



CITY COUNCIL REGULAR MEETING

Monday, March 13, 2023 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 13th day of March, 2023, 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 Tippet	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 6:33 p.m. and presided.

III. INVOCATION

- Councilman Ward gave the invocation.

IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

V. PRESENTATION(S) None

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 by logging on with your computer and using “Join Zoom Meeting” information on first page of this agenda).

- 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 13, 2023 Regular Meeting
- B. Review of Credit Card Statement
- C. Receive Monthly Financial Highlight Report

Motion made by Councilman District 6 Barr

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

THAT, in accordance with recommendation of staff, Council hereby approves all consent agenda items as listed.

Seconded by Councilman District 5 Ward

Voting Yea:

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

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

1. **Consider request of Pastor Mike Bender from the Cowboy Fellowship of Port Lavaca Church for the use of Bayfront Peninsula Park Pavilion for an Easter Sunday Sunrise Service on April 09, 2023 from 6:00 a.m. to 12:00 p.m. and waive any fees associated with the event. Presenter is Wayne Shaffer**

Interim City Manager Weaver presented this item and advised Council that Pastor Mike Bender from the Cowboy Fellowship of Port Lavaca Church has requested the use of Bayfront Peninsula Park Pavilion for an Easter Sunday Sunrise Service on April 09, 2023 from 6:00 a.m. to 12:00 p.m. and waive any fees associated with the event.

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 staff, Council hereby approves request of Pastor Mike Bender from the Cowboy Fellowship of Port Lavaca Church for the use of Bayfront Peninsula Park Pavilion for an Easter Sunday Sunrise Service on April 09, 2023 from 6:00 a.m. to 12:00 p.m. and waive any fees associated with the event.

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. **Consider request of Our Lady of the Gulf Catholic Church to host a walking procession on “Good Friday,” April 07, 2023, from 12:00 p.m. to 2:00 p.m., assistance with traffic control from the Police Department and waive any fees associated with the event. Presenter is Colin Rangnow**

Police Chief Rangnow advised Council that Our Lady of the Gulf Catholic Church has requested to host a walking procession on “Good Friday,” April 07, 2023, from 12:00 p.m. to 2:00 p.m., assistance with traffic control from the Police Department and waive any fees associated with the 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, in accordance with recommendation of staff, Council hereby approves request of Our Lady of the Gulf Catholic Church to host a walking procession on “Good Friday,” April 07, 2023, from 12:00 p.m. to 2:00 p.m., assistance with traffic control from the Police Department and waive any fees associated with 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

3. **Consider agreement for the temporary closure of State Right-of-Way with Texas Department of Transportation (TxDOT) to close Main Street between Virginia and Commerce Streets for the Iguana Fest, from 6:00 a.m. Saturday, April 01, 2023 to Noon on Sunday, April 02, 2023. Presenter is Tania French**

Tania French, Events Coordinator, advised Council that after being the first community event canceled during 2020 as a result of COVID - 19, Iguana Fest makes its return this year on Saturday, April 1. As in previous years, council approval is required to make application to Texas Department of Transportation (TxDOT) for temporary closure of Main Street between Virginia and Commerce Streets for the Iguana Fest, from 6:00 a.m. Saturday, April 01, 2023 to Noon on Sunday, April 02, 2023. While the event is from 4:00 p.m. to 11:00 p.m. on the first the additional time requested allows for us to safely bring in the stage and set up and also break down the event before reopening the street.

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 agreement for the temporary closure of State Right-of-Way with Texas Department of Transportation (TxDOT) to close Main Street between Virginia and Commerce Streets for the Iguana Fest, from 6:00 a.m. Saturday, April 01, 2023 to Noon on Sunday, April 02, 2023.

Seconded by Councilman District 2 Dent

Voting Yea:

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

4. **Consider temporary closure of Colorado and Guadalupe streets between Railroad and Live Oak streets on Saturday, April 01, 2023 for Iguana Fest. Presenter is Tania French**

Tania French, Events Coordinator, advised Council that in addition to the TXDOT application mentioned in the prior agenda item, they requesting temporary closure of Colorado and Guadalupe streets between Railroad and Live Oak streets on Saturday, April 01, 2023 as needed for the 2023 Iguana Fest.

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 approves temporary closure of Colorado and Guadalupe streets between Railroad and Live Oak streets on Saturday, April 01, 2023 as needed for the 2023 Iguana Fest.

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

5. **Consider moving Juneteenth Celebration scheduled for June 16 thru June 18, 2023 from George Adams Park to the Bayfront Peninsula Park and waive any fees associated with the event, except the Alcohol-in-Park-Permit fee. Presenter is Tania French**

Events Coordinator French advised Council that due to the uncertain status of the drainage construction near George Adams Park during June, council is requested to consider moving the Juneteenth Celebration from George Adams Park to the Bayfront Peninsula Park, June 16, 2023 thru June-18, 2023 and waive any fees associated with the event.

She and Interim City Manager Weaver met with representatives of Calhoun Citizens in Action (CCIA) committee and Wilkin's Alumni and all are agreeable that we can work together to make this switch and allow the 2023 event to be successful and welcoming to all in the community.

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 moving Juneteenth Celebration scheduled for June 16 thru June 18, 2023 from George Adams Park to the Bayfront Peninsula Park and waive any fees associated with the event, except the Alcohol-in-Park-Permit fee.

Seconded by Councilman District 5 Ward

Voting Yea:

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

6. **Receive certification of City Secretary that the candidate for the Single District #3 position, in the May 06, 2023 General Officers Election, is 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 06, 2023 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 6 de Mayo de 2023*).

I further certify that no proposition is to appear on the ballot for the May 06, 2023 election, no person has made a declaration of write-in candidacy, and the following candidate is unopposed:
(*Certifico más lejos que no hay asunto aparecer en la balota para la elección del 6 de Mayo de 2023, ninguna persona he hecho un declaración de candidatura inscrita, y el candidato siguiente esta sin oposición*):

OFFICE (CARGO)

CANDIDATE (CANDIDATO)

Council Member, District #3 (*Miembro de Consejo, Distrito #3*)

Allen Tippit

No action necessary and none taken.

7. **Consider adopting an order canceling part of the May 06, 2023 General Officers Election, specifically the Single District #3 position and declaring unopposed candidate, Allen Tippit, duly elected as Council Member. 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 06, 2023 in accordance with Section 2.053(a) of the Texas Election Code. The named candidate has been certified as unopposed and is hereby declared elected:

(El consejo de la ciudad de Port Lavaca, Texas cancela por este medio la elección programar para ser sostenido el 6 de Mayo de 2023 de acuerdo con la sección 2.053 (a) del código de la elección de Texas. Han certificado como sin oposición y por este medio se declara al candidato nombrado elegido):

CANDIDATE (CANDIDATO)	OFFICE (OFICINA)	TERM (TÉRMINO)
Allen Tippit	Council Member, District #3 (Miembro de consejo, distrito #3)	3 years 3 años

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, the General Officers Election including any proposition scheduled to be held on May 06, 2023, is hereby cancelled, in accordance with Section 2.053(a) of the Texas Election Code. The named candidate has been certified as unopposed and is hereby elected as follows:

Allen Tippit	Council Member, District #3 (Miembro de consejo, distrito #3)	3 years 3 años
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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

8. **Consider Lease Agreement with Calhoun County for use of Electronic Voting Equipment for the City of Port Lavaca General Officers Election held on the uniform date of May 06, 2023. Presenter is Mandy Grant**

City Secretary Grant advised Council that Election Laws require that electronic voting devices be made available to voters. Costs related to these services include expenses related to seven (7) days of early voting and also for voting on Election Day for a total of eight (8) days. The lease proposal for the use of Calhoun County's Electronic Voting Equipment in connection with the May 06, 2023 City of Port Lavaca General Elections would be approximately \$798.00 and this amount has been budgeted for this fiscal year. Staff recommends Council approve 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, in accordance with the recommendation of staff, Council hereby approves a lease agreement with Calhoun County Elections for the use of Electronic Voting Equipment in connection with the May 06, 2023 City of Port Lavaca General Elections, in the amount of \$798.00, a copy of which is on file in the office of the City Secretary, and reference to which is here made for any and all purposes.

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

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

9. **Consider Resolution No. R-031323-1E of the City of Port Lavaca to appoint Election Judges for the City's General Officers Election held on the uniform date of May 06, 2023. 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 06, 2023 by Resolution #R-010923-1E adopted on January 09, 2023.

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 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

10. **Consider recommendation of the City's Court Security Committee to contract with U. S. Court Security Concepts, LLC for a security assessment of City Hall for a fee of \$5,000.00 and consider authorization from Council to pay this expenditure from the Building Security Fund. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the Court Security Committee recently met and is recommending to contract with U.S. Court Security Concepts, LLC of San Angelo, Texas to perform a Security Assessment of not only City Hall chambers when it serves as our courtroom, but also the entirety of City Hall. She spoke with their representative, Mr. Randy Harris, and he can perform this assessment and prepare a report for a fee of \$5,000.00. Weaver said there is an additional fee if we later would like him to make a presentation to Council.

The Court Security Committee is requesting authorization from Council to use the Building Security Funds to pay for this consulting fee. Staff recommends approval of this request.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with the recommendation of the City's Court Security Committee, Council hereby approves contracting with U. S. Court Security Concepts, LLC for a security assessment of City Hall for a fee of \$5,000.00.

BE IT FURTHER RESOLVED, that authorization from Council is given to pay this expenditure from the Building Security Fund.

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

11. **Consider recommendation of the City's Court Security Committee to amend the City of Port Lavaca HR and Workplace Policies Chapter 5 Compensation, Section 5.07 Incentive Pay Program by adding certification pay for Court Bailiffs at \$50.00 month and consider authorization from Council to pay this expenditure from the Building Security Fund. Presenter is Mandy Grant**

City Secretary Grant advised Council that the Court Security Committee met on February 02, 2023 and Chairman, Judge Raymond B. Perez, formed an Ad Hoc Committee consisting of Councilman Dent and City Secretary Grant to meet with Interim City Manager Weaver and Human Resources Garza to discuss an amendment to the HR and Workplace Policies Chapter 5 Compensation, Section 5.07 Incentive Pay Program by adding certification pay for Court Bailiffs.

The Court Ad Hoc Committee met on February 20, 2023 with Weaver and Finance Director Lang. It was the consensus of all that the amount recommended will be \$50.00 per month. Proof of Original Certification and annual Renewal Certification will be provided to Human Resources (HR) in order to be eligible for payment. HR may require Department Head to turn in a Personnel Change Record (PCR).

Finance Director Lang provided an analysis of the Court Building Security Fund paying for three (3) Certified Court Bailiffs and showed that a \$50.00 per month payment should be sustainable using only these funds. Authorization from Council is required to fund the certification pay from the Court Building Security Fund.

Staff recommends approval of amendment to the HR Policy to add certification pay for the Court Bailiffs and authorization from Council to fund the certification pay from the Court Building Security Fund.

Motion made by Councilman District 2 Dent

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

THAT, Council hereby approves recommendation of the City's Court Security Committee to amend the City of Port Lavaca HR and Workplace Policies Chapter 5 Compensation, Section 5.07 Incentive Pay Program by adding certification pay for Court Bailiffs at \$50.00 month.

BE IT FURTHER RESOLVED, that authorization from Council is given to pay this expenditure from the Building Security Fund.

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

12. **Consider addition of the new Job Class/Title of Police Cadet within the City's Compensation Plan. Presenter is Susan Lang**

Police Chief Rangnow presented this item and advised Council that the City has a contract in place that has been approved by the City Attorney, for recruiting purposes, to reimburse for training and expenses, which also addresses full-time pay, however we realized that we need to amend the City's salary structure in order to accommodate for the Cadet position. The Cadet position is only to be used in place of a vacant Police Officer position and will not increase the number of full-time positions budgeted for the City. Staff recommends approving this addition.

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 addition of the new Job Class/Title of Police Cadet within the City's Compensation Plan.

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr

Voting Nay:

Councilwoman District 4 (Mayor Pro Tem) Padron

13. **Consider City of Port Lavaca's annual optional Homestead Tax exemption within the Calhoun County Appraisal District for the 2023 tax year. Presenter is Susan Lang**

Interim City Manager Weaver advised Council that each year, the governing bodies are asked to review their Optional Homestead, 65 and Over, and Disable Person exemptions for the coming tax year. Calhoun County's appraisal district has asked that we notify the appraisal district no later than April 1, 2023, if any changes are to be made for the 2023 tax year.

The appraisal district has provided a comparison of 2022 Tax Rates and Entity Exemptions of surrounding jurisdictions for your review, and staff has created some additional information from which you may find helpful.

Local Optional Homestead Exemption:

Just as the title says, this exemption is optional, and is up to the local jurisdiction to determine (within the guidelines of the State Legislature) the amount of exemption granted. Fiscal Year 2022-23 is the third year for the City to grant this optional exemption on a principal residence at the rate of 10%. Sixty percent (60%) of Single Family residences in the City take advantage of this generous exemption. This exemption affords homeowners, collectively, with \$29,447,872 in reduced value against their property taxes, which amounts to 7% of the City's total taxable property values, which is an increase of 2% from the previous year. For the average homestead, the reduction amounts to a savings of \$87.65 per year in property taxes. For the City, this exemption reduces the property tax revenue by over \$230,000 each year.

The City has the option to grant the Homestead exemption up to a maximum of 20%, but the minimum exemption cannot be less than \$5,000, if granted. Meaning, if the value of a Homestead is such that the current 10% exemption only grants \$3,500 in exempt value, the exemption, by default, will amount to \$5,000 as a minimum.

Local Optional 65 and Over Exemption:

This optional exemption may be increased or decreased with little oversight from the State Legislature. The City currently grants \$10,000 for individuals over 65 as an additional exemption, which matches the required mandatory exemption imposed on school districts. Approximately 25% of the City's single family residential properties receive the exemption, which amounts to over \$70,000 in reduced property tax revenue to the City each year.

The optional 65 and Over exemption reduces the taxable property values by two percent (2%) each year. Individuals receiving this exemption receive a \$79 reduction in property taxes each year. We have provided eight (8) years of trending information for each option for your review, and we hope this information will be useful for this year's decision-making effort.

Staff recommends the City adopts the existing exemptions for both Homestead at 10% and 65 and Over at \$10,000 which are the same as last year.

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 adopts the existing exemptions for both Homestead at 10% and 65 and Over at \$10,000 which are the same as last year.

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

Mayor Whitlow announced that City Council would have a recess at 8:04 p.m.

Mayor Whitlow announced that City Council was back at session at 8:09 p.m.

14. **Consider Resolution No. R-031323-2 of the City of Port Lavaca appointing a Chief Appraiser to Calculate Taxes for the 2023 tax year. Presenter is Susan Lang**

Motion made by Councilman District 1 Smith

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

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

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

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Port Lavaca to appoint the Chief Appraiser of the Calhoun County Appraisal District or his/her designee, being duly registered and qualified to perform such calculations for the City of Port Lavaca for the 2023 tax roll.

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

15. **Consider Community-wide Housing Analysis performed regarding impediments to fair housing for the City of Port Lavaca. Presenter is Jody Weaver**

Interim City Manager introduced Kevin Carruth, GrantWorks Client Services Manager, and he spoke with Council about the Community-wide Housing Analysis performed regarding impediments to fair housing for the City of Port Lavaca, a copy of which is in the office of the City Secretary, in its entirety.

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 City Attorney, Council hereby receives and accepts the Community-wide Housing Analysis performed regarding impediments to fair housing for the City of Port Lavaca.

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

16. **Consider Resolution No. R-031323-3 of the City of Port Lavaca declaring April as Fair Housing Month. Presenter is Susan Lang**

Motion made by Councilman District 5 Ward

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 Fair Housing Month in City of Port Lavaca and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.

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

17. **Consider Resolution No. R-031323-4 of the City of Port Lavaca suspending the May 01, 2023 effective date of the proposal by CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy Texas Gas – South Texas Division to Implement Interim Grip Rate Adjustments for Gas Utility Investment in 2021 and requiring delivery of this resolution to the Company and Legal Counsel. Presenter is Anne Marie Odefey**

Motion made by Councilman District 2 Dent

WHEREAS, the City of Port Lavaca, Texas (“City”) is a gas utility customer of CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy South Texas Division, (“CenterPoint” or “the Company”) and a regulatory authority with an interest in the rates and charges of CenterPoint; and

WHEREAS, CenterPoint made filings with the City and the Railroad Commission of Texas (“Railroad Commission”) on March 02, 2023, proposing to implement interim rate adjustments (“GRIP Rate Increases”) pursuant to Texas Utilities Code § 104.301 on all customers served by CenterPoint, effective May 01, 2023; and

WHEREAS, it is incumbent upon the City, as a regulatory authority, to examine the GRIP Rate Increases to determine its compliance with the Texas Utilities Code.

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

1. The May 01, 2023, effective date of the GRIP Rate Increases proposed by CenterPoint is hereby suspended for the maximum period allowed by Texas Utilities Code § 104.301(a) to permit adequate time to review the proposed increases, analyze all necessary information, and take appropriate action related to the proposed increases.
2. A copy of this Resolution shall be sent to CenterPoint, care of Keith L. Wall. at 1111 Louisiana Street, CNP Tower 19th Floor, Houston, Texas 77002 and to Thomas Brocato, legal counsel to the City, at Lloyd Gosselink, 816 Congress Ave., Suite 1900, Austin, Texas 78701.

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

18. **Consider Resolution No. R-031323-5 of the City of Port Lavaca expressing its support of the Matagorda Bay Ship Channel Expansion Project. Presenter is Mayor Whitlow**

The following persons spoke in regards to the Matagorda Bay Ship Channel Expansion Project:

- Charles Hauseman
- Captain Larry Robinson
- Richard Meyer, Calhoun County Judge

Motion made by Councilman District 5 Ward

WHEREAS, on Wednesday, March 8, 2023, the Calhoun County Commissioner's Court unanimously passed a resolution expressing its support for the deepening and widening project of the Matagorda Bay Ship Channel; and

WHEREAS, the City Council of the City of Port Lavaca concurs with this resolution adopted by the Calhoun County Commissioner's Court; and

WHEREAS, the Matagorda Ship Channel is currently ranked by the Coast Guard's Ports and Waterways Safety Assessment (PAWSA) as the 3rd most dangerous ship channel in the United States, with the most dangerous currents (US Coast Guard 2001); and

WHEREAS, the deepening and widening of the ship channel will also provide for repair and rebuilding of the dangerous entrance channel which will make it safer for vessels and reduce the risk of accidents which might put the environmental integrity of Matagorda Bay at risk; and

WHEREAS, Chester Island, which is home to various water birds, such as the brown pelican and roseate spoonbill, will greatly benefit from the dredge spoils of this project with planned coordination between local members of the National Audubon Society and the Army Corps of Engineers; and

WHEREAS, the deepening and widening project will have a large economic impact on the entire region and provide a positive environmental impact to Matagorda and Lavaca Bays with improvements to oyster beds, bird habitat and wetland areas; and

WHEREAS, the City of Port Lavaca is the closest city to the Calhoun Port Authority with major retail businesses and hotels and will receive a great economic boost from this project.

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

THAT the City of Port Lavaca does hereby express its support for the deepening and widening project of the Matagorda Bay Ship Channel.

Seconded by Councilman District 6 Barr

Voting Yea:

Councilman District 1 Smith, Councilman District 2 Dent, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

Voting Nay:

Councilman District 3 Tippit

19. **Consider Second and Final Reading of an Ordinance (G-1-23) of the City of Port Lavaca amending the Code of Ordinances, Part II, Appendix A – Fees, Rates and Charges (Chapter 22 – Fire Prevention and Protection, Sec. 22 Construction Permits) and providing an effective date. Presenter is Derrick Smith**

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 Second and Final Reading of an Ordinance (G-1-23) of the City of Port Lavaca amending the Code of Ordinances, Part II, Appendix A – Fees, Rates and Charges (Chapter 22 – Fire Prevention and Protection, Sec. 22 Construction Permits) and providing an effective date.

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

20. **Consider award of Construction Contract for the new Illuminated Outdoor Signs at the Bauer Community Center and at City Hall. Presenter is Derrick Smith**

Development Services Director Smith and Interim City Manager Weaver advised Council that there is \$50,000 budgeted in the Capital Improvement plan to replace the message board at the Bauer Community Center. A bid package was created to advertise for competitive bids for this project and include new signs for City Hall as a separate bid item. Because we are already over budget, we are not recommending to go with the higher priced 10 mm display, understanding that the 16 mm is sufficient for quality text, graphics and video for vehicular traffic viewing.

As part of the City Hall upgrade project, we are providing electrical service to the three entrances to City Hall with hopes of replacing the City Hall signs with back-lit lettering. The Low Bidder for these signs was also Unity Signs Systems, LLC with a bid of \$29,250.00 for all three signs. We can deduct \$1,500 from the total if both bids (Bauer and City Hall) are awarded to Unity Signs.

Staff recommends the following:

1. Awarding a contract to Unity Signs Systems, LLC to replace the message board at the Bauer Community Center for the Base Bid amount of \$58,472.00, which will require \$8,472.00 from General Fund Reserves.

2. The award of the City Hall Improvement project required funds from General Fund reserves in the amount of \$19,500; therefore, there are no funds budgeted for these new City Hall signs. One option is to put the old lettering back up for now and budget for this next year, or go ahead and award this contract now using reserve funds. A contract award now would cost \$29,250 less the \$1,500 offered deduct for a total cost of \$27,750.00.
3. Believing that a postponement to next Fiscal year would likely increase cost, staff recommends an award of Bid Items 1 and 2 with the offered deduct for awarding both projects, for a total of contract amount of \$86,222.00.

Bauer Community Center Message Board

Item No.	Bidders:	Atlas Sign Services, Inc.	Fusion LED Inc. dba Sign Express	Comet Signs, LLC	Utility Signs Systems, LLC
1	Remove existing double sided message board and install NEW double sided all color 16 mm LED electronic message board with lifetime communication and lifetime data plan. Size to match existing.	\$ 69,800.00	\$ 57,745.89	\$ 75,098.00	\$ 58,472.00
1A	Additional cost for 10 mm (in lieu of specified 16mm)	\$ 6,100.00	\$ 8,802.46	\$ 6,837.00	\$ 6,178.00
	Subtotal for Bauer Sign (Item 1 plus 1A)	\$ 75,900.00	\$ 66,548.35	\$ 81,935.00	\$ 64,650.00

City Hall Exterior Signs (Total of 3)

	Unit Price per Sign	\$ 15,616.67	\$ 13,374.50	\$ 13,731.33	\$ 9,750.00
2	Install NEW LED backlit Halo Logo and Lettering on City Hall building per plans. Total Price for 3 Signs.	\$ 46,850.00	\$ 40,122.15	\$ 41,194.00	\$ 29,250.00
	TOTAL OF BID ITEMS 1 AND 2	\$116,650.00	\$ 97,868.04	\$116,292.00	\$ 87,722.00
	TOTAL OF BID ITEMS 1+1A+2	\$122,750.00	\$106,670.50	\$123,129.00	\$ 93,900.00
3	If Bidder is awarded a contract for both the Bauer Community Center Message Board AND the City Hall Exterior Signs, then deduct the following amount from the sum of Bid Items 1 and 2.	\$ 0.00	\$ 0.00	\$ 4,140.00	\$ 1,500.00

HIGHEST AMOUNT BID on which the 5% Bid Bond is based.

	(Sum of Bid Items: 1+2-3)	\$116,650.00	\$ 97,868.04	\$112,152.00	\$ 86,222.00
	TOTAL OF BID ITEMS 1+1A+2-3	\$122,750.00	\$106,670.50	\$118,989.00	\$ 92,400.00
	BID BOND	5%	No Bid Bond	5%	\$ 4,312.00
	CALENDAR DAYS	130		180	See Note*

**Note for calendar days (Unity Signs Systems, LLC):*

60 days (but may be up to 16 weeks delivery of message board due to supply chain issues).

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 Bid Items No. 1, 1A, 2 and 3 for the new Illuminated Outdoor Signs at the Bauer Community Center and at City Hall and awards Construction Contract to Unity Signs Systems, LLC, in the sum of \$92,400.00 with calendar days stated in bid, upon 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 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

21. Consider the recommendation of the Planning Board for a three-lot Preliminary and Final Plat, The De La Rosa Subdivision, CAD PIN #18025 and CAD PIN #18032, generally located at the corner of Juanita Street and Center Street. Presenter is Derrick Smith

Development Services Director Smith advised Council that the owners of CAD PIN 18025 and CAD PIN 18032 have sold Mr. Delarosa a portion of their lots. The portion sold was being unused due to a drainage ditch running through the property. Mr. Delarosa is wanting to use the property as a lay-down yard for his construction business. He plans to place a metal carport there to cover his tractors and materials. The area will be fenced with an access gate. Applicant has adhered to the proper subdivision plat submittal and review procedural process prior to presentation before the Planning Board. The Planning Board and Staff recommends approval of the three-lot Preliminary and Final plat, De La Rosa Subdivision.

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 hereby approves the request for a three-lot Preliminary and Final Plat, The De La Rosa Subdivision, CAD PIN #18025 and CAD PIN #18032, generally located at the corner of Juanita Street and Center Street.

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

22. **Consider the recommendation of the Planning Board for a Final Plat, PVS PL Hanuman LLC Subdivision, located north of SH 35 and east of Village Road; the property identification for this site is 93150 with the parcel containing 2.18 acres situated in the Alejandro Esparza Survey, Abstract No. 12 of Calhoun County, Texas and being a part of the same property shown as 3.079 acres in Express Inn Port Lavaca Subdivision. Presenter is Derrick Smith**

Development Services Director Smith advised Council that the applicant has prepared plans to construct a new motel at this location. Motel would be located next to the Whataburger on Hwy 35 North. This area is well suited to support a new motel and the plat serves as the legal location for the proposed motel. The preliminary plat of this property had been approved at the February 13, 2023 regular scheduled council meeting. The applicant is now ready to have the final plat approved as recommended by the Planning Board and staff.

Motion made by 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 the Planning Board and staff, Council hereby approves the request for a Final Plat, PVS PL Hanuman LLC Subdivision, located north of SH 35 and east of Village Road; the property identification for this site is 93150 with the parcel containing 2.18 acres situated in the Alejandro Esparza Survey, Abstract No. 12 of Calhoun County, Texas and being a part of the same property shown as 3.079 acres in Express Inn Port Lavaca Subdivision.

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

23. **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 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. Presenter is Jody Weaver**

Interim City Manager Weaver 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 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. She said that in the past, this event was held at the Bayfront Peninsula, but due to COVID they have not been able to have it for the past 2 years.

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 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 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

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 8:48 p.m.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary