



CITY COUNCIL REGULAR MEETING

Monday, October 13, 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 13th day of October 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

Public Hearing was opened at 6:32 p.m. on First 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). Public Hearing was closed at 6:50 p.m.

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 6:50 p.m. and presided.

III. INVOCATION

- Councilwoman Rose Bland-Stewart gave the invocation.

IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

V. PRESENTATION(S)

- Proclamations by the Mayor
 - October is Fire Prevention Month – October 05 thru October 11, 2025
“Charge into Fire Safety – Lithium-Ion Batteries in your Home”

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:
 - Felicia Harral, 114 N. Harbor Drive, Work being performed on Storm Drain on Harbor Drive, requests being placed on the agenda and requested a Dog Park.

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

- A. Minutes of September 08, 2025 Regular Meeting**
- B. Minutes of September 22, 2025 Special Meeting and Workshop Session**
- C. Review of Credit Card Statement**
- D. Receive Monthly Financial Highlight Report**
- E. Receive Employee Training Review Acknowledgment report**
- F. Receive Office of Court Administrators (OCA) Monthly report ending 09.30.2025**
- G. Receive Victoria Economic Development Corporation (VEDC) Monthly Report**
- H. Ratify 2025-2026 FY Budget Ordinance #S-4-25 (adopted 09-22-2025 at Special meeting)**
- I. Ratify 2025 Tax Ordinance #S-5-25 (adopted 09-22-2025 at Special meeting)**
- J. Receive Financial Investment Report from July 01, 2025 to September 30, 2025**
- K. Consider Engagement Letter from Pattillo, Brown & Hill, L.L.P. for Auditing Services of City's Financials for Fiscal Year ending September 30, 2025**
- L. Ratify parade permit for the OLG Catholic Church's "Marian Rosary" procession parade on Sunday, October 12, 2025**
- M. Receive Quarterly CIP Progress Report 07.01.2025 thru 09.30.2025**

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 all consent agenda items as listed.

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

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

1. **Consider request of Our Lady of the Gulf Catholic Church (OLGULF) Altar Society, for closure of Benavides Street between Leona and Austin Streets for their annual fund-raising Thanksgiving Meal Drive-Thru on Sunday, November 02, 2025 from 9:00 a.m. to 2:00 p.m. Presenter is Anne Marie Odefey**

City Attorney Odefey advised Council that Our Lady of the Gulf Catholic Church (OLGULF) Altar Society was requesting closure of Benavides Street between Leona and Austin Streets for their annual fund-raising Thanksgiving Meal Drive-Thru on Sunday, November 02, 2025 from 9:00 a.m. to 2:00 p.m.

Motion made by Councilman District 3 Tippit

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

THAT, in accordance with recommendation of staff, Council hereby approves request of Our Lady of the Gulf Catholic Church (OLGULF) Altar Society, for closure of Benavides Street between Leona and Austin Streets for their annual fund-raising Thanksgiving Meal Drive-Thru on Sunday, November 02, 2025 from 9:00 a.m. to 2:00 p.m.

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

2. **Consider request of Our Lady of the Gulf Catholic Church for a parade permit and traffic control assistance for their annual "Christ the King Eucharistic Procession Parade" on Sunday, November 23, 2025 beginning at 5:00 p.m. and also request waiver of any fees associated with the event. Presenter is Colin Rangnow**

Police Chief Rangnow advised Council that Our Lady of the Gulf Catholic Church has requested a parade permit and traffic control assistance for their annual "Christ the King Eucharistic Procession Parade" on Sunday, November 23, 2025 beginning at 5:00 p.m. and also request waiver of any fees associated with the event.

Motion made by Councilman District 3 Tippit

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

THAT, in accordance with recommendation of staff, Council hereby approves request of Our Lady of the Gulf Catholic Church for traffic control and waiver of fees for their annual "Eucharistic Procession Parade" on Sunday, November 23, 2025 beginning at 5:00 p.m.

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

3. **Consider request of the Chamber of Commerce for parade permit, traffic control assistance and closing off several streets, for the Annual "Lighted Christmas Parade" on Friday, December 05, 2025, beginning at 6:30 p.m. and also request waiver of any fees associated with the event. Presenter is Tania French**

Tania French, Events Coordinator was absent and Interim City Manager Weaver presented item.

Interim City Manager Weaver advised Council that the Port Lavaca Chamber of Commerce is requesting several city streets be closed on Friday, December 05, 2025, for the annual "Lighted Christmas Parade," beginning at 6:30. The parade begins at Sandcrab Stadium, travels down Sam Faubian Street, proceeds right onto Virginia Street, down to Main Street, turns left onto Main Street, proceeds down to Commerce Street, then crosses Commerce Street to the Bayfront Peninsula, where it ends.

The Port Lavaca Chamber of Commerce is requesting waiver of all fees associated with the event and also assistance with traffic control by the Police Department

Motion made by Councilman District 3 Tippit

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

THAT, Council hereby approves request of the Chamber of Commerce for parade permit, traffic control assistance and closing off several streets, for the Annual "Lighted Christmas Parade" on Friday, December 05, 2025, beginning at 6:30 p.m. and also waives regular fees associated with event.

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

4. **Consider appointment/reappointment 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 Jody Weaver**

Interim City Manager Weaver advised Council that the Recreation and Parks Board has two terms set to expire in October 2025. The current members, Olga Szela and Mac Sistrunk, have both submitted letters of interest for reappointment to the board. Furthermore, a citizen named Socorro Cantu has expressed interest in a separate vacancy and has also submitted a letter of interest to serve on the Recreation and Parks Board.

All three candidates are long-term residents and would prove to be significant assets to the board. It should be noted that there are no established term limits, and each full term is designated for a duration of two 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 Mac Sistrunk and Olga Szela to the Recreation and Parks Board to fill a vacancy and begin a new two-year term.

BE IT FURTHER RESOLVED, THAT Council hereby appoints Socorro Cantu to the Recreation and Parks Board to fill a vacancy and begin 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 Tippet, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilwoman District 5 Bland-Stewart, Councilman District 6 Burke

5. **Consider appointment of member(s) to the Building and Standards Commission 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 Ms. Mary Belle Meitzen submitted a request on September 30, 2025 for Ms. Bridgette Williams to be appointed to the Building and Standards Commission to fill a vacancy and begin a new two-year term. I did have a phone conversation with Ms. Williams, and she was very interested in serving.

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 appoints Bridgette Williams to the Building and Standards Commission to fill a vacancy and begin a new two-year term.

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

6. **Ratify authorizing Mayor to sign participation agreements as they are presented on National Opioid Settlement. Presenter is Anne Marie Odefey**

City Attorney Odefey advised Council that this is a request to ratify authorizing Mayor to sign participation agreements as they are presented on National Opioid Settlement.

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 City Attorney, Council hereby approves request to Ratify authorizing Mayor to sign participation agreements as they are presented on National Opioid Settlement.

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

7. **Consider proposed changes to the City's Purchasing Policy and Procedures. Presenter is Brittney Hogan**

Finance Director Hogan advised Council that the Purchasing Policy and Procedures was last approved in July 2022. This years legislative changes included Senate Bill 1173 which provided a change on the sealed bid limit from \$50,000 to \$100,000 effective September 1, 2025. This will not change the requirement on the number of bids the City is required to receive but rather removes the requirement for formally advertising. She said accepting the changes will provide guidance for future city purchases which will safeguard the usage of taxpayer funds.

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 proposed changes to the City's Purchasing Policy and Procedures for the 2025-2026 fiscal year.

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

8. **Consider Second and Final reading of an Ordinance (G-12-25) of the City of Port Lavaca; amending Code of Ordinances, Chapter 48, Traffic and Vehicles, addition of new Article VI, Golf Carts and Off-highway Vehicles; providing for purpose of ordinance; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Derrick Smith**

Council passed the first reading of Ordinance G-12-25 on September 08, 2025 with the stipulation for consideration of language in connection with safety issues around Lighthouse Beach Road, for the second and final reading. That language has now been added.

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 (G-12-25) of the City of Port Lavaca; amending Chapter 48, Traffic and Vehicles, addition of new Article VI, Golf Carts and Off-highway Vehicles, Section 48-231.

Seconded by Councilwoman District 5 Bland-Stewart

Voting Yea:

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

Voting Nay:

Councilman District 1 Aguirre

9. **Consider Second and Final reading of an Ordinance (G-13-25) of the City of Port Lavaca; amending Code of Ordinances, Chapter 12, Buildings and Building Regulations, Article II, Building Trade Codes, Section 12-21, Same-Additions, Deletions and Changes, (21) the National Electrical Code to allow aluminum conductors on the load side of the power company; providing for purpose of ordinance; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Derrick Smith**

Motion made by Councilman District 2 Dent

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

THAT, in accordance with the recommendation of staff, Council hereby approves Second and Final reading of an Ordinance (G-13-25) of the City of Port Lavaca; amending Chapter 12, Buildings and Building Regulations, Article II, Building Trade Codes, Section 12-21, Same-Additions, Deletions and Changes, (21) the National Electrical Code to allow aluminum conductors on the load side of the power company.

Seconded by Councilwoman District 5 Bland-Stewart

Voting Yea:

Councilman District 2 Dent, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilwoman District 5 Bland-Stewart, Councilman District 6 Burke

Voting Nay:

Councilman District 1 Aguirre, Councilman District 3 Tippit

10. **Consider First 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 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 (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.

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 First 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 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-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.

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

12. **Consider First 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**

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-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.

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

Voting Nay:

Councilman District 2 Dent

13. **Consider First 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**

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-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 Councilwoman District 5 Bland-Stewart

Voting Yea:

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

Voting Nay:

Councilman District 2 Dent

14. **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**

Mayor announced this item would be passed to a Workshop scheduled for Monday, October 27, 2025.

No action necessary and none taken.

15. **Consider awarding one or more contracts for Maintenance Mowing of various areas in the City of Port Lavaca for 2025-2026 Fiscal Year. Presenter is Derrick Smith**

Development Services Director Smtih advised Council that staff recently advertised for bids in the Port Lavaca Wave for Maintenance Mowing of Various Areas for Fiscal Year 2025-2026. In addition to the Wave advertisement, emails were sent to known mowing contractors in the area.

Bids were opened on September 02. 2025 and Staff recommends that more than one contract be awarded.

- 1) P & W Tree Trimming be awarded State Highway 35 median areas noted on the bid form addendum as "A" in the amount of \$28,500.00; Item H for \$8,600.00; Item I for \$3,800.00 and Item M for \$150.00 as needed.
- 2) READ Lawn Care be awarded Items C, D, F and J for a total of \$5,100.00.
- 3) TRAC Contractors, LLC be awarded Item G at \$12,000.00 and Items L for \$300.00 and Item O for \$100.00.
- 4) Marvelous Gardens be awarded Item N for \$125.00 as needed.
- 5) P&W Tree Trimming and Marvelous Gardens submitted the same bid for Items B at \$4,000.00, E at \$4,500.00 and K at \$1,800.00.

The contract will be split between the Street Department (\$38,100.00) and Parks Department (\$30,200.00) as shown on the bid tabulation form. The total of the contract is \$68,300.00 and is available using budgeted contracted services in Streets and Parks.

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 awarding one or more contracts for Maintenance Mowing of various areas in the City of Port Lavaca for 2025-2026 Fiscal Year, as presented per bid tabulation on file in the office of the City Secretary, as follows:

	Map	Vendor	Amount	Quantity
State Hwy 35 Median Area:	A	P & W Tree Trimming	\$ 28,500.00	
	B	Marvelous Gardens	\$ 4,000.00	
	C	Read Lawn Care	\$ 1,300.00	
	D	Read Lawn Care	\$ 1,300.00	
	E	Marvelous Gardens	\$ 4,500.00	
	F	Read Lawn Care	\$ 1,300.00	
	G	Trac Contractors, LLC	\$ 12,000.00	
	H	P & W Tree Trimming	\$ 8,600.00	
	I	P & W Tree Trimming	\$ 3,800.00	
	J	Read Lawn Care	\$ 1,200.00	
	K	Marvelous Gardens	\$ 1,800.00	
		TOTAL	<u>\$ 68,300.00</u>	

The following vendors and amounts in these map areas will be invoiced separately:

L	Trac Contractors, LLC	\$ 300.00	As Needed
M	P & W Tree Trimming	\$ 150.00	As Needed
N	Marvelous Gardens	\$ 125.00	As Needed
O	Trac Contractors, LLC	<u>\$ 100.00</u>	As Needed

BE IT FURTHER RESOLVED, THAT if a selected vendor does not accept terms, then it will go to the next low bidder.

Seconded by Councilman District 6 Burke

Voting Yea:

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

16. **Consider recommendation of the Planning Board for a variance to the Building and Building Regulations Ordinance, CH 12, Article II, Building Trade Codes, Sec. 12-24 Building Setbacks, for property ID #18409, Block 8, Lot 1, Brookhollow Estates Subdivision, 101 La Salle Blvd. Presenter is Derrick Smith**

Development Services Director Smith advised Council that in accordance with Sec. 12-24 (d) (10), the rear setbacks line for Brookhollow Estates is 5 ft from the property line. However, in 12-24 (d) (2) it requires that the minimum rear setback lines shall be 5 ft from the edge of a utility easement. The utility easement edge is 7.5 ft from the property line. Mr. Lanny Marshall, the construction Contractor is proposing that the addition be constructed on the utility easement edge. The property is owned by Alfred L. Sandoval.

The 5 ft setback from a utility easement is a crucial buffer between the foundation of the structure and underground utilities. This helps to prevent the foundation of a structure from failing. Pictured below is typical excavation knowledge.

Staff Recommendation: DENIAL. If approved the structural integrity of the structure could be compromised by any future utility improvements. Furthermore, the property does not have a unique or unusual hardship that denies the property owner the same rights as surrounding properties.

Planning Board Recommendation: APPROVAL with four conditions:

- 1) One foot setback;
- 2) No overhang of the roof assembly;
- 3) Engineered foundation with piers; and
- 4) A letter holding the city harmless of any damages that may occur to the foundation while working on utilities in the easement.

Motion made by Councilwoman District 5 Bland-Stewart

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, Council hereby approves a variance to the Building and Building Regulations Ordinance, CH 12, Article II, Building Trade Codes, Sec. 12-24 Building Setbacks, for property ID #18409, Block 8, Lot 1, Brookhollow Estates Subdivision, 101 La Salle Blvd, with the following four (4) conditions:

- 1) One foot setback;
- 2) No overhang of the roof assembly;
- 3) Engineered foundation with piers; and
- 4) A letter holding the city harmless of any damages that may occur to the foundation while working on utilities in the easement.

BE IT FURTHER RESOLVED, THAT the variance will be filed in the deeds records at the Calhoun County Clerks office and the property owner will pay City Attorney fees.

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

17. **Consider recommendation of the Planning Board for a conceptual plan, for a Restaurant, Scully's Grill & Bar, for the property described as A0012 Alejandro Esparza, Tract Pt 1, Wilson, Noble & Boyde Subdivision, 6.567 Acres, 1406 Broadway Street. Presenter is Derrick Smith**

Development Services Director Smtih advised Council that this proposal outlines the plan to develop a new, family-owned, full-service restaurant on the bay in Port Lavaca, Texas. The project will be the new Scully's Grill & Bar and is envisioned as a 6,000-square-foot coastal dining destination, offering both indoor and outdoor deck seating with accommodations for approximately 175-180 guests.

The property is described as A0012 Alejandro Esparza, Tract Pt 1, Wilson, Noble & Boyde Subdivision, 6.567 Acres, 1406 Broadway Street, Property ID #29901.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with the recommendation of the Planning Board and staff, Council hereby approves a conceptual plan, for a Restaurant, Scully's Grill & Bar, for the property described as A0012 Alejandro Esparza, Tract Pt 1, Wilson, Noble & Boyde Subdivision, 6.567 Acres, 1406 Broadway Street, Property ID #29901.

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

18. **Consider professional services agreement with Mott McDonald for Engineering Services of General Land Office (GLO) Community Development Block Grant – Mitigation Program (CDBG-MIT) Regional Mitigation Program Projects Contract No. 24-065-167-F082. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the City of Port Lavaca is a sub-recipient of the Community Development Block Grant Mitigation (CDBG-MIT) program and has been awarded funds in the amount of \$9,119,600.00. The City has recently executed the grant contract with the Texas General Land Office (GLO).

As the next step, the City must proceed with the approval of the Professional Engineering Services Contract. In 2020, the City approved a resolution R-072920-2 selecting Mott Macdonald, LLC to provide Professional Engineering Services for the CDBG-MIT program. City staff have already attended the GLO Kick-Off meeting, and to remain on schedule, it is necessary to formally approve the engineering contract with Mott Macdonald, LLC.

Therefore, the staff recommends that the City Council consider approving the Professional Engineering Services Contract with Mott Macdonald, LLC for the CDBG-MIT project under GLO Contract No. 24-065-167-F082.

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 Professional Engineering Services Contract with Mott Macdonald, LLC for the Community Development Block Grant Mitigation (CDBG-MIT) project under GLO Contract No. 24-065-167-F082, in the amount of \$1,048,299.00.

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

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

19. **Consider approval for the City of Port Lavaca Lynn's Bayou Wastewater Improvement Project, Certificate of Construction Completion and authorize release of Retainage and Final Payment. Presenter is Wayne Shaffer**

Interim City Manager Weaver advised Council that this project has been substantially complete and in full operation since November 15, 2024. It was discovered however that the Motor Control Center (MCC) installed was not provided with the proper enclosure to meet the specified safety requirements.

A new MCC with the correct specifications was ordered but had a long lead time. There was another inspection performed on August 28, 2025 following the installation of the proper MCC enclosure.

The following documents were presented to Council:

- Final Pay Request No. 10 in the amount of \$188,470.60 due;
- Affidavit of Bills Paid;
- Waiver and Lien Release upon Final Payment;
- Certificate of Construction Completion;
- Letter of Substantial Completion for the City of Port Lavaca Lynn's Bayou Wastewater Plant Improvement Project following installation of the proper MCC enclosure; and
- Substantial Completion Inspection Report dated August 28, 2024 following installation of the proper MCC enclosure.

JTR Constructors, Inc. has completed the punch list items of the August 28, 2025 inspection.

Recommendation:

Council to authorize the Certificate of Construction Completion (COCC) and approve the release of retainage and payment of the final invoice, to JTR Constructors, Inc., in the amount of \$188,470.60 and authorize the Mayor to execute all instruments necessary to affect such agreement.

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 the Certificate of Construction Completion (COCC) and authorizes the release of Retainage and Final Payment for the City of Port Lavaca Lynn's Bayou Wastewater Improvement Project to JTR Constructors, Inc., in the amount of \$188,470.60, as submitted by AECOM.

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

Mayor announced Council will recess at 9:17 p.m.

Mayor announced Council was back from recess at 9:24 p.m.

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

- **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**
- **For consultation with City Attorney concerning contemplated or pending litigation in accordance with Title 5, CH 551, Section 551.071(1) of the Texas Government Code:**
 - **Rebecca Holland VS City of Port Lavaca**
Cause Number 2025-CV-5350-DC
Calhoun County, Texas, 267th District Court

Mayor Whitlow announced that Council would retire into closed session at 9:24 p.m.

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

Mayor Whitlow announced that Council was back in open session at 9:56 p.m.

Item #1

Closed Session on Economic Development:

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 approves proceeding with 380 agreement with Economic Development prospect and authorizes City Attorney to draft agreement.

Seconded by Councilwoman District 5 Bland-Stewart

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,

Item #2

Closed Session on Litigation:

No action necessary and none taken.

IX. ADJOURNMENT

Mayor asked for motion to adjourn.

Motion made by Councilman District 2 Dent

Seconded 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 9:59 p.m.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary