



# CITY COUNCIL REGULAR MEETING

Monday, June 13, 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 13<sup>th</sup> day of June, 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 6:35 p.m. and presided.

### III. INVOCATION

- Former Councilman Ward gave the invocation.

### IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

### V. PRESENTATION(S) by:

- Margaret Somereve, Executive Director, Texas Coalition for Affordable Power (TCAP) and Gary Broz, TCAP Board of Directors.

*Ms. Somereve said “In 2001, the City of Port Lavaca passed a resolution to join with other cities working together for the benefit of all, to form the South Texas Aggregation Project (STAP) to help cities save money on electric bills. Fast forward and the South Texas Aggregation Project and the Cities Aggregation Power Project merged and became TCAP in 2011 with the same purpose, find energy rates that saves its members money and in turn saves tax dollars. With 170 members, TCAP is the largest organization of its kind in Texas.*

*As we continue to celebrate our 20th year, we want to thank our founding members, those members that were there from the start and who have continued to be the leaders in working together for savings.*

*On behalf of the Board of Directors and myself, I want to present this to the City of Port Lavaca as a thank you for your membership in the Texas Coalition for Affordable Power.”*

**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 May 09, 2022 Regular Meeting
- B. Minutes of May 23, 2022 Special and Workshop
- C. Review of the Credit Card Statement
- D. Receive monthly Financial Highlight Report

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 all consent agenda items as listed:

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

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

1. **Call annual corporate meeting to order for Port Lavaca Channel & Dock Company and consider and take any action deemed necessary for adoption of unanimous written consent. Presenter is Mayor Whitlow**

Mayor Whitlow called the annual corporate meeting to order at 7:01 p.m. for Port Lavaca Channel and Dock Company. City Attorney Odefey advised Council that there was no activity and that the slate of Corporate Officers and Registered Agent of Port Lavaca Channel and Dock Company, owned by the City of Port Lavaca remain the same and are as follows:

President	Jack Whitlow,	Mayor
Secretary	Mandy Grant,	City Secretary
Director	Jerry Smith,	Council Member District 1
Director	Tim Dent,	Council Member District 2
Director	Allen Tippit,	Council Member District 3
Director	Rosie Padron,	Council Member District 4
Director	Jim Ward,	Council Member District 5
Director	Ken Barr,	Council Member District 6
Registered Agent	Anne Marie Odefey	City Attorney

Mayor Whitlow adjourned the annual corporate meeting to order at 7:03 p.m.

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 City Attorney, Council hereby accepts any activity taken by the corporation and accepts the slate of Corporate Officers and Registered Agent of Port Lavaca Channel and Dock Company, owned by the City of Port Lavaca, as listed above, for adoption of unanimous written consent.

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

2. **Call annual corporate meeting to order for Clement Cove Harbor Company and consider and take any action deemed necessary for adoption of unanimous written consent. Presenter is Mayor Whitlow**

Mayor Whitlow called the annual corporate meeting to order at 7:04 p.m. for Clement Cove Harbor Company. City Attorney Odefey advised Council that there was no activity and that the slate of Corporate Officers and Registered Agent of Clement Cove Harbor Company, owned by the City of Port Lavaca remain the same and are as follows:

President	Jack Whitlow,	Mayor
Secretary	Mandy Grant,	City Secretary
Director	Jerry Smith,	Council Member District 1
Director	Tim Dent,	Council Member District 2
Director	Allen Tippit,	Council Member District 3
Director	Rosie Padron,	Council Member District 4
Director	Jim Ward,	Council Member District 5
Director	Ken Barr,	Council Member District 6
Registered Agent	Anne Marie Odefey	City Attorney

Mayor Whitlow adjourned the annual corporate meeting to order at 7:05 p.m.

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 City Attorney, Council hereby accepts any activity taken by the corporation and accepts the slate of Corporate Officers and Registered Agent of Clement Cove Harbor Company, owned by the City of Port Lavaca, as listed above, for adoption of unanimous written consent.

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

3. **Consider 2023 proposed Budget from the Calhoun County Appraisal District (CCAD) as required by Sec. 6.06 (A) of the Texas Property Tax Code to the Governing bodies of the Taxing Units within. Presenter is Jesse Hubbell**

Council Members received a 2023 proposed budget report of the Calhoun County Appraisal District (CCAD) from Jesse Hubbell, Chief Appraiser.

No action necessary and none taken.

4. **Consider request of Our Lady of the Gulf Catholic Church for a parade permit to celebrate the National Eucharistic Revival with a “Eucharistic Procession Parade” on Sunday, June 19, 2022 beginning at 7:30 p.m., waiver of parade fees and assistance with traffic control. Presenter is Mandy Grant**

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 grants the request of Our Lady of the Gulf Catholic Church to have their annual Eucharistic Procession parade on Sunday, June 19, 2022 beginning at 7:30 p.m., assistance with traffic control and also waives all applicable fees in connection with this 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 appointment/reappointment of a Municipal Court Judge in accordance with Section 6.03 of the City’s Home Rule Charter to serve for a term of two (2) years and for Council to determine compensation. Presenter is Jody Weaver**

City Secretary Grant advised Council that the term for the current Municipal Court Judge, Raymond B. Perez, would be expiring on June 30, 2022. She said that in accordance with Section 6.03 of the City’s Home Rule Charter, the Municipal Court shall be presided over by a Judge, to serve a term of two (2) years. She advised that Judge Perez was first appointed in June 2016 and he has sent a letter of interest with the desire to be reappointed for another term.

She also stated that in accordance with Section 29.005 of the Government Code Term of Office, if a Municipal Court Judge is not reappointed by the 91st day following the expiration of a term of office, he/she shall continue to serve for another term of office beginning on the date the previous term of office expired.

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 Section 6.03 of the City’s Home Rule Charter stating that the Municipal Court shall be presided over by a Judge, Council hereby reappoints Raymond B. Perez, as Municipal Court Judge, to serve a term of two (2) years commencing on June 30, 2022.

BE IT FURTHER RESOLVED, THAT, compensation for the Municipal Court Judge will be in accordance with the Salary Compensation Study passed and approved by Council at a Special Meeting held on January 25, 2021.

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 First Reading of an Ordinance (G-5-22) amending the ordinance codified and described in the City of Port Lavaca Code of Ordinances as Part II, Appendix A – Fees, Rates and Charges (Chapter 12 – Buildings and Building Regulations, Sec. 12-22(e) Mechanical Contractors – Registration Fee) and providing an effective date. Presenter is Jody Weaver**

Motion made by Councilman District 2 Dent

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-5-22) amending the ordinance codified and described in the City of Port Lavaca Code of Ordinances as Part II, Appendix A – Fees, Rates and Charges (Chapter 12 – Buildings and Building Regulations, Sec. 12-22(e) Mechanical Contractors – Registration Fee).

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

- 7. **Consider request from the Fire Department to declare City property as Surplus (Noncompliant Bunker Gear) and authorize donation of same to Texas A&M Forest Service Helping Hands Program, who in turn will donate to other Departments in need. Presenter is Joe Reyes**

Fire Chief Reyes advised Council that the City of Port Lavaca Fire Department had purchased personal protective equipment (Noncompliant Bunker Gear) ten (10) years ago. He said the Fire Department would like to declare this equipment surplus and donate it to the Texas A&M Forestry Helping Hands Program, which in turn will then donate to other Volunteer Fire Departments in need. He said staff recommends declaring this city property as surplus and authorize donation of same, as presented.

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 approves request from the Fire Department to declare City property as Surplus (Noncompliant Bunker Gear) and authorizes donation of same to Texas A&M Forest Service Helping Hands Program, who in turn will donate to other Volunteer Fire Departments in need.

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 recommendation of Planning Board for a Replat of property identification number 38503 with intent to separate the Buc-ee’s #12 from the TDECU Bank and provide legal lots for each; to-wit: A0035 Maximo Sanchez, Tract PT 33, Acres 2.82, Acres Total & A0034 Felix Sanchez, Tract PT 29 Westerlund Subdivision. Presenter Is Jody Weaver**

Fire Chief Reyes advised Council that the intent of this replat of property 38503 is to separate the Buc-ee’s #12 from the TDECU bank and provide legal lots for each.

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

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 the Replat of property identification number 38503 with intent to separate the Buc-ee’s #12 from the TDECU Bank and provide legal lots for each; to-wit: A0035 Maximo Sanchez, Tract PT 33, Acres 2.82, Acres Total & A0034 Felix Sanchez, Tract PT 29 Westerlund Subdivision.

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

- 9. **Consider amendments to the City of Port Lavaca HR and Workplace Policies Chapter 5 Compensation, Section 5.07 Incentive Pay Program by adding certification pay for a Licensed Herbicide/Pesticide Applicator at \$150.00 per month. Presenter is Jody Weaver**

Public Water Director Shaffer advised Council that certification pay is offered for Water and Wastewater Operators certification in which public and environmental safety is of importance. On that basis, public and environmental safety is also of importance in Herbicide and Pesticide control and abatement. Several Federal and State guidelines govern the application of Herbicides/Pesticides to protect Flora and Fauna, both land based and aquatic, and therefore required operators to be certified in the usage and application. The laws and regulations and ensuing test are equivalent to the knowledge needed to acquire the “B” Water/Wastewater license.

Staff recommends amending the certification pay to reflect Herbicide/Pesticide Applicator License Holders at \$150.00 per/month for the Recreation and Parks Department.

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 amends to the City of Port Lavaca HR and Workplace Policies Chapter 5 Compensation, Section 5.07 Incentive Pay Program by adding certification pay for a Licensed Herbicide/Pesticide Applicator at \$150.00 per month for the Recreation and Parks Department.

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

10. **Consider approving Third Amendment to Ad Valorem Tax Rebate Agreement entered between Ho Enterprises, LLC and the City of Port Lavaca dated July 18, 2018. Presenter is Jody Weaver**

*(Interim City Manager Weaver was not in attendance but connected via Zoom).*

City Attorney Odefey presented agenda item to Council on behalf of Weaver. She introduced Mr. Scott Gilbert of Century Complete Homes and he gave a presentation on new homes in that subdivision.

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 City Attorney and staff, Council hereby approves the Third Amendment to Ad Valorem Tax Rebate Agreement entered between Ho Enterprises, LLC and the City of Port Lavaca dated July 18, 2018, 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 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. **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.

12. **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 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

Meeting adjourned at 7:24 p.m.

These minutes were approved on July 11, 2022.

ATTEST:

\_\_\_\_\_  
Jack Whitlow, Mayor

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