



## CITY COUNCIL SPECIAL/WORKSHOP MEETING

Monday, March 28, 2022 at 5:30 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 28<sup>th</sup> day of March, 2022, the City Council of the City of Port Lavaca, Texas, convened in a special and workshop session at 5:30 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
Jerry Smith	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:

### CITY COUNCIL SPECIAL MEETING

#### II. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 5:35 P.M. and presided with the following announcement:

#### III. COMMENTS FROM THE PUBLIC – *Comments will be limited to three (3) Minutes per individual unless permission to speak longer is received in advance.*

- Mayor asked for comments from the public and there were none.

#### IV. ACTION ITEMS - *Council will consider/discuss the following items and take any action deemed necessary.*

1. **Consider request of The Harbor Children's Alliance and Victim Center for closure of streets adjacent to 215 W. Railroad Street for the annual hosting of "Celebrate the Child Picnic" on Saturday, April 02, 2022 from 9:00 a.m. to 2:00 p.m. The streets to be closed are N. Benavides from rear of the Library driveway to W. Railroad and W. Railroad from N. Benavides to N. Ann. Presenter Jody Weaver**

Interim City Manager Weaver advised Council that Maria Watson, of The Harbor Children's Alliance and Victim Center has made a request for closure of streets adjacent to 215 W. Railroad Street for the annual hosting of "Celebrate the Child Picnic" on Saturday, April 02, 2022 from 9:00 a.m. to 2:00 p.m. The streets to be closed are N. Benavides from rear of the Library driveway to W. Railroad and W. Railroad from N. Benavides to N. Ann. She said that in the past, this event was held at the Bayfront Peninsula, but due to COVID they have not been able to have it for the past 2 years.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with recommendation of staff, Council hereby approves request of The Harbor Children's Alliance and Victim Center for closure of streets adjacent to 215 W. Railroad Street for the annual hosting of "Celebrate the Child Picnic" on Saturday, April 02, 2022 from 9:00 a.m. to 2:00 p.m. The streets to be closed are N. Benavides from rear of the Library driveway to W. Railroad and W. Railroad from N. Benavides to N. Ann.

Seconded by Councilman District 6 Barr

Voting Yea:

Councilman District 1 Smith, 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 the 2022 Police Department Security Project. Presenter is Colin Rangnow**

Police Chief Rangnow and Finance Director Lang introduced Daniel Croasmun, Project General Manager for Brown & Root Industrial Services, LLC to answer any questions on this project.

Finance Director Lang advised Council that during the 2021-2022 Fiscal Year Budget process, staff discussed and City Council later approved, the Police Department Security Project which included the following funding for:

Perimeter Fencing	\$ 48,408
Access Control System and Cameras	\$ 91,592
Total Budgeted	\$ 140,000

Lang reminded Council that the purpose and scope of this project was to accomplish the following:

- Accomplish the priority actions identified in the Golden Crescent Regional Planning Commission which supports the Texas Homeland Security Strategic plan by preventing terrorist attacks and organized criminal activity.
  - Perimeter fencing drastically reduces a potential physical attack on the critical infrastructure housed by PLPD for the region.
- Securing the City's fleet investment, which are equipped with weapons, costly radio and camera equipment.
- Preservation of evidence vehicles which require security to process.
- Safeguarding and securing juveniles held in custody.
- Ensuring safety and security of all on-duty personnel and to effectively manage access to the department.

Several factors shook out of our estimates when we began to look into executing the project:

- The quotation from Texas Department of Criminal Justice was several years old and included "swing gates" which were no longer conducive to our application and would require too much maintenance.
- The quotation from VCS did not include any trenching or boring for the pathways to the gates, and would require electricians to perform this work, and was not included in the original cost assumptions.
- Additionally, the boring and trenching would also break-up the parking lot, which would also require resurfacing that was not included in the original cost assumptions.
- The outrageous inflation and materials shortage factor that was unforeseen.
- The need for project management services to coordinate which aspects of the project should be performed first, second, simultaneously, etc.

Staff reached out to one of our cooperative purchasing organizations, BuyBoard, and inquired about the Job Order Contracting (JOC) services that were pre-bid and awarded based upon the RSMeans and local pricing coefficients. That means the City receives a discount from the RSMeans pricing index. It is our hope that we can take advantage of the JOC's in-house project management, design and build efficiencies which will reduce the amount of time it would take to bid each aspect of complicated repair and build projects throughout the City. Staff interviewed and requested project scope and pricing from two (2) JOC pre-approved contractors in our area and they are as follows:

BuyBoard Vendor	BuyBoard Pricing	Pricing Coefficient	RSMeans Pricing Index
Brown & Root	\$ 456,486	69%	31% Discount
Basic IDIQ	\$ 551,014	81%	19% Discount

The original quotation provided by Brown & Root amounted to \$456,466. This figure encompassed an entire asphalt parking lot rebuild around the perimeter of the Police Department, but we asked them to only do one portion of the parking lot and to requote with sealcoat and restripe to the other portion of the parking lot. The revised quotation, with reduced scope, came in at **\$466,486**, which was greater than the original quotation received in January due to the rapidly escalating prices for materials, which seem to change daily.

The project will require a budget amendment in the amount of \$326,486.

The detailed bid from Brown and Root is as follows:

	<u>Actual</u>	<u>Budget</u>	<u>Required Amendment</u>
Fencing	\$ 158,409	\$ 48,408	\$ 110,001
Paving and Tree Removal	\$ 137,375		\$ 137,375
Access Control Systems and Camera System	\$ 132,673	\$ 91,592	\$ 41,081
Electrical	\$ 34,660		\$ 34,660
2 Pedestrian Doors, Drywall patching and Paint	\$ 3,369		\$ 3,369
TOTAL	<u>\$ 466,486</u>	<u>\$ 140,000</u>	<u>\$ 326,486</u>

Staff recommends City Council grant the authority to the City Manager to approve and execute the JOG with Brown & Root as provided in the attached proposal and authorize a budget amendment in the amount of \$326,486 from the General Fund Unreserved Fund Balance.

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 grants the Interim City Manager authority to approve and execute the Job Order Contracting (JOC) with Brown & Root, through BuyBoard, a Cooperative Purchasing Organization, as provided in the proposal presented to Council and authorize a budget amendment in the amount of \$326,486.00 from the General Fund Unreserved Fund Balance.

Seconded by Councilman District 5 Ward

Voting Yea:

Councilman District 1 Smith, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

Voting Nay: Councilman District 2 Dent

**3. Consider start date for the increased Republic services for brush and bulk approved at the January 10, 2022 regular scheduled Council meeting. Presenter is Jody Weaver**

Interim City Manager Weaver reminded Council that on January 10, 2022, Council approved an extension to the Republic Services contract for five (5) years with an increase to the brush/bulk limit per household to 12 cy and adding light construction debris. The cost for the increased limit and the light construction debris is \$2.00 per customer.

Staff is also in discussions about a needed increase to water and sewer rates following a recent utility rate study. That is a topic of discussion during the workshop portion of this meeting.

With the assumption that the \$2.00/customer fee increase will be passed directly through to the customer, staff would recommend making that change at the same time council makes the change to the utility rates. Staff anticipates that Council will consider the first reading of an ordinance to make a change to the water and sewer rates at the regular scheduled council meeting on April 11, 2022.

Staff Recommends making May 1st the effective date of the new solid waste rate with Republic and the 12-cy limit. Staff will reflect the \$2.00 increase on the customer bills they receive in June 2022. Make the water/sewer rate change effective with the May water usage which would be reflected on the bills received by the customers in June 2022. Consider the amendments to the fees ordinance at the regular scheduled council meetings on April 11 and May 9, 2022.

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 the start date for the increased Republic services for brush and bulk to be effective on May 01, 2022 and also authorizes the Interim City Manager to advise Republic of the city's intent.

Seconded by Councilman District 5 Ward

Voting Yea:

Councilman District 1 Smith, 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 purchase of an Air Burner for burning of brush. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that Republic Services collects brush once a month from residents and places it in a location at the Harbor of Refuge near the gun range, where it is reduced to chips once a year. Recently we had the existing piles surveyed and determined that there is 7300 cubic yards of chipped brush piled at the Harbor of Refuge. Republic Services will accept these chips in Victoria, but we will need to transport them. The cost to transport was estimated to be about \$200/30 yards or around \$50,000 before the fuel prices started going up.

In an effort to clean up this area at the Harbor of Refuge and find a long-term solution to manage our brush disposal, we discussed last April about purchasing an air curtain burner. Air burners work by safely burning wood waste within a confined area. Curtain technology captures and reburns emitted smoke particles for a clean burn with a burning process that is as emission-free as possible.

Texas Commission on Environmental Quality (TCEQ) will not permit an air burner to be located within 300 feet of land which is covering old landfill cells. The 74-acre property at the Harbor of Refuge is the City's old landfill, which was closed in the late 1970's, but the closure survey does not indicate where the cells are located. In talking with Judge Meyer, I was able to look over the closure surveys for the County's landfill site, which is now the location of the County's recycle center and found that the actual location of the cells is shown on the survey and there is available room to locate an air burner and remain at least 300 feet from these cells.

Wayne Shaffer and I met last year with Commissioners Vern Lyssey and David Hall to discuss the possibility of working with the County to locate an air burner in the south corner of the tract of land where the County's recycle center is. After further discussion we realized that the City and County have an opportunity here to provide a "one-stop-shop" so to speak where the citizens can bring their solid waste, including brush for disposal or recycling. We do currently offer a recycle bin for City residents to drop off recyclables each Saturday morning, which includes two haul offs each month, however we typically fill the container at most once a month. We have realized that many City residents are taking their recycling to the County's facility along with other solid waste for disposal. By combining resources and working together, we can work toward providing a quality facility for the City and County residents in one place.

Obviously, there is still much planning and many details to work out before executing a formal interlocal agreement, but the Commissioners Court did vote to agree to the concept of a Community Solid Waste Center and consented to locating an air burner on County-owned property, at the current recycle center, in the application to TCEQ for placement/operation of the air burner.

An air burner powered by diesel is an option, but for a long-range solution, we were thinking that a unit powered by electricity would be the best. I reached out to Victoria Electric Coop a couple of months ago for a budget estimate on the cost to bring 3-phase power to the proposed location of the air burner, southwest of the County's recycle center. The estimate cost was \$96,000.

Attached is a copy of the most recent quotation for an electric air burner of \$160,591.61, with a 26–28-week lead time. (I spoke with the sales rep on Thursday and they will be implementing a 10% price increase in the near future). The accompanying email states that should we find that we are unable to get a TCEQ permit for this location for some reason or are not ready for delivery yet, we can put the order on hold and even cancel it within 4 weeks of scheduled delivery, which would be 22 weeks from the order date. I have tasked Wayne with getting the TCEQ application put together with the assistance of Air Burners, Inc., Urban Engineering and myself as needed.

Attached is a conceptual layout for the Community Solid Waste Center. There will be costs associated with hauling and compacting fill material, (it is recommended by the manufacturer NOT to place the air burner on a concrete slab), providing electricity for the unit, as well as construction of a limestone road for the Republic trucks to bring the brush from US 87 and another limestone road for the public use to drop off brush. We do not have cost estimates for this work yet, but we can expect this to be \$100K-\$150K. In addition, once we are ready to begin routine burning operations, at least one additional employee will be needed on staff to perform this function. The County employee will man the facility to accept brush/bulk from the public two full days a week. Conceptually County personnel will share in the operation of the burner to account for brush coming in from the County, but the City personnel is obviously responsible for burning all that will be coming from Republic trucks in the City.

#### Options for Council Consideration:

1. Continue to deliver brush to the Harbor of Refuge site, chip annually and pay to haul the chips to the Victoria landfill or possibly Alcoa for use as cover of the mud pits.
  - As you recall it is the recommendation of the Port Commission to discontinue the use of the Harbor of Refuge as a staging ground for the City brush so the area can be cleaned up and marketed for lease.

2. Agree to the concept to establish a Community Solid Waste Center with the County and continue to work on the TCEQ application for the air burner permit and the County interlocal agreement. Once the permit is in hand, finalize the interlocal agreement, place the order for the VEC 3-phase power and for the air burner (at an increased cost) and begin work on the site and road work.
  - With this option, the cost of the burner will be an estimated 10% higher (\$16,000+/-).
3. Agree to the concept to establish a Community Solid Waste Center with the County and place the order now for the air burner unit for delivery in October 2022; continue to work on the TCEQ permit application and the County interlocal agreement. Once the TCEQ permit is in hand place. finalize the interlocal agreement with the County, place order for the VEC 3-phase power and begin site foundation work. If we need to delay shipment or cancel order we can do that up through August.
  - This option puts some pressure on the time-table to complete the permit application, pay VEC for the 3-phase power extension and perform the site work. Realistically we may not be fully ready for delivery of the unit by October, but we are able to delay delivery if necessary.

Note that these expenses are not in the FY 2022 budget, so all costs would be paid from General Fund Reserves.

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 the purchase of a 2022 Air Burner, Model S220E from Air Burners, Inc., Palm City, FL, in the amount of \$160,591.61 per GSA quote reference # S220E032210.

Seconded by Councilman District 5 Ward

Voting Yea:

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

**RECESS:**

Mayor Whitlow announced that Council would recess at 6:50 p.m.

Mayor Whitlow announced that Council would resume meeting at 7:02 p.m.

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

Mayor Whitlow announced that Council would retire into closed session at 7:02 p.m.



**6. 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 7:26 p.m.

No action necessary and none taken.

**V. ADJOURN SPECIAL MEETING**

Mayor asked for motion to adjourn.

Motion made by Councilman District 6 Barr

Seconded by Councilman District 5 Ward

Voting Yea

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

Special Meeting adjourned at 7:27 p.m.

**WORKSHOP SESSION**

**VI. CALL TO ORDER**

Workshop Called to Order at 7:28 p.m.

**VII. COMMENTS FROM THE PUBLIC** - *Comments will be limited to three (3) Minutes per individual unless permission to speak longer is received in advance*

- No Comments from the Public.

**VIII. ITEMS FOR DISCUSSION** - *Council will discuss the following items*

**1. Discuss Water and Sewer Rate Study. Presenter is Susan Lang**

Council discussed this agenda item.

No action necessary and none taken.

**IX. ADJOURN WORKSHOP**

Mayor asked for motion to adjourn.

Motion made by Councilman District 5 Ward



Seconded by Councilman District 2 Dent

Voting Yea:

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

Workshop adjourned at 7:41 p.m.

These minutes were approved on April 11, 2022.

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Jack Whitlow, Mayor

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Mandy Grant, City Secretary