



# CITY COUNCIL REGULAR MEETING

Monday, September 09, 2024 at 6:30 PM

City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

## MINUTES

STATE OF TEXAS §  
COUNTY OF CALHOUN §  
CITY OF PORT LAVACA §

On this the 9th day of September 2024, the City Council of the City of Port Lavaca, Texas, convened in a regular session at 6:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following members in attendance:

### I. ROLL CALL

Jack Whitlow	Mayor
Daniel Aguirre	Councilman, District 1
Tim Dent	Councilman, District 2
Allen Tippit	Councilman, District 3
Rosie G. Padron	Councilwoman, District 4, Mayor Pro Tem
Jim Ward	Councilman, District 5
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 6:30 p.m. and presided.

### III. INVOCATION

- Councilman Ward gave the invocation.

### IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

### V. PRESENTATION(S)

**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 August 05, 2024 Workshop Session**
- B. Minutes of August 12, 2024 Regular Meeting**
- C. Minutes of August 19, 2024 Special Meeting and Workshop Session**
- D. Review of Credit Card Statement**
- E. Receive Monthly Financial Highlight Report**
- F. Review Quarterly Investment Report (04/01/2024 thru 06/30/2024)**
- G. Receive Victoria Economic Development Corporation (VEDC) Monthly Report**
- H. Ratify the 5-year lease of Tracts 9 and 9A to Prestige**
- I. Ratify the 2-month up to 6-month lease of the boat slips CH-2 and CH-3 and 0.4 acre +/- of PID No. 19213 (old freezer plant site) to Mike Hooks, LLC**

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 consent agenda items “A” through “G”, as listed.

Seconded by Councilman District 5 Ward

Voting Yea:

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

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 consent agenda item “H” Ratify the 5-year lease of Tracts 9 and 9A to Prestige, as listed.

Seconded by Councilman District 5 Ward

Voting Yea:

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

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 consent agenda item "I" Ratify the 2-month up to 6-month lease of the boat slips CH-2 and CH-3 and 0.4 acre +/- of PID No. 19213 (old freezer plant site) to Mike Hooks, LLC, 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, Councilman District 5 Ward, Councilman District 6 Burke

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

- 1. **Review proposed FYE 2025 Undine Budget and proposed plan to address TTHM Levels with representatives of Undine. Presenter is Jody Weaver**

Members of the Undine Team, Mr. Vance Tillman (Chief Financial Officer), Derrel Wilson (H2O' Regional VP), and Keaton Dunn (WTP Plant Manager – H2O) were in attendance and addressed City Council.

No action necessary and none taken.

- 2. **Receive presentation from Enterprise on the vehicle lease program. Presenter is Anastacia Maples**

Ms. Anastacia Maples, representing the Enterprise Fleet Lease Management program, was in attendance and made a Power Point presentation to City Council.

No action necessary and none taken.

- 3. **Consider request of Calhoun County Fair Association (CCFA) for a parade permit and traffic control assistance on Saturday, October 12, 2024 beginning at 10:00 a.m.; the parade route will be from Sandcrab Stadium, San Faubion, N. Virginia, Main streets and ending at the Bayfront Peninsula; and also request waiver of any fees associated with the event. Presenter is Tania French**

Tania French, Events Coordinator advised Council that the Calhoun County Fair Association requests approval, traffic control and waiver of any fees for the annual Fair Parade to be held at 10:00 a.m. on Saturday, October 12, 2024. The theme this year will be "Denim & Diamonds".

There will be a lineup at the CHS Stadium and using the Hwy 35 entrance only. The parade route will start up at Sam Faubion, right on Virginia, left on Main, and end at the Bayfront Peninsula Park. The parade will begin line up at 9:00 a.m. and start-up to begin at 10:00 a.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, Council hereby approves request of the Calhoun County Fair Association (CCFA) for a parade permit and traffic control assistance on Saturday, October 12, 2024 beginning at 9:00 a.m.; and also approves waiver of any fees associated with the 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, Councilman District 5 Ward, Councilman District 6 Burke

- 4. **Consider request of Our Lady of the Gulf Catholic Church for a parade permit and traffic control assistance for the “Marian Rosary” procession parade on Sunday, October 13, 2024 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 the “Marian Rosary” procession parade on Sunday, October 13, 2024 beginning at 5:00 p.m. and also request waiver of any fees associated with the event.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with recommendation of staff, Council hereby approves request of Our Lady of the Gulf Catholic Church for traffic control and waiver of fees for their annual “Marian Rosary” procession parade on Sunday, October 13, 2024 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, Councilman District 5 Ward, Councilman District 6 Burke

- 5. **Consider 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 21, 2024 beginning at 6:00 p.m. 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 21, 2024 beginning at 6:00 p.m. and also request waiver of any fees associated with the event.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with recommendation of staff, Council hereby approves 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 21, 2024 beginning at 6:00 p.m.

Seconded by Councilman District 3 Tippit

Voting Yea:

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

6. **Conduct Public Hearing on the 2024-2025 fiscal year Budget. Presenter is Brittney Hogan**

Mayor Whitlow announced that the public hearing was now open at 7:40 p.m.

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, the City is required to hold a public hearing on the FY 2024-2025 budget.

On August 19, 2024, the City Council voted to set a public hearing on the FY 2024-2025 budget. The City Council set the date and time for a Public Hearing on the budget for September 09, 2024.

Because the proposed tax rate exceeded the No-New-Revenue rate, legislation considers it a tax increase and requires special language to accompany the notice of public hearing on the budget.

The City has complied with the governing legislation and has published the Notice of Public Hearing for the budget in the newspaper of general circulation (Port Lavaca Wave) and on the City’s website.

This public hearing will provide an opportunity for taxpayers to express their views on the City’s 2024-2025 annual budget. Only one public hearing is required and satisfies the requirements for a later vote on the ordinance adopting the annual budget.

Mayor Whitlow announced that the first public hearing on the proposed 2024-2025 Fiscal Year Budget was now closed at 7:42 p.m.

No action necessary and none taken.

7. **Conduct Public Hearing on proposed 2024 Tax Rate. Presenter is Brittney Hogan**

Mayor Whitlow announced that the public hearing was now open at 7:43 p.m.

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, the City is required to hold a public hearing on the 2024 Tax Rate.

On August 19, 2024, the City Council took a record vote to propose a tax rate of \$0.8000, which is more than the previous year's tax rate, to be levied on properties within the City. Because the proposed tax rate exceeds the No-New-Revenue rate, legislation considers it a tax increase, and requires a public hearing. The City Council set the date and time for a Public Hearing on the Tax Rate for September 9, 2024.

This public hearing will provide an opportunity for taxpayers to express their views on the tax increase as defined by legislation. Only one public hearing is required and satisfies the requirements for a later vote on the ordinance establishing a tax rate.

Mayor Whitlow announced that the first public hearing on the proposed 2024 Tax Rate was now closed at 7:45 p.m.

No action necessary and none taken.

8. **Consider new job description for Assistant to the Harbor Master. Presenter is Jody Weaver**

Interim City Manager Weaver reminded Council that as discussed at the recent Budget Workshop, we are proposing to ADD the position of "Executive Assistant to the Harbor Master". A copy of the proposed job description is in the HR office.

The addition of this position will allow HR Coordinator Garza to concentrate on her duties in Human Resources as well as function as the Executive Assistant to the City Manager as needed.

This position, will function as the secretary for the Port Commission, setting up and attending all meetings, taking minutes, prepare minutes for approval, keeping up with all lease and other payments owed to the City from Ports & Harbors properties, applying Municipal Cost Index and other utility increases when due per the various leases. This position will function as the assistant to the Harbor Master, operating in a mostly office environment, assisting with purchasing and procurement, preparing draft lease documents, correspondence, record keeping and filing and organizing historical records of the Port Commission.

We are proposing this position with a pay grade of 36 (\$38,121.55 min/ \$44,792.82 min./ \$51,464.09). Other positions in this grade are Administrative Assistant, Code Enforcement Officer, Records Clerk, Utilities Operator.

We had originally discussed officing this position with Harbor Master Rudellat at Nautical Landings, however we recently realized that his office is not ADA accessible and part of the job functions of this position is to meet with and assist the public with questions and help boat owners and others in filling. out their lease agreements, etc. This needs to occur in a location that is fully accessible to the public. In addition, the Harbor Master and the assistant need to be able to easily work and communicate together. So, we are proposing to office this position and the Harbor Master into the area across the hall from the City Secretary (where the permit clerk and code enforcement officer used to sit) and room will be created for them in the north end remodel project. For the time being, the office at Nautical Landings will remain a field office for storage of materials, etc. for Harbor Master Rudellat.

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 addition of one new position being "Executive Assistant to the Harbor Master".

BE IT FURTHER RESOLVED THAT, the job description will be amended by adding language to the functions of this position; *keeping up with all lease and other payments owed to the City from Ports & Harbors properties* "and resolving payment issues".

Seconded by Councilman District 3 Tippit

Voting Yea:

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

**9. Consider proposed City Compensation Plan for 2024-2025 fiscal year. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that it is the policy of the City of Port Lavaca to perform a salary survey every two (2) years, to include city to city contact and survey data available through TML. At least every sixth (6th) year the City contracts with a third party to review and recommend changes to the City's job descriptions and salaries.

The last Salary Survey/Compensation Plan which was performed by a third party was in 2020 with the final report dated January 2021. We have budgeted to perform during FY 2024-25 a new third-party Salary Survey/Compensation Plan and include a review and update of all job descriptions.

Staff performed a review of the current salaries paid and all full-time positions are being paid at or above the minimum pay recommended in the Compensation plan adopted by Council last year.

The attached in-house Salary Survey was performed by City staff which compares the salary range of a few select positions among the comparable cities that were used in the January 2021 Compensation plan. This information was gathered from the TML Salary survey and/or information received directly from the Cities.

The only change we are proposing to the salary structure is the addition of the Executive Assistant to the Harbor Master at a grade of 36.

**RECOMMENDATIONS:**

- 1) The City Council approves the Salary Structure as presented. Council approves providing budgeted funds for merit increases for all employees, except department heads, in an amount equal to 4% of their total budgeted FY 2023-24 salaries. For merit increases for department heads, budgeted funds in an amount equal to 2% of their total budgeted FY 2023-24 salaries is provided.



- 2) The City Headcount is approved as follows:  
 As of October 01, 2024, 101 full-time employees and 3.38 part-time FTEs.  
 As of January 01, 2025, after the dispatchers move to the combined Dispatch center, it will be 97 full-time employees and 2.01 part-time FTE's.

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 proposed City Compensation plan for the 2024-2025 fiscal year as follows:

- 1) The City Council approves the Salary Structure as presented. Council approves providing budgeted funds for merit increases for all employees, except department heads, in an amount equal to 4% of their total budgeted FY 2023-24 salaries. For merit increases for department heads, budgeted funds in an amount equal to 2% of their total budgeted FY 2023-24 salaries is provided.
- 2) The City Headcount is approved as follows:
  - As of October 01, 2024, 101 full-time employees and 3.38 part-time FTEs.
  - As of January 01, 2025, after the dispatchers move to the combined Dispatch center, it will be 97 full-time employees and 2.01 part-time FTE's.
  - Increasing headcount by one (New Executive Assistant to the Harbor Master)

Seconded by Councilman District 3 Tippit

Voting Yea:

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

**10. Consider First 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 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 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 Justin

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 first reading.

Seconded by Councilman District 5 Ward

Voting Yea and Record Vote:

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

Voting Nay and Record Vote:

None

Abstain: None

11. **Consider First 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 first reading.

Seconded by Councilman District 5 Ward

Voting Yea and Record Vote:

Councilman District 1 Aguirre, Councilman District 3 Tippit, 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

**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, Councilman District 3 Tippit, 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, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Burke

Voting Nay: None

12. **Consider First reading of an Ordinance (S-4-24) of the City of Port Lavaca regarding compensation of Mayor and Council Members; and providing an effective date. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the City of Port Lavaca Home Rule Charter provides that such compensation may be increased by ordinance by an amount no greater than ten percent (10%) of the current compensation in any fiscal year. The Charter provides that any such increase in compensation shall not take effect until the commencement of the terms of Mayor and/or Council Members elected at the next regular election.

Motion made by Councilman District 5 Ward

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-4-24) of the City of Port Lavaca regarding compensation of Mayor and Council Members; with amendment to clarify ten percent (10%) as allowed by city’s Home Rule Charter for the second and final reading.

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Aguirre, Councilman District 3 Tippit, and Councilman District 5 Ward

Voting Nay:

Councilman District 2 Dent, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 6 Burke

Mayor’s Vote to Break Tie:

Yea

- 13. **Consider Second and Final reading of an Ordinance (G-7-24) of the City of Port Lavaca amending the basic Traffic Control Devices Ordinance G-6-86, Section 3, by adding Stop Signs in Lynnhaven Subdivision; Repeal Clause; and providing an effective date. Presenter is Colin Rangnow**

Motion made by Councilman District 5 Ward

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-7-24) of the City of Port Lavaca amending the basic Traffic Control Devices Ordinance G-6-86, Section 3, by adding Stop Signs in Lynnhaven Subdivision; Repeal Clause; and providing an effective date.

Seconded by Councilman District 2 Dent

Voting Yea:

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

- 14. **Consider Second and Final reading of an Ordinance (G-8-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes, Chapter 50, Sec. 50-67 Utilities - Water User Rates – GBRA, Residential and Commercial; and providing an effective date. Presenter is Jody Weaver**

Motion made by Councilman District 5 Ward

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-8-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes, Chapter 50, Sec. 50-67 Utilities - Water User Rates – GBRA, Residential and Commercial; and providing an effective date.

Seconded by Councilman District 2 Dent

Voting Yea:

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

15. **Consider First reading of an Ordinance (G-9-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes, Chapter 54 Waterways Fees; and providing an effective date. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that as reported to Council in August 2024, a select committee of the Port Commission, Harbor Master Rudellat and I have been working since March 2024 to draft a comprehensive TARIFF document that covers not just fees, but rules and other regulations and practices of operations of our Ports & Harbors. After considering the comments/concerns about the draft Tariff document expressed by Helena and also recognizing that we need to give all our tenants plenty of time to provide feedback on the document, I believe we need to take more time to closely review the language proposed in the Tariff document and think through how it will affect existing and new tenants. I would also like to run it by a Marine Attorney before finalizing it and presenting it to Council for adoption.

However, because of the anticipated increase in transient traffic that is expected in the coming months and years, the Port Commission has expressed a need to include in the Chapter 54 Waterways rate schedule, daily rates to handle any situations of **FLEETING AND MOORING AND GENERAL DOCKAGE**, while we iron out the details of a tariff document.

The proposed rates are what the Port Commissioners have been discussing as part of the tariff document for several months. I am proposing these rates as part of a first reading to amend the Chapter 54 Waterways rates. The Port Commission will meet on September 17, 2024 and the agenda will include a formal vote regarding a recommendation to adopt these rates. The committee and I will continue to work on the tariff document and hope to have it ready and fully reviewed and vetted in the next couple of months.

Fleeting and Mooring and Dockage are common terms in the Ports & Harbors operations, but for clarity, the terms are defined in the draft Tariff document as follows:

- **DOCK.AGE**: The charge assessed against a vessel for berthing at a wharf, pier, bulkhead or for mooring to a vessel so berthed.
- **FLEET**: The areas determined by CITY to be used for lay berth or services to vessels not engaged in cargo operation.
- **MOORING**: An act of making fast a boat with lines or anchors.

Recommendations:

- 1. Approve the first reading of an ordinance to change the Appendix A - fees, rates and charges for Chapter 54 Waterways to include daily rates for general dockage and fleeting and Mooring.

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-9-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes, Chapter 54 Waterways Fees; 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, Councilman District 5 Ward, Councilman District 6 Burke

- 16. **Consider rescheduling the regular City Council meeting scheduled for Monday, November 11, 2024 for another date since it falls on a scheduled City Holiday (Veterans Day), in accordance with Ordinance No. S-15-07, Section 4. Presenter is Mandy Grant**

City Secretary Grant advised Council that the regular scheduled city council meeting for Monday, November 11, 2024 will fall on Veteran’s Day and in accordance with Ordinance No. S-15-07, Section 4, in the event any meeting of City Council falls on a scheduled City Holiday, Council shall have the right to reschedules such meeting for another date.

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 Ordinance No. S-15-07, Section 4, in the event any meeting of City Council falls on a scheduled City Holiday, Council hereby reschedules the regular scheduled city council meeting scheduled for Monday, November 11, 2024, which falls on Veterans Day, to a Special Meeting to be held instead on Wednesday, November 13, 2024 at 6:30 p.m.

Seconded by Councilman District 5 Ward

Voting Yea:

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

17. **Consider recommendation of the Planning Board to consider a request for a Minor Re-Plat for Block 5, Lot 5-6 of the Lynnhaven Subdivision (109-111 Bonham St.). Parcel ID# 18848. Presenter is Derrick Smith**

*Sara Sanchez, Development Services Coordinator, presented this item in the absence of Development Services Director Smith.*

According to Development Services Director Smith’s Memo to Council:

Michael Williams, RPLS, (was in attendance via ZOOM) on behalf of Jacob Atchison is requesting a minor re-plat for 109-111 Bonham Street.

The existing breezeway for the main structure is currently on both properties. Therefore, Mr. Williams is requesting approval to move the interior lot line in order for the breezeway to be six (6) inches from the property line. The minor re-plat request does not meet the requirements as set out in Section 12 – 24(d)(10) of the City of Port Lavaca’s Code of Ordinances. In accordance with our adopted residential code, projections are not allowed to project less than 2 feet of property lines.

In order to comply with the adopted ordinances, it is the staff’s recommendation that the extension of the breezeway be removed from the house prior to approval.

The Planning Board Recommends approval contingent on the removal of overhead structure that is within setback requirements

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 Planning Board and staff, Council hereby approves a request for a Minor Re-Plat for Block 5, Lot 5-6 of the Lynnhaven Subdivision (109-111 Bonham St.) contingent on the removal of overhead structure that is within setback requirements.

Seconded by Councilman District 2 Dent

Voting Yea:

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

18. **Consider recommendation of the Planning Board to consider a Variance to Ordinance Section 12-24(d)(10) for Interior Lot Boundary Line Setback Requirements. The property is described as Block 5, Lot 5-6 of the Lynnhaven Subdivision (111 Bonham St.). Presenter is Derrick Smith**

*Sara Sanchez, Development Services Coordinator, presented this item in the absence of Development Services Director Smith.*



According to Development Services Director Smith’s Memo to Council:

In accordance with Section 12-24(d)(10), the Lynnhaven Subdivision requires a five (5) foot setback for interior lot lines.

The staircase provided for the 2nd floor of the garage apartment at 111 Bonham St. encroaches into the required side yard by 2.13 feet and lessens the encroachment to .69 feet as shown on the attached proposed minor re-plat. According to the Calhoun County Appraisal District Summary, the main dwelling and garage were built in 1965. The city does not have any building permit records for this property. Therefore, we cannot verify when the staircase was built and if the setbacks were approved at the time of construction.

When considering whether to grant a variance, the Board must make specific findings that (1) it meets the intent of the ordinance and substantial justice will be provided to the applicant; (2) the variance is not contrary to public interest; and (3) that due to special conditions, literal enforcement of the ordinance would result in an unnecessary hardship to the property owner.

It is the staff’s opinion that the garage and staircase were both approved by the city for construction. Therefore, it is the staff’s recommendation to approve the request.

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 a Variance to Ordinance Section 12-24(d)(10) for Interior Lot Boundary Line Setback Requirements. The property is described as Block 5, Lot 5-6 of the Lynnhaven Subdivision (111 Bonham St.).

Seconded by Councilman District 3 Tippit

Voting Yea:

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

Mayor announced Council would go into Recess at 8:34 p.m.

Mayor announced Council was back from Recess at 8:42 p.m.

19. **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 the purchase, exchange, lease or value of Real Property (Deliberation in an Open Meeting would have a detrimental effect on the position of the Governmental Body in negotiations with a third party), in accordance with Title 5, Chapter 551, Section 551.072 of the Texas Government Code). Presenter is Mayor Whitlow**
- **To deliberate a negotiated contract for a prospective gift or donation to the State or the Governmental Body (Deliberation in an Open Meeting would have a detrimental effect on the position of the Governmental Body in negotiations with a third party), in accordance with Title 5, Chapter 551, Section 551.073 of the Texas Government Code). Presenter is Mayor Whitlow**

Mayor Whitlow announced that Council would retire into closed session at 8:42 p.m.

20. **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 9:11 p.m.

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 hereby accepts Jan Regan's building located at 233 E. Main Street, Port Lavaca, Texas; contingent upon allowing Jan Regan's family to take out personal effects and retain the name on the property as the Regan Building.

Seconded by Councilman District 5 Ward

Voting Yea:

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

## **IX. ADJOURNMENT**

Mayor asked for motion to adjourn.

Motion made by Councilman District 5 Ward

Seconded by Councilman District 3 Tippit

Voting Yea:

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

Meeting adjourned at 9:14 p.m.

ATTEST:

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

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