



CITY COUNCIL REGULAR MEETING

Monday, August 08, 2022 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 8th day of August, 2022, 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:

I. ROLL CALL

Jack Whitlow	Mayor
Jerry Smith	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:

II. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 6:36 p.m. and presided.

III. INVOCATION

- Councilman Ward gave the invocation.

IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

V. PRESENTATION(S)

VI. 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.

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

- A. Minutes of July 11, 2022 Regular Meeting**
- B. Minutes of July 25, 2022 Special and Workshop**
- C. Review of the Credit Card Statement**
- D. Receive monthly Financial Highlight Report**

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 all consent agenda items as listed:

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

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

1. **Present proposed City Budget for 2022-2023 fiscal year. Presenter is Jody Weaver**

City Council were presented with the proposed city budget for the 2022-2023 fiscal year.

No action necessary and none taken.

2. **Receive quarterly report from the Police Department for the newly formed Mental Health Peace Officer position. Presenter is Clinton Wooldridge**

Clinton Wooldridge, Mental Health Peace Officer for the Police Department presented a quarterly report to City Council.

No action necessary and none taken.

3. **Consider request of the United Way of Calhoun County for use of the Bayfront Peninsula Park for their annual family day on Saturday, September 17, 2022 and waiver of any fees associated with the event. Presenter is Tania French**

Port Lavaca Events Coordinator French advised Council that the United Way of Calhoun County is requesting use of the Bayfront Peninsula Park for their annual family day on Saturday, September 17, 2022 and waiver of any fees associated with the event. Staff recommends approval.

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 request of United Way of Calhoun County for use of the Bayfront Peninsula Park for their annual family day on Saturday, September 17, 2021 and also approves waiver of any fees associated with the event.

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

4. **Consider request of Port Lavaca Main Street, Inc. (PLMS) for use of the Faye Bauer Sterling Park to hold a Chuck Wagon Dinner in conjunction with an evening performance in the theatre on Saturday, September 24, 2022 and waiver of any fees associated with the event. Presenter is Tania French**

Port Lavaca Events Coordinator French advised Council that the Port Lavaca MainStreet, Inc. is requesting use of Faye Bauer Sterling Park, Saturday, September 24, 2022 to hold a Chuck Wagon Dinner in conjunction with an evening performance in the theatre. The dinner will consist of steaks grilled onsite and various side dishes, along with limited beer and wine. Attendance will be limited. Additionally, PLMS would like to close and cone off one side of Main Street curbside parking between Commerce and Colorado Street during the event.

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 the request of Port Lavaca Main Street, Inc. (PLMS) for use of the Faye Bauer Sterling Park to hold a Chuck Wagon Dinner in conjunction with an evening performance in the theatre on Saturday, September 24, 2022, closes parallel parking between Bayfront and the Park, and also waives any fees associated with the event.

BE IT FURTHER RESOLVED that approval is also given to close and cone off one side of Main Street curbside parking between Commerce and Colorado Street during the event.

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

5. **Consider award of a construction contract for the 5th Street Drainage Improvements Project. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the 2021/2022 Capital Improvement Plan (CIP) included \$300,000.00 to design and construct drainage improvements to the 5th Street drainage outfall which begins at Jackson Street and drains to the Harbor of Refuge ditch. This is the downstream drainage system for Alamo Heights Section II Subdivision.

In January Council approved an engineering contract with CivilCorp to prepare a bid package for this project. Staff recently advertised for construction bids and received two bids on July 21, 2022 and they are as follows:

Lester Contracting, Inc.	\$ 514,626.75	180 Calendar Days
KC Lease Service Inc.	\$ 836,727.00	180 Calendar Days

The apparent Low Bidder is Lester Contracting and in anticipation of this award, the draft 2022/2023 CIP includes a budget in this amount for the project. Staff concurs with CivilCorp and recommends a construction contract be awarded to Lester Contracting the amount bid.

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 the recommendation of staff, Council hereby accepts the Bid as presented and awards a Construction Contract to Lester Contracting, Inc., in the amount of \$514,626.75 for the 5th Street Drainage Improvements Project, to be completed in 180 calendar days from receipt of Notice to Proceed.

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

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

6. **Consider award of bid for the 2022 Seal Coat program. Presenter is Wayne Shaffer**

Interim City Manager Weaver presented this item in lieu of Public Works Director Shaffer. She advised Council that in continuation of the planned street remediation, staff recently advertised for the proposed 2022 Sealcoat program. She said two (2) bids were received and they are as follows:

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate</u>	<u>Total</u>	<u>Days</u>
Sylva Construction, LLC.	\$128,800.00	\$ 7,862.00	\$136,662.00	35 Calendar Days
*K-C Lease Service, Inc.	\$153,640.00	\$15,000.00	\$168,640.00	30 Calendar Days
*DBA Matagorda Construction & Materials				

Staff recommends a construction contract for this project be awarded to Sylva Construction in the amount of \$136,662.00 to be completed in 35 calendar days.

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 the recommendation of staff, Council hereby accepts the Bid of Sylva Construction, LLC, in the amount of \$136,662.00 for the 2022 Street Sealcoat Program to be completed in 35 calendar days from receipt of Notice to Proceed.

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

7. **Consider award of contract to remove various materials at the Harbor of Refuge. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that when the former tenant of Tracts 16, 17, and 17A at the Harbor of Refuge vacated the lease at the end of 2021, they had worked to clean up the property by gathering debris into piles but did not complete haul-off operations of these piles. There are three piles in question: one each of timber equipment mats, misc. plastic debris and misc. metal debris. These piles must be cleared in order for the current tenant to be able to fully utilize the property and to comply with TCEQ requirements to keep the site of this former landfill neat and clear of waste.

Staff began looking at options for cleanup last February and March. The total cost of course was dependent upon the quantity of debris that was actually needing removed. Using an estimate of 1,300 CY, the estimated disposal cost to use Republic roll-offs was about \$80,000 and we would still have to have public works load the boxes. We had also received a unit price cost from a metal recycling facility in Houston and that estimated for the same 1300 yards was about \$70,000 which included loading the boxes. Because the estimated cost exceeded \$50,000 we prepared a competitive bid package and advertised for bids for disposal, recycling, and some other beneficial reuse of these 3 piles of debris.

A mandatory pre-bid was held on July 21 in order that all potential bidders fully understood the scope of what was and what was not scheduled for removal. The following five potential bidders were in attendance: Sylva Construction, Lester Contracting, White Trash Services, Gonzales Contracting, and Barefoot Construction.

Bids were due on July 28 and staff received two bids and they are as follows:

<u>Bidder</u>	<u>Barefoot Construction</u>	<u>Lester Contracting, Inc.</u>
Bid Item 1 (Plastic)	\$ 40,250.00	\$ 25,000.00
Bid Item 2 (Mats)	\$ 63,250.00	\$ 78,000.00
Bid Item 3 (Metal)	\$ 1,725.00	\$ 2,500.00
Bid Item 4 Deduct	\$ (1,725.00)	\$ (2,500.00)
Greatest Amt Bid	\$ 103,500.00	\$ 103,000.00
Calendar Days:	30	90

Award of Low Bid of each item is as follows:

Bid Item 1 (Plastic)	\$ 25,000.00	Lester Contracting, Inc.
Bid Item 2 (Mats)	\$ 63,250.00	Barefoot Construction
Bid Item 3 (Metal)	\$ 1,725.00	Barefoot Construction
Total Cost of Project	\$ 89,975.00	

Removal of each pile was a separate bid item with a provision for a deduction from the sum of the three bids should all three be awarded to the same contractor.

As you can see from the Bid Tabulation, the most advantageous award for the City is to award Bid Item 1 (plastic debris) to Lester Contracting in the amount of \$25,000.00 and award Bid Items 2 and 3 (wood and metal) to Barefoot Construction for a total award of \$64,975.00. The total cost would be \$89,975.00.

Staff recommends two contracts for this project be awarded: Lester Contracting for Bid Item 1 in the amount of \$25,000.00 (90 days to compete) and Barefoot Construction for Bid Item 2 in the amount of \$64,975.00 (30 days to complete). These expenditures are not budgeted and are proposed to come out of Port Fund Reserves.

Motion made by Councilman District 6 Barr

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

THAT, Council hereby Rejects all Bids received for the removal of various materials at the Harbor of Refuge and instructs staff to look for a more cost-effective way to accomplish this project.

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

8. **Consider Budget Amendment GF-008 for 2022 Fiscal Year and authorize the purchase of materials for the “Porter Road Reconstruction” Project. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the City has the opportunity to partner with Calhoun County for the reconstruction of Porter Road, where the County will utilize their labor and equipment, and the City will only need to purchase the materials. The Public Works Department has solicited bids for the various materials and quantities necessary to furnish to the County at a total cost of \$60,089.00.

Three separate solicitations for road base materials of Limestone, PB4, and Flyash were requested from Midtex Materials, Vulcan Materials and Quality Hot Mix. The PB4 was the only material that was firmly quoted by two vendors, another vendor refused to quote. All three items were available and at the least cost from Midtex Materials for a total cost of \$47,161.00.

Additionally, the City solicited quotations for primer oil and RC250 for the same road project partnership with the County. Quotations were only received from Martin Asphalt and Cleveland Asphalt, with Martin Asphalt providing the lowest price and availability at a total cost of \$12,928.00.

This is above the normal scope provided in the repair and maintenance budget for the Street Department. Additionally, due to a budget mishap, funds of \$200,000.00 were not re-appropriated during the FY2022 budget process for major capital street projects, which would have covered this cost. Furthermore, it is no longer necessary to purchase the Air Curtain Burner as previously approved, therefore, we wish to re-appropriate the remaining savings to this project.

Accepting this opportunity to work with the County on this project under our Memorandum of Understanding (MOU) agreement will require the City to fund \$60,089.00 for materials, which was not budgeted.

Staff recommends Approval of Budget Amendment Number: GF-009 for the reconstruction of Porter Road and authorizing the Interim City Manager to execute purchase orders to Midtex Materials for \$47,161.00 and Martin Asphalt in the amount of \$12,928.00.

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 Budget Amendment Number: GF-009 for the reconstruction of Porter Road and authorizes the Interim City Manager to execute purchase orders to Midtex Materials in the amount of \$47,161.00 and Martin Asphalt in the amount of \$12,928.00.

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

9. **Consider appointment/reappointment of member(s) to Planning Board to fill a vacancy and/or start a new term. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that Planning Board Member Gary Crone's current term will be expiring on September 4, 2022. He has submitted a letter of interest stating his desire to being reappointed to a new term. She said there are no term limits established and the full term is for a period of two (2) years. Staff recommends the reappointment of Gary Crone to the Planning Board to serve a new two-year term from September 2022 thru September 2024.

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 reappoints Gary Crone to the Planning Board to serve a new two-year term from September 2022 thru September 2024.

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

10. **Consider approving a Letter of Intent to enter into negotiations to contract with Victoria Economic Development Corporation (VEDC) for Economic Development Services. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council it would benefit the city to submit a Letter of Intent (LOI) to begin negotiations to contract services with Victoria Economic Development Corporation (VEDC), Calhoun County, and other County stakeholders to pursue and promote economic development in Calhoun County, the City of Port Lavaca, and the crossroads region.

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 submitting a Letter of Intent (LOI) to begin negotiations to contract services with Victoria Economic Development Corporation (VEDC), Calhoun County, and other County stakeholders to pursue and promote economic development in Calhoun County, the City of Port Lavaca, and the crossroads region, , a copy of which is on file, in its entirety, in the office of the City Secretary.

BE IT FURTHER RESOLVED, that the City Council has authorized Interim City Manager Jody Weaver to negotiate and enter into a contract for these economic development services, with a limit of not to exceed \$25,000 annual cost to the City, without further authorization from Council.

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

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

11. **Consider First Reading of an Ordinance (G-6-22) of the City of Port Lavaca amending the Code of Ordinances Chapter 32, Parks and Recreation, Article III. Park Designations and Article IV. Park Regulations, Section 32-73 Skate Park and Section 32-74 Splashpad Rules Established; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Jody Weaver**

Motion made by Councilman District 5 Ward

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

THAT, in accordance with recommendation of staff, Council hereby approves the first reading of an Ordinance (G-6-22) of the City of Port Lavaca amending the Code of Ordinances Chapter 32, Parks and Recreation, Article III. Park Designations and Article IV. Park Regulations, Section 32-73 Skate Park and Section 32-74 Splashpad Rules Established; providing for severability; providing a repealing clause; and providing an effective date.

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

12. **Consider Resolution No. R-080822-1 of the City of Port Lavaca – City Hall Master Plan Phase 2: Entry, Patio & Exterior Renovations for Construction Procurement Method. Presenter is Jody Weaver**

Motion made by Councilman District 2 Dent

WHEREAS, Section 2269.056(a), of the Texas Government Code states that the governing body of a governmental entity that considers a construction contract using a method authorized by this chapter other than competitive bidding must, before advertising, determine which method provides the best value for the governmental entity, and

WHEREAS, the City of Port Lavaca City Council has determined that the construction procurement method specified under SUBCHAPTER D. COMPETITIVE SEALED PROPOSAL METHOD of CHAPTER 2269. CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS of the Texas Government Code provides the best value for the City of Port Lavaca for the construction project titled “City Hall Master Plan – Phase 2: Entry, Patio, & Exterior Renovations”

THEREFORE, LET IT BE RESOLVED by the City of Port Lavaca City Council that the Council has decided to use the Competitive Sealed Proposal process as specified under SUBCHAPTER D. COMPETITIVE SEALED PROPOSAL METHOD of CHAPTER 2269. CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS of the Texas Government Code for the construction project titled “City Hall Master Plan – Phase 2: Entry, Patio, & Exterior Renovations”.

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

13. **Consider Resolution No. R-080822-2 of the City of Port Lavaca – City Hall Master Plan Phase 2: Entry, Patio & Exterior Renovations for Prevailing Wage Rate. Presenter is Jody Weaver**

Motion made by Councilman District 1 Smith

WHEREAS, Section 2258.022(a), of the Texas Government Code states: For a contract for a public work awarded by a political subdivision of the state, the public body shall determine the general prevailing rate of per diem wages in the locality in which the public work is to be performed for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work, and

WHEREAS, Section 2258.022(a) of the Texas Government Code Subsections (1) and (2) go on to state the public body’s options in fulfilling its statutory responsibility of determining prevailing wage rates as being: (1) conducting a survey of the wages received by classes of workers employed on projects of a character similar to the contract work in the political subdivision of the state in which the public work is to be performed; or (2) using the prevailing wage rate as determined by the United States Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Section 276a et seq.), and its subsequent amendments;

NOW THEREFORE BE IT RESOLVED that the City of Port Lavaca City Council hereby selects Section 2258.022(a), Subsection (2) of the Texas Government Code as its option in determining the general prevailing rate of per diem wages in the locality in which the public work is to be performed for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work as determined by the United States Department of Labor.

In accordance with the Davis-Bacon Act (40 U.S.C. Section 276a et seq.), and its subsequent amendments as can be found on the following web site (www.wdol.gov/dba.aspx#0), for the construction project titled “City Hall Master Plan – Phase 2: Entry, Patio, & Exterior Renovations”.

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

14. **Consider Resolution No. R-080822-3 of the City of Port Lavaca – City Hall Master Plan Phase 2: Entry, Patio & Exterior Renovations for Delegation of Authority. Presenter is Jody Weaver**

Motion made by Councilman District 6 Barr

WHEREAS, Section 2269.053(a), of the Texas Government Code provides that the governing body of a governmental entity may delegate its authority under this chapter regarding an action authorized or required by this chapter to a designated representative, committee, or other, and

WHEREAS, The City of Port Lavaca City Council wishes to delegate its authority under SUBCHAPTER D. COMPETITIVE SEALED PROPOSAL METHOD of CHAPTER 2269; CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS, SECTION 2269.155, SELECTION OF OFFEROR, of the Texas Government Code to the designated person of Jody Weaver, Interim City Manager, as authorized by Section 2269.053(a), of the Texas Government Code as it relates to the selection of an Offeror as prescribed under Section 2269.155 of the Texas Government Code for the construction project titled “City Hall Master Plan – Phase 2: Entry, Patio, & Exterior Renovations”;

NOW THEREFORE BE IT RESOLVED that the City of Port Lavaca City Council hereby delegates its authority under SUBCHAPTER D. COMPETITIVE SEALED PROPOSAL METHOD of CHAPTER 2269; CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS, SECTION 2269.155, SELECTION OF OFFEROR, of the Texas Government Code to the designated person of Jody Weaver, Interim City Manager, as authorized by Section 2269.053(a), of the Texas Government Code as it relates to the selection of an Offeror as prescribed under SECTION 2269.155, SELECTION OF OFFEROR of the Texas Government Code for the construction project titled “City Hall Master Plan – Phase 2: Entry, Patio, & Exterior Renovations”, and

THEREFORE LET IT BE FURTHER RESOLVED by the City of Port Lavaca City Council that it desires for Jody Weaver, Interim City Manager, within the scope of the authority delegated to her under Section 2269.155, SELECTION OF OFFEROR of the Texas Government Code for the construction project titled “City Hall Master Plan – Phase 2: Entry, Patio, & Exterior Renovations” to form a committee of her choosing, which may, but not necessarily, include some members of the City Council of the City of Port Lavaca in numbers not establishing a quorum of the Council.

To advise her in the selection process for Construction Services for the selection of an Offeror as prescribed under Section 2269.155 of the Texas Government Code for said construction project and bring her recommended selection to the City of Port Lavaca City Council for final approval.

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

15. **Consider Resolution No. R-080822-4 of the City of Port Lavaca – City Hall Master Plan Phase 2: Entry, Patio & Exterior Renovations for Selection Committee and Proposal Ranking Criteria. Presenter is Jody Weaver**

Motion made by Councilwoman District 4 (Mayor Pro Tem) Padron

WHEREAS, Section 2269.053(a), of the Texas Government Code provides that the governing body of a governmental entity may delegate its authority under this chapter regarding an action authorized or required by this chapter to a designated representative, committee, or other, and

WHEREAS, the City of Port Lavaca City Council by resolution adopted on July 25th 2022 did delegate its authority under SUBCHAPTER D. COMPETITIVE SEALED PROPOSAL METHOD of CHAPTER 2269; CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS, SECTION 2269.155, SELECTION OF OFFEROR, of the Texas Government Code to the designated person of Jody Weaver, Interim City Manager as authorized by Section 2269.053(a), of the Texas Government Code as it relates to the selection of an Offeror as prescribed under Section 2269.155 of the Texas Government Code for the construction project titled “City Hall Master Plan – Phase 2: Entry, Patio, & Exterior Renovations”;

AND WHEREAS the City of Port Lavaca City Council stated in that resolution that its desire was for Jody Weaver, Interim City Manager within the scope of the authority delegated to her under Section 2269.155, SELECTION OF OFFEROR of the Texas Government Code for the construction project titled “City Hall Master Plan – Phase 2: Entry, Patio, & Exterior Renovations” to form a committee of her choosing, including but not limited to some members of the City Council of the City of Port Lavaca, to advise her in the selection process for Construction Services for the selection of an Offeror as prescribed under Section 2269.155 of the Texas Government Code for said construction project and bring her recommended selection to the City Council of the City of Port Lavaca for final approval.

NOW THEREFORE BE IT RESOLVED by Jody Weaver, Interim City Manager, that she hereby appoints the following committee to advise her in the selection process for Construction Services for the selection of an Offeror as prescribed under Section 2269.155 of the Texas Government Code and as directed by the City Council of the City of Port Lavaca:

Jody Weaver	Interim City Manager
Mandy Grant	City Secretary
Derrick Smith	Director of Development Services
Tim Dent	Councilman
Brian Parker	Architect's Project Manager

NOW THEREFORE LET IT BE FURTHER RESOLVED by Jody Weaver, Interim City Manager, that she has chosen the following criteria for the committee as a corporate body to consider in the selection of an Offeror submitting a proposal on this project along with the stated weighting of each of the criteria:

Price	50%
Offeror's Qualifications	40%
Time	10%

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

16. **Consider Resolution No. R-080822-5 of the City of Port Lavaca amending the City's Budgetary and Financial Management Policies. Presenter is Susan Lang**

Interim City Manager Weaver presented item in lieu of Finance Director Lang. Council was advised that staff had been made aware by one of the City's Grant Consultants, KSBR, LLC, that additional changes were recommended to the City's Budgetary & Financial Management Policies by adding a new section Federal and State Grant Funds, and referencing 2 CFR 200 Sections 302, 303, 323, 403, and 305. Staff recommends approval of these amendments made by Resolution Number R-080822-5, a copy of which is on file, in its entirety, in the office of the City Secretary.

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 staff, Council hereby approves amending the City of Port Lavaca Financial Management and Budgetary Policies as presented, by Resolution No. R-080822-5, a copy of which is on file, in its entirety, in the office of the City Secretary.

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. **Consider proposed changes to the City of Port Lavaca's Purchasing Policy and Procedures. Presenter is Susan Lang**

Finance Director Lang advised Council that staff had been made aware by one of the City's Grant Consultants, KSBR, LLC, that additional changes were recommended to the City's Purchasing Policy in order expand on the federal and state financial grant requirements referenced in Section 1.05 of the City's Purchasing Policy which indicate the City will follow 2 CFR 200 Sections 200.317 through 200.327, by adding a new section 2.04.07 Federal Grant Awards and expanding on 2 CFR 200 Section 200.323 Contract cost and price. Staff recommends approval of these amendments, a copy of which is on file, in its entirety, in the office of the City Secretary.

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 the recommendation of staff, Council hereby approves amendments to the Purchasing Policy for the City of Port Lavaca as presented, a copy of which is on file, in its entirety, in the office of the City Secretary.

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

18. **Consider recommendation of the Port Commission for an annual lease rate adjustment to the Lease with Helena Agri-Enterprises, LLC (HAE) pursuant to the increase in the Municipal Cost Index published prior to August 1, 2022. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that Helena's Ground Lease Agreement allows for the rent to be adjusted annually on August 1, pursuant to the increase in the Municipal Cost Index as of the latest date published prior to August 1.

- August 2018 starting rent= \$6,108.00
- August 2019 = \$6163.58 (0.91%)
- August 2020 = no adjustment MCI was -0.44%
- August 2021 = \$6,471.76 (5% flat rate approved by Council; MCI was 9.8%)

City Council approved an amendment to the Helena lease contract which provided for a flat 5% rent rate increase instead of the 9.8% MCI rate. This brought their monthly rent to \$6,471.76. This annual adjustment was to be re-evaluated again this year with input from the tenant Helena. Note the following:

- The MCI for May 2022 (most current published by the date of the Port Commission meeting) is 306.96
- The MCI for May 2021 was 272.97; therefore, the May 2022 MCI is 12.45% higher than May 2021.
- A 12.45% increase will add \$805.73 each month resulting in a new monthly rent of \$7,277.49

- A flat 5% rent rate increase will add \$323.59 each month resulting in a new monthly rent of \$6,795.35
- A flat 8% rent rate increase will add \$517.74 each month resulting in a new monthly rent of \$6,989.50
- The MCI for May 2018 compared to May 2022 = 250.02 vs 306.96 or 22.77%. $\$6,108 \times 1.2277 = \$7,498.97$
- Note the MCI for June 2022 is 312.09 or 12.24% above June 2021 of 278.07.

Also, for consideration, Helena paid \$43,416.82 in property taxes for the 2021 tax year and are projected to pay \$57,584.63 for the 2022 tax year a difference of \$14,167.81.

The Port Commission recommended approval of an amendment to the Helena lease agreement which would provide for a flat 8% rent rate increase this year instead of that which would result from using the change in the Municipal Cost Index. In their discussions, the Port Commission did recognize that last year's approved 5% was one-half of the MCI calculation, so 6% would be one-half of this year's MCI calculation, but the recommendation vote settled on 2/3rds of the MCI calculation.

After lengthy discussion, Council concurred for a flat seven- percent (7%) rent rate increase this year instead of using the change in the Municipal Cost Index.

Motion made by Councilman District 1 Smith

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

THAT, Council hereby approves an amendment to the Helena lease agreement which would provide for a flat seven- percent (7%) rent rate increase this year instead of using the change in the Municipal Cost Index.

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

19. **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 announced there would be no closed session.

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

There was no closed session.

IX. 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 7:33 p.m.

These minutes were approved on September 12, 2022.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary