



CITY COUNCIL REGULAR MEETING

Monday, March 11, 2024 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 11th day of March, 2024, 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
Daniel Aguirre	Councilman, District 1
Allen Tippit	Councilman, District 3
Jim Ward	Councilman, District 5
Ken Barr	Councilman, District 6

And with the following absent:

Tim Dent	Councilman, District 2
Rosie G. Padron	Councilwoman, District 4, Mayor Pro Tem

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 6:30 p.m. and presided.

III. INVOCATION

- Councilman Ward gave the invocation.

IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

V. PRESENTATION(S) BY THE MAYOR

- Proclamations by the Mayor
 - “Child Abuse Prevention Month” is April

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 February 12, 2024 Regular Meeting**
- B. Minutes of February 26, 2024 Special Meeting and Workshop Session**
- C. Review of Credit Card Statement**
- D. Receive Monthly Financial Highlight Report**
- E. Receive Victoria Economic Development Corporation (VEDC) Monthly Report**
- F. Ratify Prestige Oysters, Inc. Lease at City Harbor Tract 10**

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 Aguirre, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr

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

- Consider First and Final reading of an Ordinance No. S-1-24 authorizing the issuance of “City of Port Lavaca, Texas Combination Tax and Revenue Certificates of Obligation, Series 2024”; authorizing the Sale Thereof; and Enacting Provisions Incident and Related to the issuance of said Certificates. Presenter is Jody Weaver**

The following Financial and Legal representatives were in attendance:

- Gregory miller, Partner at Law with Bickerstaff Heath Delgado Acosta, LLP; and
- R. Dustin Traylor, Director Fixed Income Banking with RBC Capital Markets, LLC.

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 an Ordinance (No. S-1-24) authorizing the issuance of “City of Port Lavaca, Texas Combination Tax and Revenue Certificates of Obligation, Series 2024”; authorizing the Sale Thereof; and Enacting Provisions Incident and Related to the issuance of said Certificates, on this its first and final reading, as presented.

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr

- 2. **Consider request of the Texas Funeral Associates for use of the Bayfront Peninsula Park including the Large Pavilion for an Easter Egg Hunt event on Saturday, March 30, 2024 from 1:00 p.m. to 4:00 p.m. and also request waiver of regular fees associated with event. Presenter is Tania French**

Tania French, Events Coordinator advised Council that the Texas Funeral Associates has requested use of a portion of the grassy area of Bayfront Peninsula Park Saturday, March 30, 2024 from 1:00 p.m. to 4:00 p.m. for an Easter Egg Hunt. This event is open to the community and free of charge. This event will not interfere with normal operation of the park and does not conflict with the YMCA egg hunt earlier in the day. The group also requests use of the large Pavilion for a Hot-dog give-away and requests waiver of fees associated with this request.

Motion made by Councilman District 5 Ward

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

THAT, Council hereby approves request of the Texas Funeral Associates for use of the Bayfront Peninsula Park including the Large Pavilion for an Easter Egg Hunt event on Saturday, March 30, 2024 from 1:00 p.m. to 4:00 p.m. and also request waiver of regular fees associated with event.

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr

- 3. **Consider amendment to City Council approved agenda item #3 at regular scheduled meeting on February 12, 2024 regarding closure of Main Street between Virginia and Commerce streets for the Iguana Fest event, revising the beginning time of 6:00 a.m. Saturday, April 06, 2024 to beginning at 12:01 a.m. Presenter is Tania French**

Tania French, Events Coordinator advised Council that at the February 12, 2024 regular council meeting, approval was given for the closure of Main Street between Virginia and Commerce Streets for the Iguana

Fest event. In the agenda item that was approved, we requested closure of the road beginning at 6 a.m. Since the approval, we encountered a logistical issue with the stage arrival.

The staging company has several stages in use and for Eclipse events across the state. In order to deliver and set up our stage in time, the Upstage will need to begin set-up approximately six-hours earlier. We request that the road closure time be adjusted to 12:01 a.m. on April 6, 2024.

Motion made by Councilman District 3 Tippit

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

THAT, Council hereby approves amendment to City Council approved agenda item #3 at regular scheduled meeting on February 12, 2024 regarding closure of Main Street between Virginia and Commerce streets for the Iguana Fest event, revising the beginning time of 6:00 a.m. Saturday, April 06, 2024 to beginning at 12:01 a.m.

Seconded by Councilman District 5 Ward

Voting Yea:

Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr

4. **Consider recommendation of the Port Lavaca Events Committee to discontinue the annual Flip-Flop event and reallocate budgeted funds. Presenter is Tania French**

Tania French, Events Coordinator advised Council that the Port Lavaca Events Committee met February 01, 2024 and unanimously agreed to recommend to council that the City of Port Lavaca discontinue the annual Flip Flop Festival and budget those Hotel/Motel Tax dollars currently allocated for Flip Flop to other events.

Members of the committee present were:

- Tania French
- Jasmine Padierna
- Christine Pena
- Desiree Spears
- Schelly Bartels

It is our belief that the funds allocated to Flip Flop would be better utilized by earmarking them to the Special Events Other fund.

Upon reviewing past years, it is evident that the event has consistently faced challenges in terms of low turnout. One of the contributing factors appears to be the unpredictable weather conditions surrounding the event dates coupled with the lack of available hotel rooms. This has not only affected the overall success of our participation but has also raised concerns about the efficient use of our resources. After careful deliberation, we propose redirecting the funds allocated for this event to initiatives with more predictable outcomes and greater impact that better aligns with our commitment to responsible resource management. There was conversation of possibly establishing a Birding Festival event.

Motion made by Councilman District 5 Ward

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

THAT, Council hereby approves recommendation of the Port Lavaca Events Committee to discontinue the annual Flip-Flop event and reallocate budgeted funds.

Seconded by Councilman District 6 Barr

Voting Yea:

Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr

- 5. **Receive certification of City Secretary that the candidates for the Council Member At-Large Mayor Position and the Single District #2 position, in the May 04, 2024 General Officers Election, are unopposed. Presenter is Mandy Grant**

The following was presented by City Secretary Grant (English and Spanish):

I, Mandy Grant, certify that I am the City Secretary of the City of Port Lavaca, Texas and the authority responsible for preparing the ballot for the May 04, 2024 general city election.
(Yo, Mandy Grant, certifica que soy la secretaria de la ciudad de Port Lavaca, Texas y la autoridad responsable de preparar la balota para la elección general de la ciudad del 4 de Mayo de 2024).

I further certify that no proposition is to appear on the ballot for the May 04, 2024 election, no person has made a declaration of write-in candidacy, and the following candidates are unopposed:
(Certifico más lejos que no hay asunto aparecer en la balota para la elección del 4 de Mayo de 2024, ninguna persona he hecho un declaración de candidatura inscrita, y los candidatos siguientes son sin oposición):

OFFICE (CARGO)	CANDIDATE (CANDIDATO)
Council Member, Mayor <i>(Miembro de Consejo, Alcalde)</i>	Jack Whitlow
Council Member, District #2 <i>(Miembro de Consejo, Distrito #2)</i>	Tim Dent

No action necessary and none taken.

- 6. **Consider adopting an order canceling part of the May 04, 2024 General Officers Election, specifically the Council Member At-Large Mayor Position and the Single District #2 position; and declaring unopposed candidates, Jack Whitlow and Tim Dent, duly elected as Council Members. Presenter is Mandy Grant**

The following was presented by City Secretary Grant (English and Spanish):

The City Council of the City of Port Lavaca, Texas hereby cancels the election scheduled to be held on May 04, 2024 in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby declared elected:

(El Concejo Municipal de la Ciudad de Port Lavaca, Texas, cancela la elección programada para el 04 de mayo de 2024 de acuerdo con la Sección 2.053 (a) del Código Electoral de Texas. Los siguientes candidatos han sido certificados como no oponibles y por la presente se declaran electos):

CANDIDATE (CANDIDATO)	OFFICE (OFICINA)	TERM (TÉRMINO)
Jack Whitlow	Council Member, Mayor <i>(Miembro de consejo, Alcalde)</i>	2 years <i>2 años</i>
Tim Dent	Council Member, District #2 <i>(Miembro de consejo, distrito #2)</i>	3 years <i>3 años</i>

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

(Una copia de esta orden será fijada el día de elección en cada lugar de la interrogación que habría sido utilizado en la elección).

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 order canceling part of the May 04, 2024 General Officers Election, specifically the Council Member At-Large Mayor Position and the Single District #2 position; and declaring unopposed candidates, Jack Whitlow and Tim Dent, duly elected as Council Members.

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr

- 7. **Consider Resolution No. R-031124-1E of the City of Port Lavaca to appoint Election Judges for the City’s General Officers Election held on the uniform date of May 04, 2024. Presenter is Mandy Grant**

Motion made by Councilman District 5 Ward

WHEREAS, in accordance with the City Charter of the City of Port Lavaca, the Texas Election Code and other applicable state and federal laws, the City Council of the City of Port Lavaca, Texas hereby has the authority to appoint the Election Officers for city elections.

WHEREAS, in addition, that the general officers’ election has been ordered for Saturday, May 04, 2024 by Resolution #R-010824-1E adopted on January 08, 2024.

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

SECTION 1. THAT, in accordance with the Texas Election Code, a presiding judge and an alternate presiding judge must be appointed for each election precinct [EC §32.001(a)]. The role of the alternate judge is to serve as presiding judge for an election if the presiding judge cannot serve [EC §32.001(b)]. In an election conducted by the presiding judge, the alternate judge serves as one of the election clerks [EC §32.032].

SECTION 2. THAT, such election shall be conducted by the City of Port Lavaca, with Early Voting Days, Extended Hours for Early Voting day on a Saturday and the main Election Day voting to be at the following polling places designated for each City election district and the following citizens, registered to vote in the city, are hereby appointed Election Officers to conduct said election:

- | | |
|---------------------|---|
| All Polling Places: | City of Port Lavaca
City Hall - Main Lobby
202 N. Virginia Street
Port Lavaca, Texas 77979 |
| Augustin Rojas | Presiding Judge |
| Janie Delgado | Alternate Judge |
| Michael Moehler | Presiding Judge for the Early Voting Ballot Board
and the Central Counting Station |
| Mary Lou Tharling | Alternate Judge for the Early Voting Ballot Board
and the Central Counting Station |

SECTION 3 THAT, the Office of the City Secretary of the City of Port Lavaca shall consist of the City Secretary and/or the Assistant City Secretary and shall perform all duties necessary to conduct the general officers’ election.

SECTION 4. THAT, the Office of the City Secretary is hereby authorized and directed to provide a copy of the RESOLUTION to the judges as written notice of their appointment as required the Texas Election Code [EC §32.009].

If either the Presiding Judge or the Alternate Presiding Judge is unable to perform his/her assigned duties, the Office of the City Secretary is authorized to select an Acting Presiding or Acting Alternate Presiding Judge from the qualified Election Clerks, as needed.

SECTION 5. THAT, the Presiding Judge shall have the authority to appoint two (2) clerks to assist in the holding of such election. Said election officers shall also serve as the Early Voting Ballot Board (EVBB) for such election. The Central Counting Station will be in the City Hall Conference Room.

SECTION 6. THAT, the Election Judge(s) shall be compensated at an hourly rate of \$12.00; early voting clerks and election clerks shall be compensated at an hourly rate of \$11.00 as provided by the State Election Code [EC §32.091(a)].

SECTION 7. THAT, the City Secretary is hereby appointed the Elections Clerk for early voting; and the Assistant City Secretary is hereby appointed the Deputy Election Clerk for early voting in accordance with Section 83.001 *et seq.* of the Texas Election Code. The place for early voting days and election day is hereby designated as the City of Port Lavaca, City Hall - Main Lobby, 202 N. Virginia Street, Port Lavaca, Texas.

SECTION 8. THAT, the Mayor is authorized to sign Writ of Election to the Presiding Judge.

SECTION 9. THAT, this resolution shall be effective immediately upon adoption.

Seconded by Councilman District 6 Barr

Voting Yea:

Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr

8. **Consider Resolution No. R-031124-2 of the City of Port Lavaca declaring April as 2024 Fair Housing Month. Presenter is Jody Weaver**

Motion made by Councilman District 3 Tippit

WHEREAS Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

WHEREAS The principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

WHEREAS The National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

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

THAT, WE, do proclaim April as 2024 Fair Housing Month in the City and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.

Seconded by Councilman District 5 Ward

Voting Yea:

Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr

9. Consider Resolution No. R-031124-3 of the City of Port Lavaca appointing a Chief Appraiser to Calculate Taxes for the 2024 tax year. Presenter is Jody Weaver

Motion made by Councilman District 3 Tippit

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;

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;

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, TEXAS:

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 2024 tax roll.

Seconded by Councilman District 5 Ward

Voting Yea:

Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr

10. Consider Resolution No. R-031124-4 of the City of Port Lavaca Suspending the April 4, 2024 effective date of AEP Texas Inc.’s requested rate change to permit the City time to study the request and to establish reasonable rates; Approving cooperation with the cities served by AEP Texas and authorizing intervention in AEP Texas Inc.’s requested rate change proceedings before the Commission; Hiring Lloyd Gosselink Attorneys and Consulting Services to negotiate with the company and direct any necessary litigation and appeals; Requiring reimbursement of Cities’ rate case expenses; Finding that the meeting at which this Resolution is passed is open to the public as required by law; Requiring Notice of this Resolution to the Company and Legal Counsel. Presenter is Jody Weaver

Motion made by Councilman District 5 Ward

WHEREAS, on or about February 29, 2024, AEP Texas Inc. (“AEP Texas” or “Company”), pursuant to Public Utility Regulatory Act (“PURA”) §§ 33.001 and 36.001 filed with the City of Port Lavaca (“City”) a Statement of Intent to change electric delivery rates in all municipalities exercising original jurisdiction within its service area, effective April 4, 2024; and

WHEREAS, the City is an electric utility customer of AEP Texas and a regulatory authority with an interest in the rates and charges of AEP Texas; and

WHEREAS, the City is a member of the Cities Served by AEP Texas (“Cities”), a membership of similarly situated cities served by AEP that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in AEP Texas’ service area; and

WHEREAS, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, the City retains its rights as a city with original jurisdiction including the right to suspend the application; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility; and

WHEREAS, the City’s consultants and attorneys recommend that the City suspend the application for further review.

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

SECTION 1. That the April 4, 2024, effective date of the rate request submitted by AEP Texas on or about February 29, 2024, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

SECTION 2. That the City joins other Cities Served by AEP Texas in this proceeding and, subject to the right to terminate employment at any time, hereby authorizes the hiring of Thomas Brocato of Lloyd Gosselink Rochelle and Townsend, P.C, and consultants to review the Company’s filing, negotiate with the Company, make recommendations regarding reasonable rates and to direct any necessary administrative proceedings or court litigation associated with an appeal of city action.

SECTION 3. That the City shall work with Cities Served by AEP Texas in the review and evaluation of whether the proposed rates are appropriate, fair, just, and reasonable; and, intervene as a necessary party in the Public Utility Commission of Texas’ consideration of AEP Texas’ rate filing in Docket No. 56165 as it affects the customers in the unincorporated areas of AEP Texas’ service territory.

SECTION 4. That the City’s reasonable rate case expenses shall be reimbursed by AEP Texas.

SECTION 5. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

SECTION 6. A copy of this Resolution shall be sent to AEP Texas, care of Jennifer Frederick, American Electric Power Company, 400 West 15th Street, Suite 1520, Austin, Texas 78701 (aepaustintx@aep.com), and to Thomas Brocato at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr

11. **Consider Resolution No. R-031124-5 of the City of Port Lavaca to establish a new bank account at First National Bank (FNB) entitled “Park Donations” for the purpose of receiving donations that will be used specifically for Parks Improvements and Recreation. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council Resolution No. R-031124-5 is a Policy regarding establishment of and use of funds in the Parks Donations Fund and is as follows:

The goal for establishing The Parks Donation Fund is to provide local citizens and visitors, who especially enjoy our City Parks and have a desire to see new amenities and other improvements added to the parks, a way to contribute financially to a fund with exclusive use to provide improvements to our City Parks.

A Parks Donation Bank Account shall be established to collect donations using convenient online methods such as Venmo, CashApp, ApplePay and PayPal.

It shall be the policy of the City that 100% of the deposits into the Parks Donation Bank Account will be used to fund a Special Revenue Fund entitled “Parks Donation Fund”.

DEFINITIONS

Designated Public Parks: Those parks as listed in Chapter 32 – Parks and Recreation, Article III – Park Designations, Section 44 of the City of Port Lavaca Code of Ordinances

Maintenance: General and specific repairs of park facilities, cleaning services, mowing, watering and upkeep of landscaping and grounds, upkeep of utilities such as plumbing, electrical, wiring, etc., graffiti removal, ensuring proper bins, collection schedules and general cleanliness, regular inspections, and correction/repairs of safety hazards;

USE OF FUNDS

It will be the general policy of the City that the Parks Donation Fund shall be used for the following eligible expenses:

- Capital Improvement projects within any of the City of Port Lavaca designated Public Parks
- Purchase and installation of the following amenities within any of the City of Port Lavaca designated Public Parks:
 - New trees, Landscaping and irrigation
 - New picnic tables, benches, shade structures, and specialty park amenities
 - Educational and wayfinding signage
 - Seasonal decorations

- Recreational programs to be sponsored by the City of Port Lavaca and held within a designated Public Park
- Special Park Events to be sponsored by the City of Port Lavaca and held within a designated Public Park

It will be the general policy of the City that the Parks Donation Fund shall not be used for any of the following expenses:

- Repairs or Maintenance activities of any kind
- Salaries & Benefits
- Normal Operating expenses
- Utilities
- Advertising or promotion activities

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 the recommendation of staff, Council hereby approves Resolution No. R-031124-5 of the City of Port Lavaca to establish a new bank account at First National Bank (FNB) entitled “Park Donations” for the purpose of receiving donations that will be used specifically for Parks Improvements and Recreation.

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr

12. **Consider request of The Harbor Children’s Alliance and Victim Center for closure of streets adjacent to 215 W. Railroad Street for the annual hosting of “Celebrate the Child Picnic” on Saturday, April 06, 2024 from 9:00 a.m. to 2:00 p.m. The streets to be closed are N. Benavides from rear of the Library driveway to W. Railroad and W. Railroad from N. Benavides to N. Ann. Presenter is Colin Rangnow**

Police Chief Rangnow advised Council that Maria Watson, of The Harbor Children’s Alliance and Victim Center has made a request for closure of streets adjacent to 215 W. Railroad Street for the annual hosting of “Celebrate the Child Picnic” on Saturday, April 06, 2024 from 10:00 a.m. to 2:00 p.m. The streets to be closed are N. Benavides from rear of the Library driveway to W. Railroad and W. Railroad from N. Benavides to N. Ann.

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 The Harbor Children’s Alliance and Victim Center for closure of streets adjacent to 215 W. Railroad Street for the annual hosting of “Celebrate the Child Picnic” on Saturday, April 01, 2023 from 9:00 a.m. to 2:00 p.m. The streets to be closed are N. Benavides from rear of the Library driveway to W. Railroad and W. Railroad from N. Benavides to N. Ann.

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr

13. **Consider a new revised Interlocal Cooperation Contract (ICC) between the City of Port Lavaca Municipal Court and the Texas Department of Public Safety (DPS) for participating in the Failure to Appear (FTA) Program, due to changes occurring in the 88th Legislative Session. Presenter is Mandy Grant**

City Secretary Grant advised Council to consider approval of a new revised Interlocal Cooperation Contract (ICC) between the City of Port Lavaca Municipal Court and the Texas Department of Public Safety (DPS), for participating in the Failure to Appear (FTA) Program, due to changes occurring in the 88th Legislative Session.

Under the Failure to Appear / Failure to Pay Program, DPS may deny the renewal of a driver license if applicant has failed to appear for a citation or failed to satisfy a judgment ordering the payment of a fine. The driver license may be denied renewal until the reported citations or violations are cleared and reported by the Court to DPS. License is valid for six (6) years for persons between the ages of 18 and 84, but at the age of 85, renewal is every two (2) years.

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 the recommendation of staff, Council hereby approves a new revised Interlocal Cooperation Contract (ICC) between the City of Port Lavaca Municipal Court and the Texas Department of Public Safety (DPS) for participating in the Failure to Appear (FTA) Program, due to changes occurring in the 88th Legislative Session.

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

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr

- 14. **Consider request from the Fire Department to declare City property as Surplus (the old Cascade Compressed Air System) and authorize donation of same to Texas A&M Forest Service Helping Hands Program, who in turn will donate it to the Port O’Connor Beach Volunteer Fire Department. Presenter is Joe Reyes**

Fire Chief Reyes advised Council that the City of Port Lavaca Fire Department has had the old Cascade Compressed Air System in service for over twenty (20) years. Recently, the department purchased a new Mako Breathing Air Compressor system. Staff recommends that the old system be declared surplus and donated to the Texas A&M Forest Service Helping Hands Program, which will in turn donate to the Port O’Connor Volunteer Fire Department.

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 the recommendation of staff, Council hereby approves request from the Fire Department to declare City property as Surplus (old Cascade Compressed Air System) and authorizes donation of same to Texas A&M Forest Service Helping Hands Program, who in turn will donate to the Port O’Connor Fire Department.

Seconded by Councilman District 6 Barr

Voting Yea:

Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr

- 15. **Consider recommendation of the Planning Board for approval of a request from John and Lori Leal of 108 Evening Point, Lot 357, ID 90097, Redfish Retreat Subdivision, for a variance to City Code of Ordinance Chapter 12 Building and Building Regulation, Article II Building Trade Codes, Section 12-24 Building Setbacks. Presenter is Derrick Smith**

Development Services Director Smith advised Council that John and Lori Leal of 108 Evening Point, Lot 357, in the Redfish Retreat Subdivision are requesting a variance to City Code of Ordinance Chapter 12 Building and Building Regulation, Article II Building Trade Codes, Section 12-24 Building Setbacks. Ordinance states that all lots shall have 50 ft building line set back along the front lot line. The Leals are asking for a 25 ft front setback in order to accommodate their new home. The Planning Board agrees to what the HOA of the subdivision allows with a minimum of a 35 ft setback. There is a lake in that area and it is probable that other property owners will also be asking for a variance. They can be brought to Council for variances as a group at a later date when they are ready for construction.

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 the recommendation of staff, Council hereby approves a request from John and Lori Leal of 108 Evening Point, Lot 357, ID 90097, Redfish Retreat Subdivision, for a variance to City Code of Ordinance Chapter 12 Building and Building Regulation, Article II Building Trade Codes, Section 12-24 Building Setbacks, from a 50 ft front setback to 25 ft.

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr

16. **Consider recommendation of Planning Board for approval of a tire and automotive shop to be located on the corner of Independence Dr. and Half League Rd. Property ID 65209 located in the Laurel Acres subdivision. Presenter is Derrick Smith**

Development Services Director Smith advised Council that Adrian Rodriguez, owner of Crossroads Tire Service LLC, is proposing a new tire and automotive shop to be located in the Laurel Acres subdivision. The applicant currently owns and operates multiple service centers in the city of Victoria. The applicant has provided the layout and site plan from a Victoria location for concept review. Tires will be confined and a trailer will pick up weekly or bi-weekly as needed. Oil containment will be plastic polyurethane tanks.

Mr. Adrian Rodriguez, the applicant, was in attendance and stated they are purchasing Bruce’s Auto Shop located on the corner on Austin and Seadrift and this property is for future growth of their company in the next two or three years.

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 the recommendation of the Planning Board and staff, Council approves a tire and automotive shop to be located on the corner of Independence Dr. and Half League Road, property ID 65209, located in the Laurel Acres subdivision.

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Aguirre, Councilman District 3 Tippit, 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**

- **To discuss personnel matters in accordance with Title 5, Section 551.074 of the Texas Government Code (to discuss appointment, employment, evaluation, responsibilities and duties, reassignment, discipline or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee [Interim City Manager]). Presenter is Mayor Whitlow**

Mayor Whitlow announced that Council would retire into closed session at 7:39 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 8:03 p.m.

Motion made by Councilman District 3 Tippit

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

THAT, Council hereby authorizes a five percent (5%) salary increase for Interim City Manager Weaver, beginning next pay period.

Seconded by Councilman District 6 Barr

Voting Yea:

Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr

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 Aguirre, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr

Meeting adjourned at 8:05 p.m.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary