

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

On this the 09th day of May, 2011, 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, Mayor Pro-Tem
Lee Rivera	Councilman, District 3
Gregory Falcon	Councilman, District 4
Jim Ward	Councilman, District 5
Ken Barr	Councilman, District 6

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 6:34 P.M. and presided.
- Councilman Floyd Felder gave the invocation.
- Mayor Whitlow led the pledge of allegiance to the American and Texas flags.
- On motion of Councilman Barr with second by Councilman Perez, Council unanimously certified that due notice of the meeting was given in accordance with Texas Open Meeting Laws.
- On motion of Councilman Falcon with second by Councilman Barr, Council unanimously approved the minutes of the following Council meeting(s), as presented:
 - Regular Meeting April 11, 2011
 - Workshop Session April 26, 2011
- Presentations by Mayor:
 - **Employee of the 2nd Quarter Ending March 31, 2011:**
 - Colin Rangnow Detective Police Department

- **Introduction of New Employees:**
 - Andrew Guajardo Streets Department Full Time 04-28-2011

- **Recognize Participants at the Jackson Roosevelt Elementary School Flag Retirement Ceremony with Certificates:**
 - Mitzie MaAfee Principal
 - Logan Evans Student
 - Andrew Witte Student
 - Marshall Batts Student

- Mayor asked for Comments and there were none.

RECEIVE REPORT FROM ROBERT BRADLEY, GENERAL MANAGER OF ALLIED WASTE SERVICES CONCERNING A SIX (6) MONTH UPDATE ON SOLID WASTE COLLECTION SERVICES WITHIN THE CITY

Robert Bradley was not in attendance; however, Brian Cornelius, Sales Manager of Allied Waste Services gave Council a status report on their collection services within the city and answered questions from Council members.

No action needed and none taken.

RECEIVE PRESENTATION FROM ELGIN JANNSEN WITH A.E.P. ENERGY OF TEXAS TO DISCUSS THE NEW METER REPLACEMENT PROGRAM BEGINNING IN MAY 2011

Mr. Elgin Jannsen of AEP Texas explained the replacement of all electricity meters in Calhoun County. He said the project is to begin next week and probably would be completed within a month. He also advised that door hangers with information regarding the change would be left at each residence and business.

No action needed and none taken.

CONSIDER REQUEST OF THE CALHOUN CITIZENS IN ACTION (CCIA) FOR THE JUNETEENTH CELEBRATION FROM JUNE 17, 2011 THROUGH JUNE 19, 2011, THE FOLLOWING:

- **USE OF GEORGE ADAMS PARK AND WAIVER OF ALL PERMITS AND FEES**
- **CITY TO SUPPLY FOUR (4) PORT-O-POTTIES AND DUMPSTERS**

Mr. D. J. Williams and Ms Earline Hamilton, representatives for the Calhoun Citizens in Action (CCIA), asked for approval of using the George Adams Park for the Juneteenth Celebration and the Alice Wilkins School Reunion, to be held on June 17, 18 and 19, 2011.

They also asked for dumpsters, port-o-potties, portable platforms and additional picnic tables. City Manager Turner advised Council the City would cooperate with most of the things asked for; however, CCIA was to leave the Park in the same condition as received.

Councilman Rivera made a motion

THAT Council hereby grants the request of the Calhoun Citizens in Action (CCIA) to utilize George Adams Park on June 17, 18, and 19, 2011, to conduct the annual Juneteenth Celebration and the Alice Wilkins Reunion and waives all applicable fees in connection with this event.

Councilman Felder seconded said motion

Motion passed by the following vote:

AYES: Felder, Perez, Rivera, Falcon, Ward and Barr

NAYS: None

CONSIDER ENTERING INTO A PROFESSIONAL SERVICE AGREEMENT WITH CIVILCORP, LLC. FOR THE 2011 STREET CAPITAL IMPROVEMENT PROJECTS IN THE AMOUNT OF \$22,000.00

Public Works Director Gurley advised Council that staff is ready to proceed with the 2011 Street Capital Improvement Projects (CIP) for Calhoun Street rehabilitation and Baffin Street rehabilitation. He advised staff recommends the professional service contract for the 2011 Street Capital Improvement Project be awarded to CivilCorp, LLC, in the amount of \$22,000.00.

Councilman Falcon made a motion to pass the following:

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 Professional Service Contract for the 2011 Street Capital Improvement Projects (CIP) for Calhoun Street rehabilitation and Baffin Street rehabilitation, to CivilCorp, LLC, in the amount of \$22,000.00.

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

Councilman Perez seconded said motion

Motion passed by the following vote:

AYES: Felder, Perez, Rivera, Falcon, Ward and Barr

NAYS: None

CONSIDER AWARDING BID FOR THE 2011 SEALCOAT PROGRAM

Public Works Director Gurley advised Council staff had received three bids on April 21, 2011 for the 2011 Sealcoat Program. The bids are as follows:

- | | | | | |
|--------------------------|-----------|-----------|--------------|----------------------|
| o Rexco, Inc. | 92,570 SY | \$1.69 SY | \$156,443.30 | Complete in 30 days |
| o Sylva Construction Co. | 92,570 SY | \$1.78 SY | \$164,774.60 | Complete in 90 days |
| o Brannon Paving | 92,570 SY | \$1.93 SY | \$178,660.10 | Complete in 180 days |

He said the area to be seal coated will be from Half League to Virginia between Main and the dead end past Sam Faubion. Staff recommends awarding the bid to Rexco, Inc., for \$1.69 per square yard for 92,570 square yards in the amount of \$156,443.30, for the 2011 Sealcoat Program to be completed in 30 calendar days from Notice to Proceed.

Councilman Barr made a motion to pass the following:

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 the Bid of Rexco, Inc., for \$1.69 per square yard for 92,570 square yards in the amount of \$156,443.30, for the 2011 Sealcoat Program to be completed in 30 calendar days from Notice to Proceed.

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

Councilman Ward seconded said motion

Motion passed by the following vote:

AYES: Felder, Perez, Rivera, Falcon, Ward and Barr

NAYS: None

CONSIDER REPEAL OF ORDINANCE NUMBER S-4-81 PASSED AND ADOPTED ON 03-23-1981 AND RECORDED IN ITS ENTIRETY IN VOLUME BB, PAGE 418 THAT ORDAINS AS FOLLOWS:

- **“AN ORDINANCE AUTHORIZING TAX RELIEF FOR RECORDED TEXAS HISTORICAL LANDMARKS AND FOR HISTORICALLY SIGNIFICANT SITES THAT ARE IN NEED OF TAX RELIEF TO ENCOURAGE THEIR PRESERVATION; PRESCRIBING PROCEDURES FOR APPLICATION BY OWNERS FOR TAX RELIEF FOR SUCH STRUCTURES AND SITES; PROVIDING APPOINTMENT OF A BOARD OF REVIEW; AND PROVIDING AN EFFECTIVE DATE“**

Mayor Whitlow read for the first reading:

AN ORDINANCE AUTHORIZING TAX RELIEF FOR RECORDED TEXAS HISTORICAL LANDMARKS AND FOR HISTORICALLY SIGNIFICANT SITES THAT ARE IN NEED OF TAX RELIEF TO ENCOURAGE THEIR PRESERVATION; PRESCRIBING PROCEDURES FOR APPLICATION BY OWNERS FOR TAX RELIEF FOR SUCH STRUCTURES AND SITES; PROVIDING APPOINTMENT OF A BOARD OF REVIEW; AND PROVIDING AN EFFECTIVE DATE“

Councilman Rivera made a motion

THAT Council hereby approves repealing said ordinance on this its first reading.

Councilman Perez seconded said motion

Motion passed by the following vote:

AYES: Felder, Perez, Rivera, Falcon, Ward and Barr

NAYS: None

CONSIDER APPROVAL OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2010

Finance Director Jones reminded Council that at the April 11, 2011 meeting, Stephen W. Van Manen from Harrison, Waldrop & Uherek, L.L.P., had commented favorably on the audit for the fiscal year ending September 30, 2010; however the hard copy was unavailable at that time. Jones introduced her financial staff consisting of Sandra Mason, Josie Bundrick and Giani Cantu, complimenting them on the excellent work they do daily and then passed out the completed CAFR books.

Councilman Perez made a motion to pass the following:

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 the Comprehensive Annual Financial Report (CAFR) from the September 30, 2010 Fiscal Year, as presented.

Councilman Ward seconded said motion

Motion passed by the following vote:

AYES: Felder, Perez, Rivera, Falcon, Ward and Barr

NAYS: None

CONSIDER APPROVAL OF BUDGET AMENDMENTS FROM THE 2010-2011 FY

Finance Director Jones went over the budget amendments from the 2010/2011 Fiscal Year, a copy of which is in the office of the Finance Director.

Councilman Ward made a motion to pass the following:

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 the budget amendments from the 2010/2011 Fiscal Year, as presented.

Councilman Felder seconded said motion

Motion passed by the following vote:

AYES: Felder, Perez, Rivera, Falcon, Ward and Barr

NAYS: None

CONSIDER APPROVAL OF QUARTERLY FINANCIAL AND INVESTMENT REPORTS FOR QUARTER ENDING MARCH 2011

Finance Director Jones went over the quarterly Financial and Investment reports for quarter ending March 31, 2011, a copy of which is in the office of the Finance Director.

Councilman Rivera made a motion to pass the following:

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 the Financial and Investment Report for the Quarter ending March 31, 2011, as presented.

Councilman Ward seconded said motion

Motion passed by the following vote:

AYES: Felder, Perez, Rivera, Falcon, Ward and Barr

NAYS: None

CONSENT AGENDA:

(A) PAYMENT OF INVOICES EXCEEDING \$1,500

Councilman Felder made a motion to pass the following:

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 payment of all invoices.

Councilman Ward seconded said motion

Motion passed by the following vote:

AYES: Felder, Perez, Rivera, Falcon, Ward and Barr

NAYS: None

11. OK

ANNOUNCEMENT BY MAYOR THAT CITY 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 551.07 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 IN CLOSED SESSION**

Mayor Whitlow announced that Council was back in open session at 8:24 p.m. and that no action was necessary with regard to matters discussed in closed session.

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, Falcon, Ward and Barr

NAYS: None

Meeting adjourned at 8:26 P.M.

Mayor

ATTEST:

City Secretary

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS, WILL HOLD A REGULAR MEETING MONDAY, MAY 09, 2011 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 551.07 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

- CERTIFICATION OF DUE NOTICE OF MEETING

- APPROVAL OF MINUTES:
 - REGULAR MEETING APRIL 11, 2011
 - WORKSHOP APRIL 26, 2011

- PRESENTATIONS BY THE MAYOR:
 - EMPLOYEE OF THE QUARTER
 - INTRODUCTION OF NEW CITY EMPLOYEE(S)
 - RECOGNIZE PARTICIPANTS AT THE JACKSON ROOSEVELT ELEMENTARY SCHOOL FLAG RETIREMENT CEREMONY

- 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. RECEIVE REPORT FROM ROBERT BRADLEY, GENERAL MANAGER OF ALLIED WASTE SERVICES CONCERNING A SIX (6) MONTH UPDATE ON SOLID WASTE COLLECTION SERVICES WITHIN THE CITY
2. RECEIVE PRESENTATION FROM ELGIN JANNSEN WITH A.E.P. ENERGY OF TEXAS TO DISCUSS THE NEW METER REPLACEMENT PROGRAM BEGINNING IN MAY 2011
3. CONSIDER REQUEST OF THE CALHOUN CITIZENS IN ACTION (CCIA) FOR THE JUNETEENTH CELEBRATION FROM JUNE 17, 2011 THROUGH JUNE 19, 2011, THE FOLLOWING:
 - USE OF GEORGE ADAMS PARK AND WAIVER OF ALL PERMITS AND FEES
 - CITY TO SUPPLY FOUR (4) PORT-O-POTTIES AND DUMPSTERS
4. CONSIDER ENTERING INTO A PROFESSIONAL SERVICE AGREEMENT WITH CIVILCORP, LLC. FOR THE 2011 STREET CAPITAL IMPROVEMENT PROJECTS IN THE AMOUNT OF \$22,000.00
5. CONSIDER AWARDDING BID FOR THE 2011 SEALCOAT PROGRAM
6. CONSIDER REPEAL OF ORDINANCE NUMBER S-4-81 PASSED AND ADOPTED ON 03-23-1981 AND RECORDED IN ITS ENTIRETY IN VOLUME BB, PAGE 418 THAT ORDAINS AS FOLLOWS:
 - “AN ORDINANCE AUTHORIZING TAX RELIEF FOR RECORDED TEXAS HISTORICAL LANDMARKS AND FOR HISTORICALLY SIGNIFICANT SITES THAT ARE IN NEED OF TAX RELIEF TO ENCOURAGE THEIR PRESERVATION; PRESCRIBING PROCEDURES FOR APPLICATION BY OWNERS FOR TAX RELIEF FOR SUCH STRUCTURES AND SITES; PROVIDING APPOINTMENT OF A BOARD OF REVIEW; AND PROVIDING AN EFFECTIVE DATE“
7. CONSIDER APPROVAL OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2010
8. CONSIDER APPROVAL OF BUDGET AMENDMENTS FROM THE 2010-2011 FY
9. CONSIDER APPROVAL OF QUARTERLY FINANCIAL AND INVESTMENT REPORTS FOR QUARTER ENDING MARCH 2011

10. CONSENT AGENDA:

(A) PAYMENT OF INVOICES EXCEEDING \$1,500

11. ANNOUNCEMENT BY MAYOR THAT CITY 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 551.07 OF THE TEXAS GOVERNMENT CODE

12. RETURN TO OPEN SESSION AND TAKE ANY ACTION DEEMED NECESSARY WITH REGARD TO MATTERS IN CLOSED SESSION

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, MAY 09, 2011, BEGINNING AT 6:30 P.M., WAS POSTED AT CITY HALL, EASILY ACCESSIBLE TO THE PUBLIC, AS OF 5:00 P.M., WEDNESDAY, MAY 04, 2011.

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.