CITY COUNCIL REGULAR MEETING

Monday, August 09, 2021 at 6:30 PM
City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

MINUTES

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

On this the 9th day of August, 2021, the City Council of the City of Port Lavaca, Texas, convened in a 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 (via Zoom)	Councilman, District 1
Tim Dent	Councilman, District 2
Allen Tippit	Councilman, District 3
Rosie G. Padron	Councilwoman, District 4, Mayor Pro Tem
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:

I. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 6:38 p.m. and presided.

II. INVOCATION

- Councilman Ward gave the invocation.

III. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

IV. PRESENTATION(S)

- None

V. COMMENTS FROM THE PUBLIC - *Limited to 3 minutes per individual unless permission to speak longer is received in advance. You may make public comments as you would at a meeting on Zoom by logging on with your computer and/or smart phone as described in the zoom invitation* *below or on Facebook Live through the comment section, which will be monitored and answered. As appropriate.*

- Mayor asked for comments from the public and there were none:

V. **CONSENT AGENDA** - *Council will consider/discuss the following items and take any action deemed necessary*

A. Minutes of July 12, 2021 Regular Meeting
B. Minutes of July 26, 2021 Special and Workshop
C. Payment of Invoices Exceeding $1,500
D. Receive monthly Financial Highlight Report

Motion made by Councilman District 6 Barr

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:

Seconded by Councilman District 5 Ward

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

VII. ACTION ITEMS - (Council will consider/discuss the following items and take any action deemed necessary)

1. **Consider Budget Report from the Guadalupe-Blanco River Authority (GBRA) for the Port Lavaca Water Treatment Plant for the 2022 Fiscal Year. Presenter is Stephanie Shelly**

Council Members received a work plan and budget Report from Rony Karinek (Stephanie Shelly was not in attendance) for the Guadalupe-Blanco River Authority (GBRA) for the Port Lavaca Water Treatment Plant for the 2022 Fiscal Year.

No action necessary and none taken.

2. **Consider request of United Way of Calhoun County for use of the Bayfront Peninsula Park for their 8th annual family day on Saturday, September 18, 2021 and waiver of any fees associated with the event. Presenter is Wayne Shaffer**

Public Works Director Shaffer advised Council that the United Way of Calhoun County is requesting use of the Bayfront Peninsula Park for their 8th annual family day on Saturday, September 18, 2021 and waiver of any fees associated with the event. Staff recommends approval.

Motion made by Councilman District 5 Ward

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 request of United Way of Calhoun County for use of the Bayfront Peninsula Park for their 8th annual family day on Saturday, September 18, 2021 and also approves waiver of any fees associated with the event.

Seconded by Councilman District 3 Tippit

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

3. **Consider award of bid for the "Motel 6 Sewer Main Replacement" Project to Lester Contracting in the amount of $37,750.00 as the low bidder. Presenter is Wayne Shaffer**

Public Works Director Shaffer advised Council that on July 15th, 2021, a subcontractor working for Texas Pride Utilitiescompleted a CCTV assessment of two sewer mains. One servicing Motel 6 and the other servicing homes on Chevy Chase Street. He said the assessment findings are the line servicing Motel 6 is collapsed and needs immediate repair attention. The Chevy Chase main has a protrudingtap that utility crews have on the schedule for repairs. Shaffer said bids for the "Motel 6 Sewer Main Replacement" Project were as follows:

Lester Contracting	$ 37,750.00
Mercer Construction	$ 40,750.00
Texas Pride Utilities	$ 64,660.00

Shaffer said this will be an unbudgeted expense that will need to utilize Utility Fund reserves. He said if this service main is not repaired it can present unsanitary conditions for motel guests and the public as well as environmental concerns since the bay is so close. Staff recommends awarding the project to Lester Contracting, as the low bidder, in the amount of $37,750.00.

Motion made by Councilman District 5 Ward

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 bid for the "Motel 6 Sewer Main Replacement" Project to the low bidder, Lester Contracting, in the amount of $37,750.00.

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

Seconded by Councilman District 2 Dent

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

4. **Review and discuss No New Revenue (NNR) and Voter Approval Rate (VAR) for 2021 Tax Year. Presenter is Susan Lang**

Finance Director Lang advised Council the CCAD Tax Assessor/Collector is required to calculate the "No New Revenue" (NNR) and "Voter Approval Rate" (VAR) on behalf of the City of Port Lavaca and publish the Notice in the newspaper and on the City's website. She said the calculation of each of the rates are set by the State Tax Code and must be published in order to provide transparency to the property taxpayers of the City. The NNR establishes the threshold in which the city can adopt a property tax rate that does not provide additional revenue. If the City chooses to set its tax rate greater than the NNR, it must hold a Public Hearing and advertise that the city is increasing its tax revenue. The VAR establishes the threshold that, if exceeded, the City must first hold an election and seek the approval of the citizens before it can set the property tax rate at or above the VAR.

No action necessary and none taken.

5. **Receive Resolution No. R-080921-1 of the City of Port Lavaca to adopt the City's Financial Management and Budgetary Policies for 2021-2022 fiscal year. Presenter is Susan Lang**

Finance Director Lang presented Council with a red-lined copy of the City of Port Lavaca Financial Management and Budgetary Policies for the 2021-2022 Fiscal Year, by Resolution Number R-080921-1, a copy of which is in the office of the City Secretary, in its entirety. Staff recommends adopting resolution No. R-080921-1 with proposed amendments.

Motion made by Councilman District 2 Dent

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 adopts the City of Port Lavaca Financial Management and Budgetary Policies for the 2021-2022 Fiscal Year with proposed amendments, by Resolution No. R-080921-1, a copy of which is in the office of the City Secretary, in its entirety.

Seconded by Councilman District 5 Ward

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

6. **Consider Resolution No. R-080921-2 of the City of Port Lavaca appointing a Chief Appraiser to Calculate Taxes for 2021. Presenter is Susan Lang**

Motion made by Councilman District 5 Ward

WHEREAS, the City of Port Lavaca has a tax assessor-collector who assesses and collects taxes for the City of Port Lavaca through an agreement dated November 9, 2015;

AND WHEREAS, according to Section 26.04(c) of the Texas Property Tax Code, it is required to have a certified tax assessor-collector to calculate the tax rates for the City of Port Lavaca;

AND WHEREAS, it is time to have such no-new-revenue tax rate and voter-approval tax rate calculated;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Port Lavaca to appoint the Chief Appraiser of the Calhoun County Appraisal District or his/her designee, being duly registered and qualified to perform such calculations for the City of Port Lavaca for the 2021 tax roll.

Seconded by Councilman District 3 Tippit

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

7. **Consider approval of a conceptual restaurant & retail development, Big Daddy's Bar and Grill with gift shop to be located north of SH 35 and east of Village Road. This property is not platted at this time, but will be approximately 2 acres, being a portion of the remainder of a 19.322-acre tract of land conveyed to Port Lavaca Investors, LTD., recorded in volume 67, page 943 in official records of Calhoun County, Texas. Presenter is Jessica Carpenter**

Development Services Director Carpenter advised Council that the applicant is proposing to open a restaurant and retail establishment titled Big Daddy's Bar and Grill. She said the proposed restaurant will have a gift shop. The site location is adjacent to the approved Express Inn plat on SH 35 north, and east of the Whataburger. The applicant is currently the owner of White's BBQ on Main Street. The applicant has not stated if this is a second location or if this will replace the current business on Main Street. She said the Future Land Use map designates this parcel as Commercial.

Therefore, the proposed Big Daddy's Bar and Grill with gift shop, is complaint with the Future Land Use map. Upon approval for this location to be developed as a restaurant and retail establishment, the applicant will proceed with the platting process for this parcel to become the legal lot of record for the future Big Daddy's Bar and Grill with gift shop.

The Planning Board and staff recommends approval of the conceptual restaurant & retail development, Big Daddy's Bar and Grill, and gift shop. To be located north of SH 35 and east of Village Road. This property is not platted at this time, but will be approximately 2 acres, being a portion of the remainder of a 19.322-acre tract of land conveyed to Port Lavaca Investors, LTD., recorded in volume 67, page 943 in official records of Calhoun County, Texas.

Motion made by Councilman District 6 Barr

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 request for a conceptual restaurant & retail development, Big Daddy's Bar and Grill with gift shop to be located north of SH 35 and east of Village Road, as presented.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

8. **Consider approval of a conceptual fast-food restaurant with a drive-thru, Burger King, to be generally located north of Travis Street and south of Tiny Browning Boulevard on SH 35 N. Presenter is Jessica Carpenter**

Development Services Director Carpenter advised Council that the applicant is proposing to open a Burger King fast food restaurant. The site location is adjacent to the White Oak strip mall development, south of Murphy's fuel station, north of the La Quinta hotel, and west of Walmart. The Future Land Use map designates this parcel as Commercial. Therefore, this proposed Burger King is complaint with the Future Land Use map. The site plan provides ample parking and ADA parking to meet the above criteria. The Planning Board and staff recommends approval of this conceptual fast-food restaurant with a drive-thru, Burger King.

Motion made by Councilman District 1 Smith

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 conceptual fast-food restaurant with a drive-thru, Burger King, to be generally located north of Travis Street and south of Tiny Browning Boulevard on SH 35 N, as presented.

Seconded by Councilman District 5 Ward

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

9. **Consider approval of K's Sno-Cone Hut, to be located at 449 Broadway Street, within the city limits of Port Lavaca. This site is generally located west of Broadway Street and east of Commerce Street just north of the intersection of Broadway and Commerce. The property identification number is 91079. The legal description for this parcel is North End, Block C, Lot A, Port Lavaca, Texas. Presenter is Jessica Carpenter**

Development Services Director Carpenter advised Council that the proposed K's Sno Cone Hut will be doing business at the location of 449 Broadway Street. This location is currently Acosta Electric. Therefore, if approved, this location will become a mixed-use business site. Each business will be in separate buildings. The proposed K's Sno Cone Hut will conduct business from a portable building. Exhibit of the portable building provided in the attachments. Acosta Electric is a long-standing electrical business at the location currently and will continue to conduct the business from the permanent structure on site. This proposal is deemed a positive from the perspective the site is large enough to encompass both businesses and meet City code standards, including parking standards.

This property is located in a commercial designation in accordance with the Future Land Use Map. ADA parking is represented herein on the site plan. The minimum ADA parking width is 16ft, referenced and linked herein, to include van accessibility. This site has ample spacing for the general required parking and the ADA parking for both businesses. The Planning Board and staff recommends approval of K's Sno-Cone Hut, to be located at 449 Broadway Street.

Motion made by Councilman District 3 Tippit

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 of K's Sno-Cone Hut, to be located at 449 Broadway Street, within the city limits of Port Lavaca (generally located west of Broadway Street and east of Commerce Street just north of the intersection of Broadway and Commerce), as presented.

Seconded by Councilman District 5 Ward

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

10. **Consider approval of a conceptual plan for a proposed medium-density residential four-plex development. Legal description is Rafei Subdivision (Port Lavaca), Lot 1 and Lot 2, Property identification number 86471 and 86472. Presenter is Jessica Carpenter**

Development Services Director Carpenter advised Council that the applicant is proposing for a medium-density residential four-plex development. The proposed development is 0 .62 acres and will have 12 units. This is contingent on final design layout of the development, but that is the target number of units. The property will require a replat prior to construction. The proposed medium-density four-plex residential townhome development preliminary site plan does display setbacks and the structures do appear to meet minimum setback requirements at this time in the preliminary process. The Planning Board and staff recommends approval of this conceptual plan.

Motion made by Councilman District 5 Ward

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 conceptual plan for a proposed medium-density residential four-plex development, legal description is Rafei Subdivision in Port Lavaca, as presented.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

11. **Consider approval of a 3-lot preliminary minor plat, Howlett's Subdivision. Generally located at the northeast corner of Austin Street and Henry Barber Way. The legal description for this parcel is A0137 Samuel Shupe, Tract Pt 54, Acres 3.671. The property identification for this site is 40677. Presenter is Jessica Carpenter**

Development Services Director Carpenter advised Council that the applicant for the proposed Howlett's Subdivision plat is requesting to subdivide the 3.671-acre parcel into three (3) lots. Lot one being 0.35 acres and has an old gas station on the site. Lot two being 0.53 acres and has two metal buildings. Lot three, being 0.46 acres and has a manufactured home on site. The Planning Board and staff recommend approval of this preliminary minor plat,

Motion made by Councilman District 2 Dent

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 request for a 3-lot preliminary minor plat, Howlett's Subdivision, generally located at the northeast corner of Austin Street and Henry Barber Way, as presented.

Seconded by Councilman District 1 Smith

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

12. **Consider approval for a Variance Request for a corner lot that shall have a minimum ten-foot setback on the side street, but the setback is 7-feet 6-inches for an open walled carport on a corner lot side street. The carport is under construction at the location of 1323 Algee Drive. Presenter is Jessica Carpenter**

Development Services Director Carpenter advised Council that the variance request is for the flanking street where the secondary driveway is located and where the carport is currently under construction at 1323 Algee Drive. The applicant constructed the open walled carport for the property owner who is wheelchair bound.

The applicant also sought a petition of approval from the neighboring properties on Second Street where the carport is located. There are only three (3) properties on this street. All three properties agreed they have no issue with the carport. Two neighbors signed the petition of approval and one neighbor preferred not to have any association with the city. This neighbor approved of the carport but preferred not to sign a petition. The Planning Board and staff recommend approving this request.

Motion made by Councilman District 2 Dent

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 Request for a corner lot that shall have a minimum ten-foot setback on the side street, but the setback is 7-feet 6-inches for an open walled carport on a corner lot side street and is under construction at the location of 1323 Algee Drive, as presented.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

13. **Consider recommendation of the Port Commission to approve a 2-year ground lease agreement with Ausencio Rubio Rayna DBA Poor Boy Bait for a 40’x100’ tract + adjacent space to dock 2 shrimp boats at Smith Harbor. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the current lease for Poor Boys Bait expires on August 31, 2021. Ausencio Rubio Reyna is the sole proprietor now of Poor Boy Bait Stand and has asked for a new lease for the same 40' x 100' tract plus adjacent space to dock two shrimp boats. The Port Commission has recommended entering into a standard two-year lease agreement (no options for renewal) with Ausencio Rubio Reyna DBA Poor Boy Bait for $1,300/month + approved ½ page advertisement in each Calhoun County Visitor's Guide during the term of the lease. If at any time during the term of the lease there is a mutual agreement to relocate the business elsewhere in the Harbor, it will be addressed with an amendment at the time. The Standard lease calls for an annual rent rate increase per the Municipal Cost Index with a 2% minimum and a 5% maximum.

The Port Commission and staff recommend approving a Standard two-year lease (no options for renewal) with Ausencio Rubio Reyna DBA Poor Boy Bait for $1,300/month plus approved advertising in the Calhoun County Visitor's Guide, subject to final review by the City Attorney.

Motion made by Councilman District 3 Tippit

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

THAT, in accordance with recommendation of the Port Commission and staff, Council hereby approves a Standard two-year lease (no options for renewal) with Ausencio Rubio Reyna DBA Poor Boy Bait for $1,300/month plus approved advertising in the Calhoun County Visitor's Guide, subject to final review by the City Attorney.

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

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

14. **Consider amendment to the Lease with Helena Chemical to provide for the scheduled annual rent rate increase, effective 8-1-2021, to be 5% instead of based upon the Municipal Cost index. Presenter is Jody Weaver**

Interim City Manager Weaver reminded Council that at the April 12th Council meeting, there was an agenda item regarding the tariff rates as applicable for Helena Chemical. She said Council appointed a committee to work with Helena to arrive at a consensus for a solution and bring it back to Council for consideration. Committee members were herself, Jerry Smith, Jim Rudellat and Alex Davila. Helena asked for some time to collect some data on how their costs in Port Lavaca compare with other areas they do business in. On June 11th, the committee had a zoom meeting with Ward Bloodworth and Louis Rodrigue of Helena to get an update.

Weaver said that in line with the discussion on April 12, and in an effort to work with our long -time tenants and not impose any large increases in any single year, she is proposing an amendment to their lease to provide for a flat 5% rent rate increase this year instead of that which would result from using the change in the Municipal Cost Index, which would be 9.8%. She said that next year staff will look at how the Municipal Cost Index is at that time compared to that in July and August of 2018 and reevaluate. This was discussed at the Port Commission meeting, but no recommendation to Council was made. There are an additional 7 sheets of copies of email correspondence and a copy of section 5.01 of the Lease with Helena Chemical on file, in its entirety in the office of the City Secretary.

Motion made by Councilman District 5 Ward

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 an amendment to the Lease with Helena Chemical to provide for the scheduled annual rent rate increase, effective 8-1-2021, to be 5% instead of based upon the Municipal Cost index, a copy which is on file, in its entirety, in the office of the City Secretary.

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

Seconded by Councilman District 3 Tippit

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

15. **Discuss the proposed allowance for salary increases based upon a percentage of FY 2020-2021 salary expense. Presenter is Jody Weaver**

Interim City Manager Weaver and Council discussed this agenda item.

No action necessary and none taken.

16. **Discuss proposed amendments to the Ordinance described as Appendix A – Fees, Rates and Charges. Presenter is Jody Weaver**

Interim City Manager Weaver and Council discussed this agenda item for amendments to the proposed Ordinance No. G-4-21 described as Appendix A – Fees, Rates and Charges. In Chapter 54 Waterways, Harbor of Refuge, Use of Rail Spur will be changed from $1,000.00 per month to $833.00 per month.

Motion made by Councilman District 2 Dent

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 proposed amendments to the Ordinance described as Appendix A – Fees, Rates and Charges which will be presented later.

Seconded by Councilman District 5 Ward

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

17. **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 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). Presenter is Mayor Whitlow**

Mayor Whitlow announced that Council would retire into closed session at 8:17 p.m.

18. **Return to Open Session and take any action deemed necessary with regard to matters in closed session. Presenter is Mayor Whitlow**

Mayor Whitlow announced that Council was back in open session at 9:05 p.m. and there would be no action taken with regards to matters in closed session.

VIII. ADJOURNMENT

Mayor asked for motion to adjourn.

Motion made by Councilman District 5 Ward, Seconded by Councilman District 6 Barr.

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

Meeting adjourned at 9:06 p.m.

These minutes were approved on September 13, 2021.

Jack Whitlow
____
Jack Whitlow, Mayor

ATTEST:

Lorena Perez-Diaz
____
Lorena Perez-Diaz,
Assistant City Secretary