



CITY COUNCIL REGULAR MEETING

Monday, June 10, 2024 at 6:30 PM

City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

MINUTES

STATE OF TEXAS §
COUNTY OF CALHOUN §
CITY OF PORT LAVACA §

On this the 10th day of June, 2024, the City Council of the City of Port Lavaca, Texas, convened in a regular session at 6:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following members in attendance:

I. ROLL CALL

- | | |
|-----------------|---|
| Jack Whitlow | Mayor |
| Daniel Aguirre | Councilman, District 1 |
| 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

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

- 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.

- Mayor asked for comments from the public and the following citizen spoke:
 - Stacy Meza, 101 Del Mar Dr., Easement on Independence Drive for an Improvement Project (she owns one acre of land)

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

- A. Minutes of May 13, 2024 Regular Meeting
- B. Minutes of May 28, 2024 Workshop Meeting
- C. Review of Credit Card Statement
- D. Receive Monthly Financial Highlight Report
- E. Receive Victoria Economic Development Corporation (VEDC) Monthly Report

Motion made by Councilman District 5 Ward

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

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

Seconded by Councilman District 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. **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 Anne Marie Odefey**

Mayor Whitlow called the annual corporate meeting to order 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, resolves that Ken Barr in no longer serving as City Council Member and as such, has resigned his position; and Justin Burke is now the Council Member serving for that District; and slate of members stand as follows:

President	Jack Whitlow,	Mayor
Secretary	Mandy Grant,	City Secretary
Director	Daniel Aguirre,	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	Justin Burke,	Council Member District 6
Registered Agent	Anne Marie Odefey	City Attorney

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 Councilwoman District 4 (Mayor Pro Tem) Padron

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

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 Anne Marie Odefey**

Mayor Whitlow called the annual corporate meeting to order 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, resolves that Ken Barr in no longer serving as City Council Member and as such, has resigned his position; and Justin Burke is now the Council Member serving for that District; and slate of members stand as follows:

President	Jack Whitlow,	Mayor
Secretary	Mandy Grant,	City Secretary
Director	Daniel Aguirre,	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	Justin Burke,	Council Member District 6
Registered Agent	Anne Marie Odefey	City Attorney

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 Clement

Cove Harbor Company, owned by the City of Port Lavaca, as listed above, for adoption of unanimous written consent.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

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 appointment of member(s) to the Recreation and Parks Board to fill a vacancy and/or start a new term of two (2) years. Presenter is Wayne Shaffer**

Public Works Director Shaffer advised Council that the Recreation and Parks Board has one vacancy. Gregory Falcon has requested to be appointed to the Recreation and Parks Board. There are no term limits established and the full term is for a period of two (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 appoints Gregory Falcon to the Recreation and Parks Board to start a new two-year term.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

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 appointment of member(s) to the Planning Board to fill a vacancy and/or start a new term of two (2) years. Presenter is Derrick Smith**

Development Services Director Smith advised Council that the Planning Board has three (3) terms that have expired for Mike Elgin, Melinda Cain and Justin Weaver. They have all requested to be reappointed to the Planning Board. There are no term limits established and the full term is for a period of two (2) years.

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 reappoints Mike Elgin, Melinda Cain and Justin Weaver to the Planning Board for each to start new two-year terms.

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 appointment of member(s) to the Port Commission to fill a vacancy and/or start a new term of two (2) years. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the Port Commission has a term that has expired for Sue Traylor. She has requested to be reappointed to the Port Commission. There are no term limits established and the full term is for a period of two (2) years.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with recommendation of staff, Council hereby reappoints Sue Traylor to the Port Commission Board to serve a new two-year term.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

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 appointment of a Municipal Court Judge in accordance with Section 6.03 of the City’s Home Rule Charter to serve a new term of two (2) years and for Council to determine compensation. Presenter is Anne Marie Odefey**

City Attorney Odefey advised Council that the term for the Municipal Court Judge would be expiring on June 30, 2024. 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 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 45th 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. She said that Raymond B. Perez and Mandy Grant have both applied for the position.

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 reappoints Raymond B. Perez, as Municipal Court Judge, to serve a term of two (2) years commencing on June 30, 2024.

BE IT FURTHER RESOLVED, THAT, compensation for the Municipal Court Judge will be handled through the budgetary process.

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

7. **Consider Second and Final reading of an Ordinance (G-4-24) of the City of Port Lavaca amending the Code of Ordinances, Chapter 26 Manufactured Home Parks and RV Parks; and providing an effective date. Presenter is Jody Weaver**

Councilman Tippit said he would like the square footage changed from 480 to 320 in the following:

(15) *Home size.* Minimum size for manufactured housing shall be no less than 480 square feet.

Motion made by Councilman District 3 Tippit

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

THAT, in accordance with the recommendation of staff, Council hereby adopts Second and Final reading of an Ordinance (G-4-24) of the City of Port Lavaca amending the Code of Ordinances, Chapter 26 Manufactured Home Parks and RV Parks with the following change:

(15) *Home size.* Minimum size for manufactured housing shall be no less than 320 square feet.

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

8. **Consider Second and Final reading of an Ordinance (G-5-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes; Chapter 26 Manufactured Housing and Recreational Vehicles Sec. 26-26; Chapter 32 Parks and Recreation Sec. 32-71 (e); and providing an effective date. Presenter is Jody Weaver**

Motion made by Councilman District 5 Ward

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

THAT, in accordance with the recommendation of staff, Council hereby adopts Second and Final reading of an Ordinance (G-5-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes; Chapter 26 Manufactured Housing and Recreational Vehicles Sec. 26-26; Chapter 32 Parks and Recreation Sec. 32-71 (e).

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 First reading of an Ordinance (G-6-24) of the City of Port Lavaca amending the Code of Ordinances, to Chapter 12, Article IV- Building and Building Regulations Sec. 12-287 - Definition; unfit condition declared; minimum standards for use and occupancy, (d),(11); and providing an effective date. Presenter is Derrick Smith**

Motion made by Councilman District 3 Tippit

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

THAT, in accordance with the recommendation of staff, Council hereby approves First reading of an Ordinance (G-6-24) of the City of Port Lavaca amending the Code of Ordinances, to Chapter 12, Article IV- Building and Building Regulations Sec. 12-287 - Definition; unfit condition declared; minimum standards for use and occupancy, (d),(11).

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

- 10. **Consider Resolution No. R-061024-1 of the City of Port Lavaca finding that AEP Texas Inc.'s requested increase to its electric transmission and distribution rates and charges within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and Legal Counsel. Presenter is Anne Marie Odefey**

Motion made by Councilman District 2 Dent

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

WHEREAS, the City is an electric utility customer of AEP Texas and a regulatory authority over the rates and charges of AEP Texas within the City; and

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

WHEREAS, Cities is an intervenor in the parallel proceeding at the Public Utility Commission of Texas to review AEP Texas' filing; and

WHEREAS, pursuant to its exclusive original jurisdiction over AEP Texas' rates and operations within city limits, the City previously suspended the effective date of the Company's requested rate increase; and

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

WHEREAS, the City's attorneys and consultants recommend that the City deny the application.

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

Section 1. That the rates proposed by AEP Texas in an application submitted to the City by the Company on or about February 29, 2024, are hereby found to be unreasonable, and are denied.

Section 2. That the Company shall continue to charge its existing rates for transmission and distribution service to customers with the City.

Section 3. That Cities' reasonable rate case expenses shall be reimbursed by AEP Texas within 30 days of presentation of an invoice to AEP Texas.

Section 4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law, and that the public notice was given of the time, place, and purpose of said meeting, as required.

Section 5. That a copy of this Resolution shall be sent to AEP Texas, care of Jennifer Frederick, American Electric Power Company, 400 West 15th Street, Suite 1520, Austin, Texas 78701 (aepaustintx@aep.com), and to Thomas Brocato at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

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 Resolution No. R-061024-2 of the City of Port Lavaca to delegate to one or more City employees the ability to approve, approve with conditions, or disapprove a plat as set out in Section 212.016, Amending Plat, of the Tex. Local Gov't Code. Presenter is Derrick Smith**

Motion made by Councilman District 2 Dent

WHEREAS, Texas Local Government Code (TLGC) §212.0065 provides that a planning board may delegate the authority of approving, approving with conditions or disapproving certain plats to one or more officers of employees of the municipality; and,

WHEREAS, the amending of a plat under TLGC §212.016 is allowing the amending of a plat due to a technical error on the plat and other limited circumstances;

WHEREAS, if the City Manager disapproves an amending plat, TLGC §212.0065 authorizes the requestor to appeal the City Manager’s decision to the Planning Commission/Board and/or the City Council, despite the delegation of the authority granted herein;

WHEREAS, for the efficiency of the processes of the City, the Planning Board desires to delegate the authority to the amending of a plat in accordance with TLGC 212.016 to the City Manager.

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

Section 1. THAT, the Planning Board of the City of Port Lavaca delegates to the City Manager the authority to approve, approve with conditions or disapprove an amended plat pursuant to TLGC 212.016.

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

12. **Consider awarding construction contract for the 2024 Independence Drive Improvement Project. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that two (2) bids were received for the Independence Drive Improvements project on Thursday, May 30, 2024 and they are as follows:

<u>Base Bid + Transition Amount</u>	
Lester Contracting, Inc.	\$3,874,086.00
Clark Construction	\$4,783,957.73
<u>Base Bid + Add Alternate</u>	
Lester Contracting, Inc.	\$4,656,880.12
Clark Construction	\$5,644,662.30
<u>Base Bid + Add Alternate + Owner’s Option A</u>	
Lester Contracting, Inc.	\$4,718,278.62
Clark Construction	\$5,720,582.88

If both Base Bid and Add Alternate are awarded, there are 630 calendar days allowed for the project as stipulated in the bid documents.

In our estimates for how to utilize the 2024 Series Certificates of Obligation, we had budgeted \$4.4M for the Independence Base Bid (Virginia to Sandcrab) and \$1.6M for the Alternate Bid (Sandcrab to Half League), \$6M total. The sum of the Base Bid and Alternate Bid in the Low Bid of Lester Contracting equals \$4,656,880.12, so there are adequate funds available in the 2024 Series CO's for fund this project.

Staff recommends that Council approve a construction award in the amount of \$4,656,880.12 to Lester Contracting, Inc. for the Base Bid+ Add Alternate 1.

At Council's option, if the wish is to provide a 2-ft wide strip of colored stamped concrete alongside and behind the curb in lieu of regular broom finish sidewalk in this 2-ft strip, the additional cost is \$61,398.50 which would bring the total award amount to \$4,718,278.62. If Council is not ready to commit to this option at this time, it can still be added as a change order later.

Motion made by Councilman District 6 Burke

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 authorizes award of construction contract for the Independence Drive Improvements, to Lester Contracting, Inc. for the Base Bid + Add Alternate 1, in the amount of \$4,656,880.12 and 630 calendar days from receipt of Notice to Proceed, a copy which is in the office of the City Secretary, in its entirety.

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

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

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 recommendation of the Planning Board for a request from Karl Meyer for a Variance request for a manufactured home to be placed on a developed existing residential lot that is not a manufactured home park. The property is described as Block B, Lot 30, 15' of 29 of the Lou Davis Subdivision (302 Davis). Presenter is Derrick Smith**

Development Services Director Smith advised Council that in accordance with Chapter 26.4(2)(c) of City of Port Lavaca Code of Ordinances, HUD-Code manufactured housing shall be installed only in a manufactured housing park, manufactured housing subdivisions or other property approved by the building official as described in the remainder of this subsection. A HUD-Code manufactured home will be permitted to be installed on any lot on which a manufactured home was situated in the past 180 days.

Karl Meyer is requesting a variance to place a manufactured home on 302 Davis. Mr. Meyer's variance application explains that a manufactured home had previously been placed on the property. According to our records, service was discontinued on August 30, 2021 and the manufactured home was removed

during that time. According to the tax appraisal office, Mr. Meyer purchased the property on September 2, 2022.

Planning Board Recommendation on April 23, 2024: DENIAL of the request for a Variance to Chapter 26, the Manufactured and Recreational Vehicle Parks ordinance, as to not set a precedent.

Council Action: On May 13, 2024, the Council motioned to PASS the request and resubmit to the Planning Board for further research.

The Planning Board revisited the request on May 23, 2024. Mr. Meyer was not present and did not provide any further information prior to the meeting.

Below was discussed amongst the Planning Board members:

In a 200 FT radius from the property, there is 1 manufactured home in that area that is the homeowner's property and live there. There are four within the 200 radius that are rental. 2 are inactive and substandard. The remaining are single family houses.

Concerns from the Planning Board are the following:

- If we allow this, basically our ordinance is out the window. There have been three other people come in and turned them all down. One lady had even already purchased the manufactured home.
- The reason for a variance by law is a hardship. There has to be some extenuating circumstance that means the law shouldn't apply to you.
- This is also not for his residence. it's for a rental.
- If we allow this, it will be the very first variance of this ordinance and it will potentially bring back everyone else and I did not feel comfortable making this decision when council just passed this ordinance.

Planning Board's Second Recommendation on May 23, 2024: Since the Manufactured Housing and Recreational Vehicles ordinance was updated and approved by City Council in 2022, the Planning Board has not permitted any variance requests to the Chapter 26 ordinance. Because of this, and to not set a precedence in any area of the continued placement of manufactured homes in residential lots, the Planning Board DENIES the request of the Variance for a manufactured home to be placed on a developed existing residential lot that is not a manufactured home park. The property is described as Block B, Lot 30, 15' of 29 of the Lou Davis Subdivision (302 Davis).

The variance request for a manufactured home to be permanently installed as a residential home on an existing developed residential lot for the intent of occupancy does not meet the City Code of Ordinance, Chapter 26 Section 26.4(2)(c). If the request is approved, then this may allow other property owners throughout town to use this request for their benefit and defeat the intent of the ordinance. Therefore, staff recommends denial as per the aforementioned ordinance citation.

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 Planning Board and staff, Council hereby denies a request from Karl Meyer for a Variance request for a manufactured home to be placed on a developed existing residential lot that is not a manufactured home park. The property is described as Block B, Lot 30, 15' of 29 of the Lou Davis Subdivision (302 Davis).

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

14. **Consider recommendation of the Planning Board for a Conceptual Plan of a proposed convenience store and carwash to be located at the corner of Half League Rd. and Hwy 35 South, Property ID 38066, located at 1019 Hwy 35 South. Presenter is Derrick Smith**

Development Services Director Smith advised Council that the applicant is proposing a new convenience store and carwash to be located at 1019 Highway 35 South (corner of Half League Rd and Hwy 35). The Future Land Use Map designates this area as Commercial.

The Planning Board met on June 28, 2024 and discussed the Landscaping Ordinance and sidewalk continuation. The Board approved the request and staff concurs.

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 the recommendation of the Planning Board and staff, Council hereby approves the Conceptual Plan of a proposed convenience store and carwash to be located at the corner of Half League Rd. and Hwy 35 South, Property ID 38066, located at 1019 Hwy 35 South

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

15. **Consider request from the Calhoun Port Authority to harvest wetlands plants for the Calhoun Port Authority mitigation project from the wetlands areas of Lighthouse Beach Park and Bay front Peninsula Park. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that she had received an email from Sara Flaherty, Senior Scientist of Anchor QEA, LLC in Rockport, Texas. She said they discussed the option of using City-owned property to harvest wetland plants for the Calhoun Port Authority mitigation project. Construction is complete and they are working on the final planting details. They would like to have authorization to use wetland areas near Lighthouse Beach and Bayfront Peninsula Park. They assure from past wetland work, damage to borrow sites is strictly avoided.

Three species of wetland plants are needed for the mitigation site.

Initial Planting:

1. Saltmeadow cordgrass (*Spartina patens*) 5,500 units
2. Smooth cordgrass (*Spartina alterniflora*) 42,025 units
3. Coastal saltgrass (*Distichlis spicata*) 750 units

Fall Replanting (estimated; dependent on initial plant survival):

1. Saltmeadow cordgrass (*Spartina patens*) 550 units
2. Smooth cordgrass (*Spartina alterniflora*) 4,202 units
3. Coastal saltgrass (*Distichlis spicata*) 75 units

Harvest plans are developed, submitted to TPWD for review and comply with all of TPWD's recommended best practices. To obtain the source material, a maximum of one six-inch diameter core is obtained per square meter of wetland. Depending on species, a six-inch core results in between four and eight planting units. For the CPA project, we will need to obtain up-to 48,400 planting units equivalent to between 6,050 and 12,100 cores total. The process is very similar to thinning out a garden. Where material is borrowed, it will re-propagate.

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 request of the Calhoun Port Authority to harvest wetlands plants for the Calhoun Port Authority mitigation project from the wetlands areas of Lighthouse Beach Park and Bay front Peninsula Park.

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

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

- **For consultation with City Attorney on matters in which the duty of the Attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act (Title 5, Chapter 551,–Section 551.071(2) of the Texas Government Code). Presenter is Mayor Whitlow**
- **To deliberate the purchase, exchange, lease or value of Real Property (Deliberation in an Open Meeting would have a detrimental effect on the position of the Governmental Body in negotiations with a third party), in accordance with Title 5, Chapter 551, Section 551.072 of the Texas Government Code. Presenter is Mayor Whitlow**

Mayor Whitlow announced that Council would retire into closed session at 8:24 p.m.

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

Mayor Whitlow announced that Council was back in open session at 8:41 p.m.

No action necessary and none was taken.

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 Aguirre, 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 8:43 p.m.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary