



# CITY COUNCIL REGULAR MEETING

Monday, February 12, 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 12th day of February, 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                  |
| 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 6:32 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 citizens spoke:
  - James Brown, 715 Sweetwater Rd (Owner-Sand Dollar RV) Do not agree with the mandatory Business permit to operate an RV Park; have had Raw Sewage for last 4 years; City RV Park in competition with local RV Parks
  - Tracey Johnson, P O Box 851, Seadrift, TX introduced herself as candidate for Calhoun County Tax Assessor Collector

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

- A. Minutes of January 08, 2024 Regular Meeting**
- B. Minutes of January 29, 2024 Workshop Session**
- C. Review of Credit Card Statement**
- D. Receive Monthly Financial Highlight Report**
- E. Review Quarterly Investment Report (October 01, 2023 thru December 31, 2023)**
- F. Receive Victoria Economic Development Corporation (VEDC) Monthly Report**
- G. Consider approval of lease agreement with Allied Universal for Suites 1E and 1F at Nautical Landings Office Building**

Motion made by Councilman District 6 Barr

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

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

Seconded by Councilman District 5 Ward

Voting Yea:

Councilman District 1 Aguirre, Councilman District 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 the Cowboy Fellowship Church for the use of Bayfront Peninsula Park Pavilion for annual Easter Sunrise Service on Sunday, March 31, 2024 and waive any fees associated with the event. Presenter is Tania French**

Tania French, Events Coordinator, advised Council that the Cowboy Fellowship Church would like to host its annual Easter Sunrise service at Bayfront Peninsula Park, Sunday, March 31, 2024. This event is open to the community and free of charge. The church requests use of the large pavilion for a few hours beginning just before sunrise and requests waiver of fees associated with this request. This event will not interfere with normal operation of the park.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with recommendation of staff, Council hereby approves request of the Cowboy Fellowship Church for the use of Bayfront Peninsula Park Pavilion for annual Easter Sunrise Service on Sunday, March 31, 2024 and waives any fees associated with the event.

Seconded by Councilman District 6 Barr

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 Barr

- 2. Consider request of Total Impact for the use of Bayfront Peninsula Park Pavilions for Cinco de Mayo event on Saturday, May 04, 2024 and waive any fees associated with the event with the exception of Alcohol in the Park permit fee. Presenter is Tania French**

Tania French, Events Coordinator, advised Council that Total Impact is planning a Cinco de Mayo event. The group would like to host this event on Saturday, May 04, 2024 at Bayfront Peninsula Park. The event would include use of the small and large pavilion for food, games, music and dance performances. Tentative time for the event is 11 a.m. to 11 p.m. during which time the park would be open to the public and community members are welcome to participate in the activities.

Total Impact requests waiver of fees for use of the pavilions, with the exception of alcohol in park permit fee.

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 Total Impact for the use of Bayfront Peninsula Park Pavilions for Cinco de Mayo event on Saturday, May 04, 2024 and waives any fees associated with the event with the exception of Alcohol in the Park permit fee.

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 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 06, 2024 to Noon on Sunday, April 07, 2024. Presenter is Tania French**

Tania French, Events Coordinator, advised Council that 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 2024 Iguana Fest, from 6:00 a.m. Saturday, April 06, 2024 to Noon on Sunday, April 07, 2024.

While the event is from 4 p.m. to 11 p.m. April 6. The additional time requested allows us to safely bring in the stage and set up and also break down the event before reopening the street.

In a separate agenda item, additionally, we request temporary closure of Colorado and Guadalupe streets between Railroad and Live Oak streets on Saturday, April 06, 2024 as needed for 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 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 06, 2024 to Noon on Sunday, April 07, 2024.

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 Barr

- 4. **Consider temporary closure of Colorado and Guadalupe streets between Railroad and Live Oak streets on Saturday, April 06, 2024 for Iguana Fest. Presenter is Tania French**

Tania French, Events Coordinator, advised Council that 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 2024 Iguana Fest, from 6:00 a.m. Saturday, April 06, 2024 to Noon on Sunday, April 07, 2024.

While the event is from 4 p.m. to 11 p.m. April 06, the additional time requested allows us to safely bring in the stage and set up and also break down the event before reopening the street.

Additionally, we request temporary closure of Colorado and Guadalupe streets between Railroad and Live Oak streets on Saturday, April 06, 2024 as needed for the event, as addressed in previous agenda item.

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 temporary closure of Colorado and Guadalupe streets between Railroad and Live Oak streets on Saturday, April 06, 2024 for the 2024 Iguana Fest.

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 Barr

5. **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 04, 2024. 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 04, 2024 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 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 a lease agreement with Calhoun County Elections for the use of Electronic Voting Equipment in connection with the May 04, 2024 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 affect such agreement.

Seconded by Councilman District 6 Barr

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 Barr

6. **Consider agreement between the City of Port Lavaca and the Calhoun County YMCA for operation of the Municipal Swimming Pool from April 01, 2024 to September 30, 2024. Presenter is Wayne Shaffer**

Public Works Director Shaffer advised Council that himself, Interim City Manager Weaver and City Attorney Odefey had all reviewed and agreed to contents of this agreement between the City of Port Lavaca and the Calhoun County YMCA for operation of the Municipal Swimming Pool from April 01, 2024 to September 30, 2024, a copy which is on file in the office of the City Secretary, in its entirety.

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 City Attorney and staff, Council hereby approves agreement between the City of Port Lavaca and the Calhoun County YMCA for operation of the Municipal Swimming Pool from April 01, 2024 to September 30, 2024.

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 Barr

7. **Consider Interlocal agreement between the City of Port Lavaca, Texas and Calhoun County, Texas for Economic Development Services. Presenter is Jody Weaver**

*(Interim City Manager Weaver was not in attendance).*

City Attorney Odefey presented agenda item to Council on behalf of Weaver:

Article I - Purpose

On the 31<sup>st</sup> day of January, County entered into an agreement for economic development services with the Victoria Economic Development Corporation ("VEDC"). The Agreement is attached hereto and incorporated herein for all purposes as Exhibit "A". It is the desire of the City to assist with the payment for those services and receive the benefit of its own economic development services for inquiries that are located within the boundaries of the City and/or the jurisdictional boundaries of Calhoun county, which may benefit the City.

In exchange for the County contracting for economic development services and sharing those services with the City as further described in the Agreement between VEDC and the County, the City shall pay the County the sum of \$25,000.00 on or before March 1, 2024.

#### Article II - Authority

This Agreement is entered into by the parties hereto pursuant to the Texas Interlocal Cooperation Act, Chapter 791 of the Texas Government Code. This Agreement shall be governed by and subject to the laws of the State of Texas. Any of the terms and conditions of this Agreement are subject to and shall be construed in accordance with the construction of the Texas Interlocal Cooperation Act recited hereinabove.

#### Article III - Term

The term of this Agreement shall be effective January 1, 2024 through December 31, 2026.

#### Article IV - Miscellaneous Provisions

This Agreement constitutes the entire agreement between the County and City and supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter of this Agreement.

No amendment, modifications, or alteration of the terms of this Agreement shall be binding unless it is in writing, dated subsequent to the date of this Agreement, and duly executed by the parties to this Agreement.

The parties mutually agree and understand that funding under this Agreement is subject to annual appropriations by the City Council and that each fiscal year's funding must be included in the budget for that year and is not effective until so approved by the City Council.

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 Interlocal agreement between the City of Port Lavaca, Texas and Calhoun County, Texas for Economic Development Services.

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, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

Voting Nay:

Councilman District 3 Tippit



8. **Consider approval of the Matagorda Bay Mitigation Trust (MBMT) Contract for the City of Port Lavaca Downtown Waterfront Public Access Improvements project. Presenter is Jody Weaver**

*(Interim City Manager Weaver was not in attendance).*

City Attorney Odefey presented agenda item to Council on behalf of Weaver:

In October 2023, Council approved support of the City submitting an application to the Matagorda Bay Mitigation Trust (MBMT) and committed \$300,000.00 in matching funds. The scope of the project includes the construction of three (3) transient boat slips, an ADA compliant dock for fishing and crabbing in Smith Harbor, a lighted 10-ft wide shared use path (SUP) to connect the new improvements to the existing SUP at Bayfront Park, and improvements to the parking area behind Nautical Landings Office Building incorporating green infrastructure elements into the design. On January 08, 2024 the City received an award letter, letting us know our application was approved.

In this meeting (agenda item #10) is the request for the award of a Professional Engineering Services Task Order No. 36 with Urban Engineering, for this project, with a total fixed fee of \$75,000.00. The MBMT grant dollars will be used to pay the first \$50,000.00 of the contract, which will take us mid-way into the final design before any General Fund dollars will be needed.

The first step will be for Urban Engineering to prepare the COE permit application for the bulkhead and work in Smith Harbor. Once submitted, we may be looking at a year to receive the approval from the COE to construct. During this time, Urban will be working on the design plans for the full project, but depending upon how long the COE review takes, we are probably looking at early 2025 to bid the project.

Staff recommends approval of the contract with the Matagorda Mitigation Trust for \$400,000.00 in grant dollars.

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 the Matagorda Bay Mitigation Trust (MBMT) Contract for the City of Port Lavaca Downtown Waterfront Public Access Improvements project, in the amount of \$400,000.00 in grant dollars.

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

Seconded by Councilman District 6 Barr

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 Barr



9. **Consider Urban Engineering Task Order No. 35 for Ann Street Lift Station Replacement project, including preparation/submittal of UPRR (Union Pacific Railroad) Permit. Presenter is Jody Weaver**

*(Interim City Manager Weaver was not in attendance).*

Public Works Director Shaffer presented agenda item to Council on behalf of Weaver:

In the Sanitary Sewer Lift Station Assessment prepared by Urban Engineering in January 2020, the Ann Street Lift Station is described as being in "poor condition." The Ann Street Lift Station, located next to Melstan's is under capacity for the amount of flow that it sees, particularly in wet weather. The pumps cannot keep up and this is why many people in the sewage drainage basin of the Ann Street Lift Station cannot flush their toilets after a rain event.

Replacement of the Ann Street Lift Station is included in the adopted FYE 2024 Capital Improvement Plan. Task Order No. 35 offered by Urban Engineering to perform the Engineering design, surveying, permitting, bidding and contract administration as needed for the project. The total Fixed Fee amount is \$73,850.00.

This Engineering Task Order will be paid using funds from the Public Utility Fund Construction Fund 217. It is staff's recommendation to approve Urban Engineering Task Order No. 35 in the Fixed Fee amount of \$73,850.00 for the Ann Street Lift Station Replacement project.

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 Urban Engineering Task Order No. 35 for Ann Street Lift Station Replacement project, including preparation/submittal of UPRR (Union Pacific Railroad) Permit, in the Fixed Fee amount of \$73,850.00.

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 Barr

10. **Consider Urban Engineering Task Order No. 36 for Downtown Waterfront Public Access Improvements Project – Funded in part by Matagorda Bay Mitigation Trust (MBMT) 2024 Grant. Presenter is Jody Weaver**

*(Interim City Manager Weaver was not in attendance).*

City Attorney Odefey presented agenda item to Council on behalf of Weaver:

The City has been awarded a \$400,000.00 Grant from the Matagorda Bay Mitigation Trust (MBMT) to supplement \$300,000.00 of General Fund dollars committed by Council to construct a Downtown Waterfront Public Access Improvement project. The scope of the project includes the construction of three (3) transient boat slips, an ADA compliant dock for fishing and crabbing in Smith Harbor, a lighted 10-ft wide shared use path (SUP) to connect the new improvements to the existing SUP at Bayfront Park, and improvements to the parking area behind Nautical Landings Office Building incorporating green infrastructure elements into the design.

Urban Engineering’s Task Order No. 36 is to perform the Engineering design, surveying, permitting, bidding and contract administration as needed for the project. The total Fixed Fee amount is \$75,000.00 and out of that, \$50,000.00 will be reimbursed by the MBMT Grant. General Fund dollars will not be needed until mid-way through the final design phase of the engineering contract.

PROJECT STATUS UPDATE:

The first step will be for Urban Engineering to prepare the COE permit application for the bulkhead and work in Smith Harbor. Once submitted, we may be looking at a year to receive the approval from the COE to construct. During this time, Urban will be working on the design plans for the full project, but depending upon how long the COE review takes, we are probably looking at early 2025 to bid the project.

Staff recommends approval of Urban Engineering’s Task Order No. 36 in the Fixed Fee amount of \$75,000.00 for the Downtown Waterfront Public Access Improvements project - 2024.

Motion made by Councilman District 3 Tippit

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

THAT, in accordance with recommendation of staff, Council hereby approves Urban Engineering Task Order No. 36 for Downtown Waterfront Public Access Improvements Project – Funded in part by Matagorda Bay Mitigation Trust (MBMT) 2024 Grant, in the Fixed Fee amount of \$75,000.00.

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 Barr

- 11. **Consider Second and Final reading of an Ordinance (G-1-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes; Chapter 38 Solid Waste Residential Rates; and providing an effective date . Presenter is Jody Weaver**

*(Interim City Manager Weaver was not in attendance).*

Public Works Director Shaffer presented agenda item to Council on behalf of Weaver:

Chapter 38 Solid Waste Residential Rates:

Garbage/brush/bulk collection	Increase from \$19.53 to \$20.31
Rate per additional Cart	New Rate is \$16.11
City-wide Cleanup	Increase from \$0.35 to \$0.70

Motion made by Councilman District 6 Barr

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

THAT, Council hereby approves Second and Final reading of an Ordinance (G-1-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes; Chapter 38 Solid Waste Residential Rates, with fees as presented above.

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 Barr

- 12. **Consider Resolution No. R-021224-1 for the purpose of adopting the 2024 Water Conservation Plan (WCP) for the City of Port Lavaca to promote responsible use of Water Consumption Reduction as required by 2007 House Bill 4 of the Texas State Legislature. Presenter is Wayne Shaffer**

Public Works Director Shaffer advised Council that the City of Port Lavaca Water Conservation Plan (WCP) must be updated every 5 Years to keep in line with the Texas Commission on Environmental Quality (TCEQ) and the Texas Water Development Board (TWDB). Staff has updated this plan to meet the aforementioned requirements. The WCP will assist the City in meeting the current and future needs of its citizens.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with recommendation of staff, Council hereby approves Resolution No. R-021224-1 for the purpose of adopting the 2024 Water Conservation Plan (WCP) for the City of Port Lavaca to promote responsible use of Water Consumption Reduction as required by 2007 House Bill 4 of the Texas State Legislature. A copy of the Resolution and the WCP Plan 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 Councilman District 6 Barr

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 Barr

- 13. **Consider Resolution No. R-021224-2 in support of the proposed Cottages on Independence, TDHCA#24228, an affordable rental housing development by Cottages on Independence, LP, to be located on Property ID No. 94457 near the intersection of Independence Drive and Sandcrab Blvd in the City of Port Lavaca. Presenter is Jody Weaver**

*(Interim City Manager Weaver was not in attendance).*

Michael Bowen, Principal of The Transformation Group (TTG), LLC presented agenda item to Council on behalf of Weaver:

Bowen advised that they are affiliated with the Port Lavaca Housing Authority and they plan on building 67 brand new town houses.

Motion made by Councilman District 2 Dent

WHEREAS, Cottages on Independence, LP has proposed a development for affordable rental housing near the intersection of Independence Dr. and Sandcrab Blvd., Port Lavaca, TX 77979 named Cottages on Independence in the City of Port Lavaca; and

WHEREAS, Cottages on Independence, LP has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2024 Competitive 9% Housing Tax Credits for Cottages on Independence;

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

THAT, the City of Port Lavaca, acting through its governing body, hereby confirms that it supports the proposed Cottages on Independence, TDHCA# 24228, located on CCAD Property ID #94457, near the intersection of Independence Dr. and Sandcrab Blvd., Port Lavaca, TX 77979 and that this formal action has been taken to put on record the opinion expressed by the City of Port Lavaca, and

FURTHER RESOLVED, that as provided for in 10 TAC §11.3(c), it is expressly acknowledged and confirmed that the City of Port Lavaca has more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds, and

FURTHER RESOLVED, that the City of Port Lavaca hereby supports the proposed Cottages on Independence, and confirms that its governing body has voted specifically to approve the construction of

the Development and to authorize an allocation of Housing Tax Credits for the Development pursuant to Tex. Gov't Code §2306.6703(a)(4), and

FURTHER RESOLVED, that the City of Port Lavaca, acting through its governing body, hereby approves a commitment to Cottages on Independence of permanent funding assistance in an amount of \$250 which, in the City's discretion, may be in the form of a grant, reduced fees, or gap funding, and

FURTHER RESOLVED, that notwithstanding anything herein to the contrary, the funding commitment by the City of Port Lavaca set forth in this Resolution shall be contingent on: (i) the Applicant securing low income housing tax credits from TDHCA in the amount sufficient to construct Cottages on Independence and (ii) development approvals by the City of Port Lavaca in connection with the construction of Cottages on Independence, and

FURTHER RESOLVED that for and on behalf of the Governing Body, the Mayor of the City of Port Lavaca, is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

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 Barr

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

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

No action necessary and none taken.

15. **Consider declaring city-owned Oriental decorations as surplus and authorize the Interim City Manager to dispose of same. Presenter is Jody Weaver**

*(Interim City Manager Weaver was not in attendance).*

Mayor Whitlow presented agenda item to Council on behalf of Weaver:

The following items were purchased as decorations in conjunction with our recent hosing of the TML Region 11 Quarterly meeting. Staff is asking Council to declare these items as surplus and authorize Interim City Manager Weaver to dispose of them. The total value is \$500.00.

- 2 ea. Dragon hanging lanterns.
- 10 ea. Hanging décor.
- 8 ea. Red & Gold hanging lanterns.
- 2 ea. Long hanging lanterns.
- 1 ea. Paper dragon décor (flat).
- 2 each flat hanging décor.

- 1 ea. Hanging fish décor.
- 2 ea. Long dragons.
- 1 ea. Dragon hanging décor.
- 216 ea. Small hanging good luck charms.

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 declaring city-owned Oriental decorations as surplus and authorizes the Interim City Manager to dispose of same.

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

Seconded by Councilman District 6 Barr

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 Barr

16. **Consider request of the following departments to declare city-owned vehicles as surplus and authorize the disposal of said vehicles by releasing to Enterprise Fleet Management to auction off: Police Department: 8 seized vehicles, 2 administrative vehicles and 1 patrol vehicle; Public Works Department: 9 vehicles; Ports & Harbors: 1 vehicle; Fire Department: 1 vehicle. Presenters Colin Rangnow, Wayne Shaffer and Joe Reyes**

**Police Department:**

Vehicle	Year	Make/ Manufacturer	Model	VIN Serial No.	Mileage
Seized	2010	Lincoln	MK2	3LNHL2GC2AR657885	89,562
Seized	2005	Chevrolet	Silverado	2GCEK13T851318763	148,532
Seized	2001	Dodge	Ram 2500	1B7KF23Z11J218540	207,955
Seized	2000	Jeep	Cherokee	1J4G248S5YC270030	140,659
Seized	1998	Toyota	Corolla	1NXBR12EXW2104439	144,234
Seized	2005	Chevrolet	Silverado	2GCEC19T051153683	129,201
Seized	1990	Mazda	Miata JM	1NA3511L0148295	221,139
2632	2005	Honda	Accord	1HGCM55895A120718	153,183
2498	2011	Ford	F-150	1FTFW1CF9BKD62219	92,497
2755	2012	Chevrolet	Caprice	6G1MK5U21CL606815	105,683
2815	2013	Chevrolet	Caprice	6G1MK5U25DL812043	93,408

**Public Works Department:**

Vehicle	Year	Make/ Manufacturer	Model	VIN Serial No.	Mileage
24HHNF	2005	Ford	F-150	1FTRF12235NA55675	102,757

24HHNJ	2008	Ford	F-150	1FTRF12298KD08987	135,623
253NVV	2012	Chevrolet	Silverado	1GCRCPEA0CZ103301	82,723
253NVJ	2009	Jeep	Cherokee	1J8GS48K39C530876	65,244
24HHNS	2010	Ford	F-150	1FTSX2A51AEB36927	58,734
24HHNR	2011	Chevrolet	Silverado	1GB2CVCG1BZ259069	88,497
24HHNV	2012	Chevrolet	Silverado	1GC2CVCG7CZ125888	77,129
24HHMT	2013	Chevrolet	Silverado	3GCPCREA9DG328479	125,699
24HHN3	2015	Chevrolet	Silverado	1GCNCPEH6FZ149599	115,326

**Port Commission Department:**

Vehicle	Year	Make/ Manufacturer	Model	VIN Serial No.	Mileage
24HHMX	2011	Chevrolet	Silverado	1GCRCPEA4BZ244662	114,171

**Fire Department:**

Vehicle	Year	Make/ Manufacturer	Model	VIN Serial No.	Mileage
1102	2005	Ford	F-150	1FTRX12WX5FA37460	110,513

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 declaring city-owned vehicles as surplus and authorize the disposal of said vehicles by releasing to Enterprise Fleet Management to auction off: Police Department: 8 seized vehicles, 2 administrative vehicles and 1 patrol vehicle; Public Works Department: 9 vehicles; Ports & Harbors: 1 vehicle; Fire Department: 1 vehicle.

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

Seconded by Councilman District 6 Barr

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 Barr

**17. Consider awarding Construction Bid for the 2024 Alcoa Drive and Austin Street Waterline Improvements Project. Presenter is Wayne Shaffer**

Public Works Director Shaffer advised Council that the Alcoa Drive & Austin Street water project involves replacing a broken valve at the intersection of Alcoa Drive and Austin Street. The Austin Street water main, at this location, is the only connection between the City of Port Lavaca and the Water Treatment Plant. The valve to be replaced is currently broken in a partially open position and causes problems in providing water to the City. In order to replace this valve and keep the City in service, a water main line stop with a bypass has to be installed.



To further complicate the project, the water mains are located within TxDOT rights-of-ways and require working within the sidewalk and pavement of Austin Street.

On Thursday February 8th, 2024 @ 2:30 pm, bids were received by the City of port Lavaca for the 2024 Austin Street & Alcoa Drive Waterline Improvement Project. Urban Engineering has reviewed the bids and they are as follows:

<u>Bidder</u>	<u>Total Base Bid</u>	<u>Calendar Days</u>
Mercer Construction Company	\$179,330.00	30
J&R Contracting Services, Inc.	\$235,849.20	150

Shaffer advised that there are \$189,000.00 available in construction funds. He said this project will address an inoperable valve in the intersection. Urban Engineering and staff recommend awarding the project to Mercer Construction Company for a bid amount of \$179,330.00.

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

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

THAT, in accordance with recommendation of staff, Council hereby approves awarding the Construction Bid for the 2024 Alcoa Drive and Austin Street Waterline Improvements Project to Mercer Construction Company, in the amount of \$179,330.00, and 30 days to complete from date of receipt of Order to Proceed.

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 Barr

- 18. **Announcement by Mayor that City Council will retire into closed session:**
  - **To discuss Personnel matters in accordance with Title 5, Section 551.074 of the Texas Government Code (to discuss the appointment, employment, evaluation, duties and responsibilities, reassignment, discipline, or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee: [Interim City Manager]). Presenter is Mayor Whitlow**

Mayor Whitlow announced there would be no closed session.

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

There was no closed session.

**IX. ADJOURNMENT**

Mayor asked for motion to adjourn.

Motion made by Councilman District 5 Ward

Seconded by 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 Barr

Meeting adjourned at 7:26 p.m.

ATTEST:

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

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