port Lavaca, Texas be selected to provide Texas HMA application and project-related **professional engineering services** for the Hazard Mitigation Assistance Grant project.

Section 2. That any and all contracts or commitments made with the above-named services providers are dependent on the successful negotiation of a contract with the service provider;

Councilman Dent seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Padron, Ward and Barr

NAYS: None

**CONSIDER AMENDMENT(S) TO THE CITY OF PORT LAVACA HR AND WORKPLACE POLICIES, SPECIFICALLY, APPENDIX: SUPPLEMENTAL DOCUMENTS; HEALTH AND SAFETY COMMITTEE / INCENTIVE PROGRAM**

Administrative Assistant to City Manager, Amber Jackson, advised Council the City Safety Committee/Incentive Program was created in an effort to promote safety practices within the workplace. Upon review, the committee has discovered issues that are not clear within the policy on how some items should be handled. The committee recommends adding a section within the policy regarding new city employees and terminated employees in relation to the Safety incentives.

In addition, modification to the Safety Events section needs to be made. The policy states that a Safety Awards Luncheon will be in November, the committee is recommending that to be changed to a Safety Banquet in December.

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 changes, to the City of Port Lavaca HR and Workplace Policies, specifically, Appendix: supplemental Documents; Health and Safety Committee/Incentive Program by:

- (A) adding a section within the policy regarding new city employees and terminated city employees in relation to the Safety incentives; and

(B) stating that the Safety Awards Luncheon shall be held in December; and

(C) that changes be retroactive to the 2017-2018 fiscal year.

Councilwoman Padron seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Padron, Ward and Barr

NAYS: None

**CONSIDER A CUSTOMER SERVICE AGREEMENT BETWEEN CITY OF PORT LAVACA AND UNIFIRST CORPORATION FOR JANITORIAL SUPPLIES AND MAINTENANCE FOR SOME CITY-OWNED BUILDINGS FOR A PERIOD OF 36 MONTHS THROUGH BUYBOARD**

City Secretary Grant advised Council that the city has been using the Cintas Company to provide some city offices with all janitorial supplies and maintenance. The City does not have a contract for these supplies with Cintas. Unifirst Corporation has advised us that they have already been through the state-wide bidding process through Buyboard. Staff asked them to do a cost analysis of merchandise that we use. They did and cost analysis shows approximately fifty-two percent (52%) savings to the City by going with Buyboard. Staff recommends approving a Customer Service Agreement with Unifirst Corporation, through Buyboard, for a period of thirty-six (36) months.

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 a Customer Service Agreement with Unifirst Corporation, through Buyboard, for a period of thirty-six (36) months for janitorial supplies and maintenance for city-owned buildings.

Councilman Ward seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Padron, Ward and Barr

NAYS: None

**CONSIDER LEASE AGREEMENT BETWEEN CITY OF PORT LAVACA AND HOUSTON PIPE LINE COMPANY LP ON TRACT OF LAND AT WESTERLUND SUBDIVISION**

City Manager Dilibero advised Council that the Houston Pipe Line Company LP wanted to lease a tract of land at Westerlund Subdivision for a primary term to commence October 10, 2018 for the sum of nine hundred dollars (\$900.00) per year established by using the Municipal Cost Index (MCI) and shall extend for a ten (10) year term through October 9, 2026; with a renewal option of an additional ten (10) year lease. He said that Houston Pipe Line also would compensate the City for two (2) years of past due rent at the rate of seven hundred fifty (\$750.00) per year. He said staff recommends leasing to them.

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 the lease agreement between the City of Port Lavaca and Houston Pipe Line Company LP on tract of land at Westerlund Subdivision for a primary term to commence October 10, 2018 for the sum of nine hundred dollars (\$900.00) per year established by using the Municipal Cost Index (MCI) and shall extend for a ten (10) year term through October 9, 2026; with a renewal option of an additional ten (10) year lease; and a copy of this contract is on file, in its entirety, in the office of the City Secretary.

BE IT FURTHER RESOLVED that Lessee shall compensate the City for two (2) years of past due rent at the rate of seven hundred fifty (\$750.00) per year and that the Mayor is hereby authorized to execute all instruments necessary to effect such agreement.

Councilman Smith seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Padron, Ward and Barr

NAYS: None

**CONSIDER RECOMMENDATION OF THE PLANNING BOARD TO APPROVE THE REPLAT OF LOT 11 AND PART OF 12 & 9 OF THE GEORGETOWN ADDITION, PROPERTY OWNED BY NASHMIA LILLO AT THE CORNER OF BENAVIDES AND MAHAN STREETS**

City Engineer/Community & Economic Development Director Jody Weaver advised Council that the Planning Board considered the following request.



Russell Cain spoke on behalf of Nashmia Lillo for the Proposed Replat of Lot 11 and part of 12 & 9 of the Georgetown Addition. She said the existing conditions of the property preclude being able to replat this property in such a way to meet current minimum lot size requirements if this were a new development, so the Planning Board approval included the following requirements:

1. Side and rear setbacks of 5 feet on both lots. There should be a notation on the plat that should the existing structure on Lot 11B (the smaller house) be demolished, any new construction must meet the 5 ft side setback requirement of the plat.
2. Front setback of 24.5 ft on both lots.
3. Lot 11B needs to indicate a private **10** ft wide utility easement for the water service line to Lot 11A — OR a requirement that the water service be relocated on Lot 11A (which would involve some cost to the homeowner for a new tap as well as rerunning their waterline). Originally, they had proposed a diagonal line between the two lots beginning at a point between the two water meters, but that created very small lot frontage for Lot 11B. The Planning Board opted to require the easement vs. a new water service.

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 recommendation of Planning Board that the existing conditions of the property preclude being able to replat this property in such a way to meet current minimum lot size requirements if this were a new development, so the Planning Board approval is to include the following requirements:

1. Side and rear setbacks of 5 feet on both lots. There should be a notation on the plat that should the existing structure on Lot 11B (the smaller house) be demolished, any new construction must meet the 5 ft side setback requirement of the plat.
2. Front setback of 24.5 ft on both lots.
3. Lot 11B needs to indicate a private **10** ft wide utility easement for the water service line to Lot 11A — OR a requirement that the water service be relocated on Lot 11A (which would involve some cost to the homeowner for a new tap as well as rerunning their waterline). Originally, they had proposed a diagonal line between the two lots beginning at a point between the two water meters, but that created very small lot frontage for Lot 11B. The Planning Board opted to require the easement vs. a new water service.

Councilman Ward seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Padron, Ward and Barr

NAYS: None

**ADJOURN**

Councilman Ward made a motion to adjourn the meeting

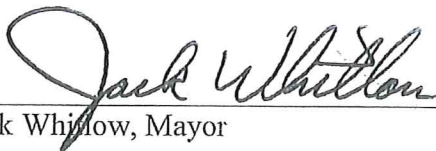
Councilman Barr seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Padron, Ward and Barr

NAYS: None

Meeting adjourned at 7:17 P.M.

  
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Jack Whitlow, Mayor

ATTEST:

  
\_\_\_\_\_  
Mandy Grant, City Secretary

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, OCTOBER 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
- 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 SEPTEMBER 04, 2018 SPECIAL MEETING
  - (B) MINUTES OF SEPTEMBER 10, 2018 REGULAR MEETING
  - (C) PAYMENT OF INVOICES EXCEEDING \$1,500
2. CONSIDER REQUEST OF THE CHILDREN'S DISCOVERY MUSEUM (CDM) FOR USE OF THE LIGHTHOUSE BEACH AND PAVILION TO HAVE MARINE-LIFE EDUCATIONAL FIELD TRIP EVENTS ON NOVEMBER 5, 6 AND 7, 2018 OR IN CASE RAINED OUT, ALTERNATE DAYS OF NOVEMBER 13, 14 AND 15, 2018; AND ALSO REQUEST WAIVER OF ANY FEES ASSOCIATED WITH THESE DATES
3. CONSIDER AWARD OF BID FOR A PRE-DISASTER DEBRIS MANAGEMENT MONITORING CONTRACT
4. CONSIDER ADOPTION OF RESOLUTION NO. R-100818-1 DESIGNATING AN ENGINEERING SERVICE PROVIDER FOR THE TEXAS HAZARD MITIGATION ASSISTANCE (HMA) PROGRAM APPLICATION AND PROJECT-RELATED ENGINEERING SERVICES
5. CONSIDER AMENDMENT(S) TO THE CITY OF PORT LAVACA HR AND WORKPLACE POLICIES, SPECIFICALLY, APPENDIX: SUPPLEMENTAL DOCUMENTS; HEALTH AND SAFETY COMMITTEE / INCENTIVE PROGRAM
6. CONSIDER A CUSTOMER SERVICE AGREEMENT BETWEEN CITY OF PORT LAVACA AND UNIFIRST CORPORATION FOR JANITORIAL SUPPLIES AND MAINTENANCE FOR SOME CITY-OWNED BUILDINGS FOR A PERIOD OF 36 MONTHS THROUGH BUYBOARD
7. CONSIDER LEASE AGREEMENT BETWEEN CITY OF PORT LAVACA AND HOUSTON PIPE LINE COMPANY LP ON TRACT OF LAND AT WESTERLUND SUBDIVISION
8. CONSIDER RECOMMENDATION OF THE PLANNING BOARD TO APPROVE THE REPLAT OF LOT 11 AND PART OF 12 & 9 OF THE GEORGETOWN ADDITION, PROPERTY OWNED BY NASHMIA LILLO AT THE CORNER OF BENAVIDES AND MAHAN STREETS

**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, OCTOBER 08, 2018, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 5:00 P.M. THURSDAY, OCTOBER 04, 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.*