



# CITY COUNCIL SPECIAL MEETING

Monday, September 16, 2024 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 16th day of September 2024, the City Council of the City of Port Lavaca, Texas, convened in a Special 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
Daniel Aguirre	Councilman, District 1
Tim Dent	Councilman, District 2
Rosie G. Padron	Councilwoman, District 4, Mayor Pro Tem
Jim Ward	Councilman, District 5
Justin Burke	Councilman, District 6

And with the following absent:

Allen Tippit	Councilman, District 3
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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 5:47 p.m. and presided.

### III. 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.

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

1. **Conduct Public Hearing for update on properties previously declared substandard on September 11, 2023:**

(a) **121 Massanet Street**

Mayor opened public hearing at 5:48 p.m.

Mayor closed the public hearing at 5:51 p.m.

No action necessary and none taken.

2. **Consider and take action on property previously declared substandard, following Public Hearings held on September 11, 2023 and September 16, 2024. Presenter is Derrick Smith**

(a) **121 Massanet Street**

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 finds that the following property listed, 121 Massanet Street, located in the City of Port Lavaca, Texas, was **previously declared substandard**, following Public Hearings held on September 11, 2023 and September 16, 2024.

BE IT FURTHER RESOLVED, THAT the property owners/heirs will be allowed sixty (60) days after notification, to obtain a building permit for the renovation; and if no permit is acquired or the permit lapses, the city may proceed with demolition and place a lien on the property.

Seconded by Councilman District 6 Burke

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Burke

3. **Conduct Public Hearing in accordance with the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, Section 12-291 - Notice (a) and (b), for each of the following properties listed:**

(a) **423 S. Benavides Street**

(b) **304 S. Juanita Street**

(c) **1713 Palm**

(d) **509 Bonorden Street**

Mayor opened and closed public hearings individually per property.

(a) **423 S. Benavides Street**

Mayor opened public hearing at 5:56 p.m.

Staff is recommending Council declare this property substandard and will allow the property owner one hundred eighty (180) days after notification, to obtain a building permit for the renovation; and if no permit is acquired or the permit lapses, the city may proceed with demolition and place a lien on the property.

Mayor closed the public hearing at 6:04 p.m.

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 finds that the following property listed, 423 S, Benavides Street., located in the City of Port Lavaca, Texas, is in violation of the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, following a Public Hearing held on September 16, 2024.

BE IT FURTHER RESOLVED, THAT this property is hereby declared substandard and will allow the property owner one hundred eighty (180) days after notification, to obtain a building permit for the renovation; and if no permit is acquired or the permit lapses, the city may proceed with demolition and place a lien on the property.

Seconded by Councilman District 1 Aguirre

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Burke

(b) **304 S. Juanita Street**

Mayor opened public hearing at 6:04 p.m.

Staff is recommending Council declare this property substandard and will allow the property owner thirty (30) days after notification, to demolish the outbuilding and be allowed thirty (30) days to move or demolish the manufactured home; and if not, the city may proceed with demolition and place a lien on the property.

Mayor closed the public hearing at 6:08 p.m.

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 recommendation of staff, Council hereby finds that the following property listed, 304 S. Juanita Street, located in the City of Port Lavaca, Texas, is in violation of the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, following a Public Hearing held on September 16, 2024.

BE IT FURTHER RESOLVED, THAT this property is hereby declared substandard and will allow the property owner thirty (30) days after notification, to demolish the outbuilding and be allowed thirty (30) days to move or demolish the manufactured home; and if not, the city may proceed with demolition and place a lien on the property.

Seconded by Councilman District 6 Burke

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Burke

(c) **1713 Palm Drive**

Mayor opened public hearing at 6:09 p.m.

Staff is recommending Council declare this property substandard and will allow the property owner sixty (60) days after notification, to obtain a building permit for the renovation; and if no permit is acquired or the permit lapses, the city may proceed with demolition and place a lien on the property.

Mayor closed the public hearing at 6:12 p.m.

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 finds that the following property listed, 1713 Palm Drive, located in the City of Port Lavaca, Texas, is in violation of the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, following a Public Hearing held on September 16, 2024.

BE IT FURTHER RESOLVED, THAT this property is hereby declared substandard and will allow the property owner sixty (60) days after notification, to obtain a building permit for the renovation; and if no permit is acquired or the permit lapses, the city may proceed with demolition and place a lien on the property.

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 Burke

(d) **509 Bonorden Street**

Mayor opened public hearing at 6:13 p.m.

Staff is recommending Council declare this property substandard and will allow the property owner sixty (60) days after notification, to obtain a demolition permit for the renovation; and if no permit is acquired or the permit lapses, the city may proceed with demolition and place a lien on the property.

Mayor closed the public hearing at 6:15 p.m.

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 finds that the following property listed, 509 Bonorden Street, located in the City of Port Lavaca, Texas, is in violation of the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, following a Public Hearing held on September 16, 2024.

BE IT FURTHER RESOLVED, THAT this property is hereby declared substandard and will allow the property owner sixty (60) days after notification, to obtain a demolition permit for the renovation; and if no permit is acquired or the permit lapses, the city may proceed with demolition and place a lien on the property.

Seconded by Councilman District 6 Burke

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Burke

5. **Consider Second and Final reading of an Ordinance (S-2-24) approving the annual Budget for the City of Port Lavaca, Texas and adopting the budget document for the fiscal year October 01, 2024 thru September 30, 2025. Presenter is Jody Weaver**

Interim Finance Director Hogan advised Council that in accordance with the State of Texas Property Tax Code, the Comptroller of Texas' Truth-in-Taxation rules, the Local Government Code and the City's Charter, we have prepared an Ordinance that, if approved, meets the requirements as established by the governing legislation.

On July 22 (CIP) and August 19, 2024, the City Council held budget workshops to review recommendations from the City Manager for the FY 2024-2025 budget. The proposed budget was filed with the City Secretary and published on the City's website on August 8th.

On August 19, 2024, the City Council announced a public hearing on the FY 2024-2025 Budget to be held on September 09, 2024. Because the proposed tax rate exceeds the No-New-Revenue rate, legislation considers it a tax increase and requires special language to be included in the Notice of Public Hearing on the Budget, the front page of the proposed budget and the front page of the adopted budget.

The City published a notice of public hearing on the budget in the newspaper of general circulation (Port Lavaca Wave) on August 28, 2024, and posted the same notice on the City's website.

The budget, with changes recommended by City Council in the August 19, 2024 workshop, is recommended for the City Council's approval, and contains combined Revenues of \$24,862,058 followed by combined Expenditures of \$24,104,165 leaving combined Fund Balance reserves of \$12,496,442.

The Ordinance to adopt the budget contains authorization, as prescribed in the City Charter, Section 8.03, for the City Manager to transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency. Legislation does require specific language on the vote to adopt the budget, only that it must be a record vote.

Motion made by Councilman District 6 Burke

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

THAT, Council hereby adopts the 2024-20245Fiscal Year Annual Budget, as presented by the Interim City Manager; and

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

THAT, in accordance with recommendation of staff, Council hereby approves the 2024-2025 Fiscal Year Annual Budget Ordinance (S-2-24), as presented by the Interim City Manager, on this its second and final reading.

Seconded by Councilman District 5 Ward

Voting Yea and Record Vote:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Burke

Voting Nay and Record Vote: None

Abstain: None

Absent: Councilman District 3 Tippit

6. **Consider Ratification of Property Tax increase reflected in the Budget. Presenter is Brittney Hogan**

Interim Finance Director Hogan advised Council that in accordance with Local Government Code Section 102.007(c) when adopting a budget that will require raising more revenue from property taxes than in the previous year, a separate vote of the governing body to ratify the property tax increase reflected in the budget is required. This vote is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate.

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 to ratify the property tax revenue increase reflected in the 2024-2025 Budget.

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 Burke

7. **Consider Second and Final reading of an Ordinance (S-3-24) fixing the Tax Rate and Tax Levy for the City of Port Lavaca, Texas for the year 2024. Presenter is Brittney Hogan**

Interim Finance Director Hogan advised Council that in accordance with the State of Texas Property Tax Code, the Comptroller of Texas’ Truth-in-Taxation rules, the Local Government Code and the City’s Charter, we have prepared an Ordinance that, if approved, meets the requirements as established by the governing legislation.

On August 19, 2024, the City Council took a record vote to propose a greater tax rate (\$0.8000) as levied on properties as the previous year. Because the proposed tax rate exceeds the No-New-Revenue rate, legislation considers it a tax increase and requires a public hearing. City Council announced a date and time for a public hearing on the tax rate to be held on September 09, 2024.

The City published a notice of public hearing on the tax increase in the newspaper of general circulation (Port Lavaca Wave) on August 28, 2024, and posted the same notice on the City’s website.

Additionally, because the proposed tax rate exceeds the No-New-Revenue rate, additional language is required to be included in the ordinance and requires specific language in the motion to adopt the tax rate as follows:

MOTION #1: “I move that the property tax rate be increased by the adoption of a tax rate of \$0.8000, which is effectively a 4.04 percent increase in the tax rate.” (Must be a Record Vote by each member of the governing body by name).

Additionally, the tax rate consists of two components, each of which must be approved separately:

Maintenance and Operations: \$0.6743

Interest & Sinking (Debt): \$0.1257

MOTION #2: "I move to adopt a Maintenance and Operations rate of \$0.6743."

MOTION #3: "I move to adopt an Interest & Sinking rate of \$0.1257."

**Motion #1:**

Motion made by Councilman District 6 Burke

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

THAT, the property tax rate be increased by the adoption of a tax rate of \$0.8000, which is effectively a 4.04% increase in the tax rate; and

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

THAT, in accordance with recommendation of staff, Council hereby approves fixing the 2024 Tax Rate and Tax Levy Ordinance (S-3-24) on this its second and final reading.

Seconded by Councilman District 5 Ward

Voting Yea and Record Vote:

Councilman District 1 Aguirre, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Burke

Voting Nay and Record Vote:

Councilman District 2 Dent

Abstain: None

Absent: Councilman District 3 Tippit

**Motion #2:**

Motion made by Councilman District 6 Burke

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

THAT, City Council adopts a Maintenance and Operations rate of \$0.6743.

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 Burke

Voting Nay: None

**Motion #3:**

Motion made by Councilman District 6 Burke

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

THAT, City Council adopts an Interest & Sinking rate of \$0.1257.

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 Burke

Voting Nay: None

8. **Consider Budget Amendment No. GF-002 for 2023-2024 Fiscal Year for Fire Department Personal Protective Equipment (PPE). Presenter is Brittney Hogan**

Interim Finance Director Hogan advised Council that the City had the opportunity to accept a grant from the Texas A&M Forest Service to fund additional Personal Protective Equipment for the Fire Department. If Council approves this grant, it will be necessary to recognize the additional revenue and additional expense that will be added to the City’s budget for fiscal year 2024. Accepting the grant will require the City to use \$2,000.00 from the current savings in the Fire Departments Protective Clothing line item. Staff recommends approval of Budget Amendment No. GF-002.

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 Budget Amendment No. GF-002 for 2023-2024 Fiscal Year for Fire Department Personal Protective Equipment (PPE).

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Burke

- 9. **Hear presentation from RBC Capitol Markets regarding the report on the valuation consideration and overview of the City’s Water and Wastewater Utility Systems; and consider the award of Commitment for Financial Assistance from the Texas Water Development Board (TWDB to fund the Wastewater Treatment Plant (WWTP) Expansion Project. Presenter is Jody Weaver**

Dusty Traylor from RBC Capitol Markets made a presentation regarding the report on the valuation consideration and overview of the City’s Water and Wastewater Utility Systems.

No action necessary and none taken.

**VI. ADJOURNMENT**

Mayor asked for motion to adjourn.

Motion made by Councilman District 5 Ward

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 Burke

Meeting adjourned at 7:32 p.m.

ATTEST:

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Jack Whitlow, Mayor

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Mandy Grant, City Secretary