CITY COUNCIL REGULAR MEETING

Monday, November 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 November 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
Rose Bland-Stewart	Councilwoman, 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 6:34 p.m. and presided.

III. INVOCATION

- Councilwoman District 5 Bland-Stewart 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 there were none.

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

A. Minutes of October 13, 2025 Regular Meeting
B. Minutes of October 27, 2025 Joint Workshop (City Council and Planning Board)
C. Review of Credit Card Statement
D. Receive Monthly Financial Highlight Report
E. Receive Employee Training Review Acknowledgment report ending 10.31.2025
F. Receive Office of Court Administrators (OCA) Monthly report ending 10.31.2025
G. Receive Victoria Economic Development Corporation (VEDC) Monthly Report
H. Receive Quarterly Report from the Public Works Department
I. Ratify Lease agreement with Encore Dredging Partners, LLC (Tract 11 at Refuge Harbor)
J. Ratify Lease Agreement with Poor Boy Bait Shop at Smith Harbor

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 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, Councilwoman District 5 Bland-Stewart, Councilman District 6 Burke

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

1. **Conduct Public Hearing on creating Tax Increment Reinvestment Zone Number One, City of Port Lavaca, Texas. Presenter is David Pettit**

Mayor Whitlow announced that the public hearing was now open at 6:37 p.m.

David Pettit of Pettit & Ayala Consulting, addressed Council in regards to an Ordinance (S-6-25) of the City of Port Lavaca designating a geographic area within the City and within the City's extraterritorial jurisdiction a Reinvestment Zone for Tax Increment Financing purposes (Tax Increment Reinvestment Zone Number One, City of Port Lavaca, Texas).

Mayor Whitlow announced that the public hearing was now closed at 7:10 p.m.

No action necessary and none taken.

2. **Consider Second and Final reading of an Ordinance (S-6-25) of the City of Port Lavaca designating a geographic area within the City and within the City's extraterritorial jurisdiction a Reinvestment Zone for Tax Increment Financing purposes (Tax Increment Reinvestment Zone Number One, City of Port Lavaca, Texas); describing the boundaries of the zone; creating the zone pursuant to Chapter 311 of the Texas Tax Code; establishing a Board of Directors for the zone; providing a termination date for the zone; providing that the zone take effect immediately upon passage of the ordinance; and providing for severability. Presenter is Jody Weaver**

Motion made by Councilman District 6 Burke

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 Second and Final reading of an Ordinance (S-6-25) of the City of Port Lavaca designating a geographic area within the City and within the City's extraterritorial jurisdiction a Reinvestment Zone for Tax Increment Financing purposes (Tax Increment Reinvestment Zone Number One, City of Port Lavaca, Texas); describing the boundaries of the zone; creating the zone pursuant to Chapter 311 of the Texas Tax Code; establishing a Board of Directors for the zone; providing a termination date for the zone; providing that the zone take effect immediately upon passage of the ordinance; and providing for severability.

BE IT FURTHER ORDAINED, THAT the percentage chosen by City Council in Section 6 Tax Increment Base and Tax Increment will be seventy-five (75%) of the City's tax increment.

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, Councilwoman District 5 Bland-Stewart, Councilman District 6 Burke

3. **Consider Second and Final reading of an Ordinance (G-14-25) regarding the City of Port Lavaca's Texas Municipal Retirement System Benefits adopting: (1) A change in the City's Matching Ratio; (2) Annually accruing updated Service Credits and transfer updated Service Credits; and (3) Annually accruing annuity increases, also referred to as Cost of Living Adjustments (COLAS) for retirees and their beneficiaries. Presenter is Brittney Hogan**

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 Second and Final reading of an Ordinance (G-14-25) regarding the City of Port Lavaca's Texas Municipal Retirement System Benefits adopting: (1) A change in the City's Matching Ratio; (2) Annually accruing updated Service Credits and transfer updated Service Credits; and (3) Annually accruing annuity increases, also referred to as Cost of Living Adjustments (COLAS) for retirees and their beneficiaries.

BE IT FURTHER ORDAINED, THAT the City's Matching Ratio chosen by City Council so that the City's match of an Employee's contributions at retirement is increased, will be two to one (2 to 1).

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, Councilwoman District 5 Bland-Stewart, Councilman District 6 Burke

4. **Consider Second and Final reading of an Ordinance (G-15-25) of the City of Port Lavaca; amending Code of Ordinances, Chapter 20, Environmental and Health, Article V. - Junk Vehicles, Abandoned Motor Vehicles, Junked Boats, Junked Trailers, Junked Towable Recreational Vehicles, Sec. 20-97 - Unlawful to Maintain a Nuisance; Exceptions; providing for purpose of ordinance; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Derrick Smith**

Development Services Director Smith was absent. (Interim City Manager Weaver presented item).

The following business owners were in attendance and addressed Council:
- Edward De Leon, Affordable Auto;
- Melvin Garrett, Tri Wholesale
- Damon Garrett, Tri Wholesale

Motion made by Councilman District 2 Dent

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

THAT, This agenda item be passed indefinitely.

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, Councilwoman District 5 Bland-Stewart, Councilman District 6 Burke

5. **Consider Second and Final reading of an Ordinance (G-16-25) of the City of Port Lavaca; amending Code of Ordinances, Chapter 34, Peddlers, Solicitors, Itinerant Vendors, Garage Sales and Mobile Food Units Street Vendors; providing for purpose of ordinance; providing for severability; providing a repealing clause; and providing an effective date Presenter is Derrick Smith**

Development Services Director Smith was absent. (Interim City Manager Weaver presented item).

Motion made by Councilman District 2 Dent

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

THAT, in accordance with the recommendation of staff, Council hereby approves Second and Final reading of an Ordinance (G-16-25) of the City of Port Lavaca amending Code of Ordinances, Chapter 34, Peddlers, Solicitors, Itinerant Vendors, Garage Sales and Mobile Food Units Street Vendors.

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, Councilwoman District 5 Bland-Stewart, Councilman District 6 Burke

6. **Consider First reading of an Ordinance (G-17-25) of the City of Port Lavaca; amending Code of Ordinances, Chapter 36, Signs, Sec. 36-7 Temporary Signs; providing for purpose of ordinance; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Derrick Smith**

Development Services Director Smith was absent. (Interim City Manager Weaver presented item).

Motion made by Councilman District 2 Dent

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

THAT, in accordance with the recommendation of staff, Council hereby approves First reading of an Ordinance (G-17-25) of the City of Port Lavaca; amending Code of Ordinances, Chapter 36, Signs, Sec. 36-7 Temporary Signs; with modification to (c) Banners, flags, pennants, and inflatables shall conform to the following: (4) deleting "*one banner sign and*" pertaining to usage per physical address and corner lots.

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, Councilwoman District 5 Bland-Stewart

Voting Nay:
Councilman District 6 Burke

7. **Consider First reading of an Ordinance (G-18-25) of the City of Port Lavaca; amending Code of Ordinances, Chapter 20, Environmental and Health, Article XII – Litter; Sec. 20-512, Littering, Dumping Prohibited; providing for purpose of ordinance; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Derrick Smith**

Development Services Director Smith was absent. (Interim City Manager Weaver presented item).

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-18-25) of the City of Port Lavaca; amending Code of Ordinances, Chapter 20, Environmental and Health, Article XII – Litter; Sec. 20-512, Littering, Dumping Prohibited; providing for purpose of ordinance; providing for severability; providing a repealing clause; and providing an effective date.

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, Councilwoman District 5 Bland-Stewart, Councilman District 6 Burke

8. **Consider First reading of an Ordinance (G-19-25) of the City of Port Lavaca; amending Code of Ordinances, Appendix A, Fees, Rates and Charges; Chapter 32 Parks and Recreation, Sec 32-71(e) Lighthouse Beach and RV Park; Chapter 54, Waterways; providing for purpose of ordinance; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Jody Weaver**

Motion made by Councilman District 2 Dent

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

THAT, in accordance with the recommendation of staff, Council hereby approves First reading of an Ordinance (G-19-25) of the City of Port Lavaca; amending Code of Ordinances, Appendix A, Fees, Rates and Charges; Chapter 32 Parks and Recreation, Sec 32-71(e) Lighthouse Beach and RV Park; Chapter 54, Waterways; providing for purpose of ordinance; providing for severability; providing a repealing clause; and providing an effective date.

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, Councilwoman District 5 Bland-Stewart, Councilman District 6 Burke

9. Consider First reading of an Ordinance (S-7-25) of the City of Port Lavaca for amendment(s) to the Base Ordinance S-4-25 for 2025-2026 fiscal year budget; providing for Budget Amendment(s); providing for severability, repealing all ordinances in conflict and establishing an effective date. Presenter is Brittney Hogan

Motion made by Councilman District 2 Dent

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

THAT, in accordance with the recommendation of staff, Council hereby approves First reading of an Ordinance (S-7-25) of the City of Port Lavaca for amendment(s) to the Base Ordinance S-4-25 for 2025-2026 fiscal year budget; providing for Budget Amendment(s) GF-001 in the amount of $25,073.00 and PUF-001 in the amount of $4,995.00 (total is $30,068.00).

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, Councilwoman District 5 Bland-Stewart, Councilman District 6 Burke

10. **Consider request from the Fire Department to declare a 2018 Ford 350 Dually pickup truck, mileage 41,073, vin 1FT8W3CT2JEB73922 and authorize disposition of same. Presenter is Joe Reyes**

Fire Chief Reyes advised Council that the Department respectfully requests the City Council to declare a 2018 Ford F-350 Dually pickup truck as surplus. The vehicle currently has 41,073 miles on the odometer. In addition to this declaration, we are seeking the City Council's authorization for the appropriate disposition of the truck. For reference, the Vehicle Identification Number (VIN) is 1FT8W3CT2JEB73922. We respectfully request authorization to proceed with its disposition in a manner that is both responsible and aligns with our organizational standards.

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 request from the Fire Department to declare surplus a 2018 Ford 350 Dually pickup truck, mileage 41,073, VIN# 1FT8W3CT2JEB73922, as surplus and authorizes disposition of same.

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, Councilwoman District 5 Bland-Stewart, Councilman District 6 Burke

11. **Consider recommendation of the Planning Board to approve the conceptual plan for Property ID#66260, being part of Lot 1R, BLK 1 of the Port Lavaca Auto Group Subdivision, in A0035 Maximo Sanchez League, for use as a 9.9 MW battery energy storage facility. Presenter is Derrick Smith**

Development Services Director Smith was absent. (Interim City Manager Weaver presented item).

Interim City Manager Weaver advised Council that the applicant is proposing to construct a 9.9 MW battery energy storage system that will be located on less than one acre of land. The storage system will provide two hours of electricity when the power grid is down. The proposed site will need a minor re-plat of Lot 1R, Blk 1 of the Port Lavaca Auto Group Subdivision.

The Planning Board Recommendation is for approval of Conceptual Plan and staff concurs. The proposed development does comply with our Future Land Use Plan.

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 Planning Board and staff, Council hereby approves the conceptual plan for Property ID#66260, being part of Lot 1R, Block 1 of the Port Lavaca Auto Group Subdivision, in A0035 Maximo Sanchez League, for use as a 9.9 MW battery energy storage facility.

Seconded by Councilman District 6 Burke

Voting Yea:
Councilman District 1 Aguirre, Councilman District 2 Dent, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilwoman District 5 Bland-Stewart, Councilman District 6 Burke

Voting Nay:
Councilman District 3 Tippit,

12. **Consider recommendation of the Planning Board to approve the conceptual plan for Property ID #37357, being 69.52 acres in A0035 Maximo Sanchez League, part of Tracts 21, 49, 57 and 58, to be developed as a storage and handling facility for liquid and bulk fertilizer. Presenter is Derrick Smith**

Development Services Director Smith was absent. (Interim City Manager Weaver presented item).

Interim City Manager Weaver advised Council that the applicant, Equalizer, Inc. is proposing to construct a storage & handling facility of liquid and bulk fertilizer on this property on FM 1090 across from the Harbor of Refuge. The existing railway access will facilitate a storage tank farm for liquid fertilizer and liquid feed. Plans include the construction of six (6) liquid storage tanks of varying sizes, a containment yard with berm and a 2 story, 15,000 sf+/- office and warehouse / truck mechanic shop. Misc equipment includes truck scales, load out racks and mixing tanks. The office will be provided with 10 parking spaces. Existing tree buffers will be maintained.

The property will need to be platted prior to approval of permit applications.

The Planning Board Recommendation is for approval of Conceptual Plan and staff concurs. The request does comply with our Future Land Use Plan, which indicates the area is designated for Industrial.

Motion made by Councilman District 1 Aguirre

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

THAT, in accordance with the recommendation of Planning Board and staff, Council hereby approves the conceptual plan for Property ID #37357, being 69.52 acres in A0035 Maximo Sanchez League, part of Tracts 21, 49, 57 and 58, to be developed as a storage and handling facility for liquid and bulk fertilizer.

Seconded by Councilman District 2 Dent

Voting Yea:
Councilman District 1 Aguirre, Councilman District 2 Dent, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilwoman District 5 Bland-Stewart, Councilman District 6 Burke

Voting Nay:
Councilman District 3 Tippit,

13. **Consider recommendation of the Planning Board regarding a variance request of the free-standing sign height and effective area requirements in the sign ordinance for the new Speedy Stop located at 1019 Hwy 35. Presenter is Derrick Smith**

Development Services Director Smith was absent. (Interim City Manager Weaver presented item).

Mark Pullin and Donnie Shellenbarger, Construction Manager, were in attendance. Interim City Manager Weaver advised Council that the following pertained to the request:

<u>Sec. 36-6. - On-premises signs.</u>

Freestanding signs shall be subject to the following:

- The maximum allowable effective area for freestanding signs will be 60 square feet
- The maximum allowable height shall not exceed 30 feet on State Highway 35, and 20 feet elsewhere within the city limits.

Because this sign is very typical for a convenience store with multiple items for public notification (i.e. car wash, kitchen, a variety of different types of fuel), the Planning Board is recommending approval of the variances required to permit the size of the sign and message board as presented. Because of large width of SH 35 due to the center drainage ditch, and acknowledgement that again this is not atypical for similar convenience stores, the Planning Board is recommending approval of the 35 ft height to facilitate ease of visibility for passing motorists in this particular location.

The Planning Board is scheduling further discussion of the free standing signs at their next regular meeting to consider amending the ordinance to address these particular types of signs that advertise multiple entities/ features in one location.

The Planning Board Recommendation is for approval of the variance and staff concurs.

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 Planning Board and staff, Council hereby approves the variance request of the free-standing sign height to be 35 feet and effective area requirements in the sign ordinance for the new Speedy Stop located at 1019 Hwy 35.

Seconded by Councilwoman District 5 Bland-Stewart

Voting Yea:
Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilwoman District 5 Bland-Stewart, Councilman District 6 Burke

14. **<u>Consider recommendation of the Planning Board regarding a concept plan for the development of an auto maintenance and tire shop on Lot 4 of Mimi's Subdivision on Independence Drive. Presenter is Derrick Smith</u>**

Development Services Director Smith was absent. (Interim City Manager Weaver presented item).

The applicant, Albert Garcia, was in attendance and addressed Council. Interim City Manager Weaver advised Council that the applicant is proposing to operate an automotive service establishment specializing in minor vehicle maintenance, including tire repair, oil changes, and general service work. The proposed use does not include major engines, transmission, or body repair activities.

Planning Board Recommendation is approval of the Conceptual Plan on Lot 6 of Mimi's Subdivision for an auto service business specializing in minor vehicle maintenance, tire repair, oil changes, and general service work.

It is noted that all laws and ordinances regarding such facilities and tire storage will be fully complied with, as well as other development ordinances including landscaping and sidewalk.

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 Planning Board and staff, Council hereby approves the conceptual plan for the development of an auto maintenance and tire shop on Lot 4 of Mimi's Subdivision on Independence Drive.

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, Councilwoman District 5 Bland-Stewart, Councilman District 6 Burke

15. **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 commercial or financial information that was received from a business prospect that seeks to locate, stay, or expand in or near the territory of the Governmental Body, and with which the Governmental Body is conducting Economic Development Negotiations, in accordance with Title 5, Chapter 551, Section 551.087 of the Texas Government Code. Presenter is Mayor Whitlow**

Mayor Whitlow announced there would be no closed session.

16. **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.

No action necessary and none taken.

IX. ADJOURNMENT

Mayor asked for motion to adjourn.

Motion made by Councilman District 2 Dent

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, Councilwoman District 5 Bland-Stewart, Councilman District 6 Burke

Meeting adjourned at 9:29 p.m.

ATTEST:

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Jack Whitlow, Mayor

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Mandy Grant, City Secretary