



CITY COUNCIL REGULAR MEETING

Monday, February 10, 2025 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 10th day of February 2025, 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 |
| Tim Dent | Councilman, District 2 |
| Allen Tippit | Councilman, District 3 |
| Rosie G. Padron | Councilwoman, District 4, Mayor Pro Tem |
| Jim Ward | Councilman, District 5 |
| Justin Burke | Councilman, District 6 |

And with the following absent: None

*Councilman Aguirre left the meeting at 8:47 p.m. during agenda item #17 Closed Session

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 6:39 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

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.*

- o 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 January 13, 2025 Regular Meeting**
- B. Review of Credit Card Statement**
- C. Receive Monthly Financial Highlight Report**
- D. Receive Victoria Economic Development Corporation (VEDC) Monthly Report**
- E. Receive Quarterly Investment Report for period 10.01.2024 to 12.31.2024**
- F. Receive Quarterly Report from the Public Works 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 recommendation of staff, Council hereby approves all consent agenda items as listed.

Seconded by Councilman District 3 Tippit

Voting Yea:

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

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

1. **Conduct Public Hearing in accordance with the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, Section 12-291 - Notice (a) and (b), for the following properties listed:**

- (a) 603 Knipling
- (b) 604 S. Juanita Street
- (c) 813 Hackberry

Mayor opened public hearing at 6:42 p.m.

Mayor closed the public hearing at 7:09 p.m.

No action necessary and none taken.

2. **Consider finding that the following properties listed, located in the City of Port Lavaca, Texas, are in violation of the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, following a Public Hearing held on February 10, 2025: Presenter is Derrick Smith**

- (a) 603 Knipling
- (b) 604 S. Juanita Street
- (c) 813 Hackberry

Motion made by Councilman District 5 Ward

(a) 603 Knipling Street (Case #125)

Staff is recommending Council declare this property substandard and allow the property owner ten (10) days to provide a detailed plan for repair or demolition to Development Services. In addition to the plan, the building must be secured for safety precautions. If substantial improvements are not made within ninety (90) days, then Council authorizes staff to proceed with demolition and placing a lien on the property. Steve Padron was in attendance for comments.

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 finds that the following property listed, 603 Knipling Street (Case #125), located in the City of Port Lavaca, Texas, is declared substandard, being in violation of the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, following a Public Hearing held on February 10, 2025. Steve Padron was in attendance for comments.

BE IT FURTHER RESOLVED, THAT the property owners/heirs will be allowed ten (10) days to provide a detailed plan for repair or demolition to Development Services and in addition to the plan, the building must be secured for safety precautions. If substantial improvements are not made within ninety (90) days, then Council authorizes staff to proceed with demolition and place a lien on the property.

Seconded by Councilman District 5 Ward

Voting Yea:

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

(b) 604 S. Juanita Street (Case #124)

Staff is recommending Council declare this property substandard and allow the property owner ten (10) days to provide a detailed plan for repair or demolition to Development Services.

In addition to the plan, the building must be secured for safety precautions. If substantial improvements are not made within ninety (90) days, then Council authorizes staff to proceed with demolition and placing a lien on the property.

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 finds that the following property listed, 604 S. Juanita Street (Case #124), located in the City of Port Lavaca, Texas, is declared substandard, being in violation of the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, following a Public Hearing held on February 10, 2025.

BE IT FURTHER RESOLVED, THAT the property owners/heirs will be allowed ten (10) days to provide a detailed plan for repair or demolition to Development Services and in addition to the plan, the building must be secured for safety precautions. If substantial improvements are not made within ninety (90) days, then Council authorizes staff to make a request to the Calhoun County Appraisal District to remove the Homestead status to this property, in order to proceed with demolition and placing a lien on the property.

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

(c) 813 Hackberry (Case #123)

Staff is recommending Council declare this property substandard and allow the property owner ten (10) days to provide a detailed plan for repair or demolition to Development Services. If substantial improvements are not made within ninety (90) days, then Council authorizes staff to proceed with demolition and placing a lien on the property.

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 finds that the following property listed, 813 Hackberry (Case #123), located in the City of Port Lavaca, Texas, is declared substandard, being in violation of the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, following a Public Hearing held on February 10, 2025.

BE IT FURTHER RESOLVED, THAT the property owners/heirs will be allowed ten (10) days to provide a detailed plan for repair or demolition to Development Services and in addition to the plan, the building must be secured for safety precautions. If substantial improvements are not made within thirty (30) days, then Council authorizes staff to proceed with demolition and place a lien on the property.

Seconded by Councilman District 6 Burke

Voting Yea:

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

- 3. **Consider request from American Legion Post 167 to reinstitute the Memorial Day and Flag Retirement Ceremony at Bayfront Peninsula Park, including use of the Veteran’s Memorial and large pavilion on Monday, May 26, 2025 and waiver of all associated fee. Presenter is Tania French**

Tania French, Events Coordinator advised Council that she recently met with representatives from the American Legion Post 167, where they expressed their interest in reinstating the annual Memorial Day Ceremony and Flag Retirement Ceremony. Originally, they considered holding the event on Saturday, May 24; however, I informed them of a scheduling conflict with another city event. After discussion, they agreed that Monday, May 26 - Memorial Day proper - would be a more appropriate date. The event will honor fallen service members and provide the community an opportunity to retire unserviceable flags respectfully. While the event details are still being finalized, the plan includes utilizing the Veteran’s Memorial and the large pavilion at Bayfront Peninsula Park. The American Legion Post 167 respectfully requests the use of the park facilities and a waiver of any associated fees.

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 from American Legion Post 167 to reinstitute the Memorial Day and Flag Retirement Ceremony at Bayfront Peninsula Park, including use of the Veteran’s Memorial and large pavilion on Monday, May 26, 2025, and also request waiver of regular fees associated with event.

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

- 4. **Consider recommendation of the Recreation and Parks Board to amend the maximum stay-limit for the Hillside RV spaces at the Lighthouse Beach Campground. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that at the January Parks Board Meeting the following information was reviewed and discussed:

The Parks Board made a recommendation to City Council to reinstate the 6 month stay limit for the Hillside RV spaces at the Lighthouse Beach Campground.

Below is Copied from the memo issued to the Parks Board:

Current position:

Attached please find a copy of the report showing the Monthly Occupancy Rates and Total Revenue for the Lighthouse Beach Campground since August 2024 when the new rates went into effect. The spreadsheet shows a comparison of the same data from 2024 and 2023. As you can see there has been a dramatic decline in revenue since the rates and allowable stay were changed. The revenue generated over the past 5 months is over \$41K less than over the same period in 2023.

I have attached the information that was reviewed at the time the rates were adjusted last summer as well as a copy of the changes that were made to the ordinance in June of 2023.

Plans in the works for improvement:

- We have struggled to find additional quotes for the automatic gate system. so we have decided that we must put a bid package together and put the bid out as a competitive bid. We anticipate receiving just the one bid, but regardless we will be able to award a contract as a result of this published solicitation. I am working on that bid package now with the hopes of bidding it out within the next two weeks.
- Tania is working on a new ad in Texas Highways Magazine for Port Lavaca that will focus more on the Campground.
- Tania is also working on a new billboard that is used when other events are not advertised that will provide focus on the campground.
- I need to gather some photos of the RV park full which may require purchasing some from photographers.

Even with the plans underway to better promote the campground, it will take time to see results. The current financial situation is not sustainable. I would like the Parks Board to discuss the option of making a recommendation to Council to reinstate the 6-month stay limit and see if that makes a positive difference. If we again receive pushback from other RV Parks, we can reconsider the policy once we start receiving revenue from the automatic gate system.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with recommendation of the Recreation and Parks Board and staff, Council hereby approves reinstating the 6 month stay limit for the Hillside RV spaces at the Lighthouse Beach Campground.

Seconded by Councilman District 6 Burke

Voting Yea:

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

5. **Consider Agreement between the City of Port Lavaca and the Calhoun County YMCA for Operation of the City Pool (April 1, 2025 - Sept 30, 2025). Presenter is Wayne Shaffer**

Public Director Shaffer advised Council that the proposed 2025 Pool Management agreement is the same as the 2024 agreement, except item 6 adds a statement that “The YMCA agrees to submit to the City a PDF copy of all daily logs prior to the end of this contract.”

The YMCA has committed to scanning them in each day and compiling them into a single PDF that will be submitted to the City at the end of the summer for our records.

In addition, YMCA Executive Director Michele Morales, is working to provide attendance records for 2023 so we can determine whether or not there was a significant increase in attendance that could be attributed to the new pool slide.

Financial Implication:

There is \$82,000.00 budgeted in Swimming Pool Operations for Fiscal Year 2024-2025 to pay for the City’s obligations under this contract.

For reference, actual dollars spent in previous budgets:

<u>Budget Fiscal Year</u>	<u>Actual Dollars Spent</u>
2023-2024	\$41,000.00
2022-2023	\$27,000.00
2021-2022	\$73,000.00

A majority of what is budgeted is for maintenance and chemicals. After fiscal year 2024-2025 we anticipate the cost to significantly decrease due to switching from liquid chlorine to tablet chlorine.

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 Agreement between the City of Port Lavaca and the Calhoun County YMCA for Operation of the City Pool (April 1, 2025 - Sept 30, 2025).

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

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

6. **Consider approval of the Matagorda Bay Mitigation Trust Contract 081 for the City of Port Lavaca Mid-Coast Birding Festival Boat Tours. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that on January 08, 2025 staff received notice from the Matagorda Bay Mitigation Trust (MBMT) that our submitted proposal entitled “Purchase of Kitchen Tract on Lavaca Bay for Conservation and improve Public Access to the Waterfront” was approved.

The contract providing for \$479,500.00 of grant Funds for the project is summarized as follows:

The City of Port Lavaca wishes to use grant dollars from the MBMT to purchase waterfront property on the bluff of Lavaca Bay, known as the “Kitchen Tract” for conservation purposes and to provide a new public access point to Lavaca Bay. The City will contract with a coastal engineer to perform required data collection and engineering to make application to the USACE for a permit to construct a shoreline protection project. With approval of a USACE permit, the City will at that point seek grant funding to construct the permitted shoreline improvements and establish the tract as a designated public park.

This is the same contract language that has been used for our two previous contracts with MBMT. The ending date is contractually set at July 31, 2026, which should provide adequate time to acquire the COE permit.

The total project budget is \$529,500.00 which includes purchasing of the property, preliminary engineering/COE permitting and \$50,000.00 of City funds (contact or in-kind) to provide minimal site clearing for a parking area and trails and signage. The grant will reimburse up to \$479,500.00.

Staff recommends approval of Contract 081 with the Matagorda Bay Mitigation Trust Fund.

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 the Matagorda Bay Mitigation Trust Contract 081 for the City of Port Lavaca Mid-Coast Birding Festival Boat Tours.

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

7. Consider approval of the Matagorda Bay Mitigation Trust Contract 084 for the purchase of the Kitchen Tract. Presenter is Jody Weaver

Interim City Manager Weaver advised Council that on January 08, 2025, staff received notice from the Matagorda Bay Mitigation Trust (MBMT) that our submitted proposal entitled “The R/V Archimedes Research Vessel Floating Classroom Tours of Chester Island AND Education Outreach boat tours as part of the 1st Annual City of Port Lavaca Mid-Coast Birding Festival” was approved.

Attached is the contract providing for \$16,250.00 of grant Funds for the project which is summarized as follows:

- Several hundred bird enthusiasts are expected to travel to Port Lavaca to attend the 1st annual Mid-Coast Birding Festival on May 1 – 5, 2025.
- Chester Island is a bird rookery off the coast of Port O’Connor that played a significant role in the restoration of the Brown Pelican species, who neared extinction in the 1960s. This proposal aims to bring in a large boat (designed for educational tours) to transport birders and local students to/from the island so they can experience its historical significance, the 22 species of birds and over 22,000 birds who inhabit the island.
- 16 participants can sign up for each set of various boat tours. So this is a total of 64 participants. They will gain first-hand knowledge of our waterways and how important our estuaries are, what estuaries provide and how to keep them healthy.

This is the same contract language that has been used for our previous contracts with MBMT. The ending date is contractually set at July 31, 2025.

The total project budget is \$20,050.00 with \$3,800.00 being registration fees. The grant will reimburse up to \$16,250.00.

Staff recommends approval of Contract 084 with the Matagorda Bay Mitigation Trust Fund.

Motion made by Councilman District 3 Tippit

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

THAT, in accordance with the recommendation of staff, Council hereby approves the Matagorda Bay Mitigation Trust Contract 084 for the purchase of the Kitchen Tract.

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

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

- 8. **Consider authorizing the Mayor to sign closing documents for property being acquired by the City of Port Lavaca using grant funds known as 2.42 acres, more or less, in the Kitchen Subdivision. Presenter is Jody Weaver**

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 authorizing the Mayor to sign closing documents for property being acquired by the City of Port Lavaca using grant funds known as 2.42 acres, more or less, in the Kitchen Subdivision.

Seconded by Councilman District 6 Burke

Voting Yea:

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

- 9. **Consider Resolution No. R-021025-1E of the City of Port Lavaca for a revision of the Early Voting schedule in accordance with the Secretary of State’s revised election calendar for the City of Port Lavaca General Officers Election held on the uniform date of May 03, 2025 and authorizing the Mayor’s signature. Presenter is Mandy Grant**

Motion made by Councilman District 5 Ward

WHEREAS, on January 13, 2025, the City Council of the City of Port Lavaca, Texas, approved Resolution No. R-011325-1E for establishing provisions for conduct for the City of Port Lavaca General Officers Election held on May 03, 2025; and

WHEREAS, the calendar for early voting from the Secretary of State's website indicated the first day of early voting would be Monday, April 21, 2025; and

WHEREAS, the Secretary of State’s election calendar has been revised and early voting will start on Tuesday, April 22, 2025 due to Monday, April 21, 2025 being observed as San Jacinto Holiday.

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

SECTION 1. THAT, the first day of Early Voting shall be revised and conducted in accordance with the Secretary of State’s election calendar during the following schedule:

Tuesday	April	22,	2025	from	7:00	a.m.	to	7:00	p.m.
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SECTION 2. THAT, should any part, section, subsection, paragraph, sentence, clause or phrase contained in this resolution be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this resolution, but in all respects said remaining portion shall be and remain in full force and effect.

SECTION 3. THAT, this resolution shall be effective immediately upon adoption.

Seconded by Councilman District 3 Tippit

Voting Yea:

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

10. **Consider recommendation of the Port Commission to award a Construction Contract to Derrick Construction in the amount of \$445,162.00 for the Nautical Landings Boat Ramp Breakwater Repair. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that staff received three (3) bids for the Nautical Landings Breakwater Repair on January 15, 2025 and are as follows:

Bidder	Total Base Bid	Calendar Days
Derrick Construction Company, Inc.	\$445,162.00	90
Shirley & Sons Construction Co., Inc.	\$495,320.00	90
J&S Contractors, Inc.	\$545,099.94	150

The Low Bidder is Derrick Construction with a bid of \$445,162.00 and 90-day construction time to substantial completion.

Financial Implication:

There is budgeted a total of \$167,000.00 as match to a \$500,000.00 Texas Parks & Wildlife (TPWL) grant, for a total of \$667,000.00, so there are available funds to award the project.

Understand that the TPWL project is a 75/25 reimbursable grant. So, if the final contract amount is \$445,162.00, then the grant dollars would be \$333,871.50 and our match will be \$111,290.50.

The Port Commission concurs with staff and Urban Engineering and recommends to City Council to award of a construction contract to Derrick Construction in the amount of \$445,162.00.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with the recommendation of the Port Commission and staff, Council hereby authorizes award of construction contract for the Nautical Landings Boat Ramp Breakwater Repair, to Derrick Construction, in the amount of \$445,162.00 with a 90-day construction time to substantial completion, after receipt of Notice to Proceed.

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

11. Consider Change Order No. 1 to the Independence Drive Reconstruction project. Presenter is Jody Weaver

Norma Soliz of 1615 Algee in Port Lavaca, Texas was in attendance and suggested putting sidewalks from Independence Drive toward HEB Grocery Store.

Interim City Manager Weaver and Public Works Director Shaffer advised Council that the proposed Change Order No. 1 is a NET INCREASE of \$21,675.00 to the total construction contract.

This Change Order includes the following changes:

- As you recall, we were unable to secure the additional 25 ft drainage easement from Half League to Sandcrab, so the change order reflects needed changes to the drainage design as a result.
- CCISD is in the process of constructing a new baseball field parking lot and this change order includes changes to the drainage that are needed to coordinate with this work.
- Lester Contracting encountered a conflict with the actual location of the 12” waterline and the headwall of the new drainage boxes under Independence at the ditch which drains to next to Sonic. An additional cost of \$12,690.00 is needed to realign the 12” waterline to avoid the conflict.
- A 6 ft sidewalk is added to behind the curb on the north side of Independence from Virginia St. to the entrance to Villa Apartments. This provides a safe route for kids living in these apartments to walk to CHS by walking to Virginia St., crossing the street and then using the shared use path on the south side of Independence. This additional cost is \$43,000.00.

For future reference, it would cost about \$154,000.00 to continue this 6 ft wide sidewalk all the way to Sandcrab Blvd. This additional length of sidewalk was not discussed when Council expressed interest in a sidewalk on the north side from the apartments to Virginia, but staff has been discussing this since it’s likely that pedestrians from the Villa apartments may tend to jaywalk across Independence instead of going to the crosswalk at Virginia to walk to CHS. This is something we can add in a later change order for consideration if Council would like.

Because there are some savings realized in the drainage revisions west of Sandcrab, the NET INCREASE to the contract for the above mentioned scope is \$21,675.00. CivilCorp recommends Council approve this change order #1 and staff concurs.

Motion made by Councilman District 3 Tippit

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

THAT, in accordance with the recommendation of staff, Council hereby approves Change Order No. 1 to the Independence Drive Reconstruction project, to Lester Contracting in the additional amount of \$21,675.00 per request of CivilCorp, LLC.

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

Seconded by Councilman District 1 Aguirre

Voting Yea:

Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward

Voting Nay:

Councilman District 2 Dent, Councilman District 6 Burke

12. **Consider Change Order No. 4 to the Water Systems Improvement Project. Presenter is Jody Weaver**

Interim City Manager Weaver and Public Works Director Shaffer presented addressed Council and AECOM Project Engineer, Vinoth Manoharan, was in attendance via Zoom to answer any questions.

- 1) Change Order No. 1, 11/6/2023 was a savings of \$126,510.00 and included various value engineering items to save costs.
- 2) Change Oder No. 2, 8/13/2024 was +\$13,320.00 and included 21 additional days to remove and replace the steel angle at the roof perimeter of the tank, which was not included in the original contract.
- 3) Change Order No. 3, 10/18/2024 was \$0.00 and added 7 days related to additional structural repairs required on the overflow of the tank.
- 4) Proposed Change Order No. 4: is +\$56,478.00 and 120 days Clarifications on JTR's request for Change Orde No. 4:
 - City staff and the project engineer emphasized with the contractor from day one that completion of this project on time was critically important and that liquidated damages (\$300/day) were likely to be imposed for going over the completion time without thorough documentation of legitimate reasons for delay. At each monthly meeting up until very recently, the contractor had maintained the position that they would be able to complete the project on time even considering the start date of the contract and the length of initial submittals and shop drawing approvals.

- The contractor's assertion that a delay was caused by "a change to the coating system" is misleading. During the submittal process, the manufacturer of the paint system that was specified indicated that the specified system had been replaced by a different coating system which the engineers approved. The contractor did not claim at the time of approval that this caused any delay in the progress of the work. Of course, by the time they were ready to paint the weather was not cooperating and was not conducive to a successful paint application.
- JTR did submit a request for a change order in December, but it took several weeks to review and receive the engineer's recommendation letter.
- Over the course of the project, JTR did not bring up any concerns about delays in submittal review or other delays caused by manufacturers.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with the recommendation of staff, Council hereby approves Change Order No. 4 to the Water Supply System Improvements project, to JTR Constructors, Inc. (JTR) in the additional amount of \$56,478.00 per request of AECOM.

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

Seconded by Councilman District 5 Ward

Voting Yea:

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

13. **Consider approval of a Planning Proposal from LJA Planning and Landscape Architecture to prepare a Parks Master Plan for a fee not to exceed \$75,000.00 per the Professional Services Agreement (PSA) dated February 25, 2022. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the text below is copied from the 2016 PLAN PORT LAVACA Comprehensive Plan. Adoption of a Master Parks Plan was included as an Action item for year 3 to 9 (from 2016):

*It is the community's desire to increase livability through quality of life by promoting improvements to the existing parks and trail system. To effectively accommodate the recommended future acquisition of park lands and facilitate improvements on existing parks the city must develop a **Parks Master Plan** to guide the future of park development. Building upon the priorities designated by the city, the Parks Master Plan will provide a long-term vision and guidance to make informed policy decisions.*

The plan identifies community desires for recreational uses and associated park growth areas as well as emphasizing trail recommendations. This document should be used as a planning tool by citizens, elected officials, boards, the City Council, and developers to understand community desires and make certain long-term community success.

At the June 2024 Council meeting, Council reviewed the recommendations of the Parks Board scoring committee and selected LJA Planning & Landscape Architecture out of Houston to prepare a Parks Master Plan.

As you recall, LJA performed the Downtown Waterfront Master Plan and is working with us now on a design for our gateway signs and recently completed a small landscape design for around the message board and lighthouse at the Bauer Community Center.

Attached please find the Planning Proposal from LJA for this Master Parks Plan, which includes 3 opportunities for Public engagement: a workshop, and open house, and a public hearing. The fees shown in the proposal represent a maximum not-to-exceed total amount of \$75,000. Invoices will be based upon actual hours and expenses incurred and will include a comparison of actual hours spent relative to budgeted hours. Any changes to the scope, will result in a separate proposal for approval.

The 2024-2025 approved budget includes \$180,000.00 under City Manager Contracted Services broken down a follows:

VEDC	\$25,000.00
Parks Master Plan	\$75,000.00
Gateway AIA Plans	\$35,000.00
380 Agreement Commitment	\$30,000.00
Miscellaneous Consulting	\$15,000.00

This Agreement with LJA commits no more than \$75,000.00 without additional authorization.

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 Planning Proposal from LJA Planning and Landscape Architecture to prepare a Parks Master Plan, for a fee not to exceed \$75,000.00, per the Professional Services Agreement (PSA) dated February 25, 2022.

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

Seconded by Councilman District 2 Dent

Voting Yea:

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

- 14. **Consider declaring miscellaneous items located on property acquired by City of Port Lavaca at 304 Randle Street, and authorize City Manager to dispose of items in a commercially reasonable manner. Presenter is Jody Weaver**

Motion made by Councilman District 2 Dent

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

THAT, in accordance with the recommendation of staff, Council hereby declares miscellaneous items located on property acquired by City of Port Lavaca at 304 Randle Street, and authorize City Manager to dispose of items in a commercially reasonable manner.

Seconded by Councilman District 6 Burke

Voting Yea:

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

- 15. **Receive annual report from the Police Department for Racial Profiling. Presenter is Colin Rangnow**

Police Chief Rangnow presented Council with the annual report from the Police Department for Racial Profiling.

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 the annual report from the Police Department for Racial Profiling, as presented.

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

- 16. **Consider request of Mr. & Mrs. Nevarez to establish a shrimp boat slip along the seawall in Smith Harbor. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that at the December 17, 2024 Port Commission meeting, they considered a request from Kevin and Sasha Nevarez for a boat slip in Smith Harbor. The Nevarez want to park a shrimp boat they own directly behind their future restaurant and home. After discussion, Chairman Davila made a recommendation to deny the request which was seconded by Commissioner McGuire and voted Aye by the full Commission (all were in attendance).

The Commissioners generally agreed that they were not in favor of establishing any new boat slips in Smith Harbor at this time because of upcoming construction projects in the area including the Community Development Block Grant – Mitigation (CDBG-MIT) funded Living Shoreline breakwater project and the Matagorda Bay Mitigation Trust (MBMT) funded project to construct a bulkhead and fishing dock in Smith Harbor. Note: As part of his lease agreement, Poor Boy Bait is permitted to park 2 shrimp boat alongside the 4,150 sf tract he leases for his bait shop (\$1,484.86/mo).

On the afternoon of December 17, 2024, I received an email from Mr. & Mrs. Nevarez requesting that the decision be appealed to City Council.

Below is a copy of the memo provided to the Port Commission for that agenda item and attached is a google map image of Smith Harbor, two sheets from the draft CDBG-MIT construction plans, and the concept plan for the MBMT project for reference:

Kevin and Sasha Nevarez have requested a boat slip in Smith Harbor along the seawall directly behind their future restaurant and home. If permitted and a yearly contract is approved, the annual rent would be \$3,300, based upon a monthly rent calculated as follows: \$175.00 for the first 25 ft and \$5.00 for each foot greater than 25 ft in length. The boat is 45 ft long, so \$275.00/mo.

As you know there are future plans to construct a 10 ft wide walkway on the waterside of the seawall. It is hoped that funding could be found for this project within the next 5 years. If approved, staff recommends a lease term for this boat slip of no longer than one year at a time, with language that allows the City to terminate the lease with 60 days advance notice should construction of this walkway be scheduled to commence. In addition, staff recommends that the slip be established perpendicular to the dock (not parallel) to provide safer transfer between the boat to land. There are no tie-off points along this seawall. If a slip is approved, the tenant will need to provide tie-off points as approved by the Harbor Master, with the agreement and understanding that the tenant will be responsible for removal at the time the walkway construction is scheduled.

There are plans to construct a bulkhead and fishing deck in the area just west of Poor Boys Bait, but this construction shouldn't be affected by a shrimp boat docked approximately 200 ft away.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with the recommendation of the Port Commission, Council hereby denies the request of Mr. & Mrs. Nevarez to establish a shrimp boat slip along the seawall in Smith Harbor.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

Voting Nay:

Councilman District 1 Aguirre, Councilman District 6 Burke

17. **Announcement by Mayor that City Council will retire into closed session:**

- **For consultation with City Attorney on matters in which the duty of the Attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act (Title 5, Chapter 551, Section 551.071(2) of the Texas Government Code). Presenter is Mayor Whitlow**

Mayor Whitlow announced that Council would retire into closed session at 8:35 p.m.

(Councilman Aguirre left the meeting at 8:47 p.m. during agenda item #17 Closed Session).

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

Mayor Whitlow announced that Council was back in open session at 9:05 p.m.

No action necessary and none taken.

IX. ADJOURNMENT

Mayor asked for motion to adjourn.

Motion made by Councilman District 5 Ward

Seconded by Councilman District 2 Dent

Voting Yea:

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

Meeting adjourned at 9:07 p.m.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary