



CITY COUNCIL REGULAR MEETING

Monday, April 10, 2023 at 6:30 PM

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

MINUTES

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

On this the 10th day of April, 2023, 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
Jerry Smith	Councilman, District 1
Tim Dent	Councilman, District 2
Allen Tippet	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:

II. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 6:31 p.m. and presided.

III. INVOCATION

- Councilman Ward gave the invocation.

IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

V. PRESENTATION(S)

- Mayor Whitlow made the following presentations:
 - Government Finance Officers Association (GFOA):
 - Certificate of Achievement for Excellence in Financial Reporting presented to the City of Port Lavaca for its Annual Comprehensive Financial Report for the fiscal year ended September 30, 2021

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 by logging on with your computer and using "Join Zoom Meeting" information on first page of this agenda).

- 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 March 13, 2023 Regular Meeting
- B. Minutes of March 27, 2023 Special and Workshop
- C. Review of Credit Card Statement
- D. Receive Monthly Financial Highlight Report
- E. Review Quarterly Investment Report ending March 31, 2023

Motion made by Councilman District 6 Barr

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 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

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

1. **Receive report from Calhoun County Appraisal District Chief Appraiser. Presenter is Jesse Hubbell**

Jesse Hubbell, Chief Appraiser for the Calhoun County Appraisal District presented Council with a report on the latest information in regards to the Texas Property Tax Code, a copy of which is on file in the office of the City Secretary, in its entirety.

No action necessary and none taken.

2. **Consider approval of GLO Contract No. 20-065-071-C1998 Supplemental Agreement No. 1, Subcontract for Consultant Services agreement with CivilCorp, LLC for material testing/inspection on the Community Development Block Grant – Disaster Relief (CDBG-DR) Project, in the amount of \$15,000. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the GLO Contract No. 20-065-071-C1998 was originated on March 27, 2020. She said that approval was required for Supplemental Agreement No. 1, Subcontract for Consultant Services agreement with CivilCorp, LLC for material testing/inspection on the Community Development Block Grant – Disaster Relief (CDBG-DR) Project, in the amount of \$15,000.00. She said the new total contract amount for this project is \$531,802.00. Final inspection is due April 11, 2023 and there is still \$35,000.00 left over; therefore, this \$15,000.00 can be taken out of that. Staff recommends approval of request.

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 GLO Contract No. 20-065-071-C1998 Supplemental Agreement No. 1, Subcontract for Consultant Services agreement with CivilCorp, LLC for material testing/inspection on the Community Development Block Grant – Disaster Relief (CDBG-DR) Project, in the amount of \$15,000.

Seconded by Councilman District 6 Barr

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute all instruments necessary to effect such agreement.

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

3. **Consider award of construction contract for the Rehabilitation of Chevy Chase Street Project. Presenter is Wayne Shaffer**

Public Works Director Shaffer advised Council that that in continuation of the planned street remediation, staff recently advertised for the Chevy Chase Street Improvements Project with miscellaneous concrete work. Three Bids were received on March 30, 2023 and are as follows:

Lester Contracting, Inc.	\$ 163,472.50	90	Calendar Days
Brannan Paving Co., LTD	\$ 176,887.48	90	Calendar Days
Sylva Construction	\$ 148,485.40	90	Calendar Days

The apparent Low Bidder is Sylva Construction with a total bid of \$148,485.40, which includes \$82,823.40 for Chevy Chase Rehab base bid and \$65,662.00 in total alternatives for miscellaneous concrete work consisting of sidewalk and curb and gutter in various areas. This project is being done in lieu of sealcoat this year and will be using the budgeted sealcoat funds.

Weaver advised that Hot Mix could be used on Seascape for an extra \$33,000.00; however, she did not recommend spending the extra funds at this time.

Staff recommends a construction contract for this project be awarded to Sylva Construction in the amount of \$148,485.40. The work is to be completed within 90 days of the time that the contract begins.

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 award of construction contract to Sylva Construction, for the Rehabilitation of Chevy Chase Street Project in the Brookhollow Estates Subdivision, in the amount of \$148,485.40, to be completed in 90 calendar days upon receipt of Notice to Proceed.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute all instruments necessary to effect such agreement.

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

4. **Consider request of Sylvia Chapa for a Variance Request to Chapter 26 - Manufactured Housing and Recreational Vehicles for the placement of a manufactured home to be placed on 515 S. Ann Street, Lot 2 parcel ID #17270. Presenter is Derrick Smith**

Development Services Director Smith advised Council that Sylvia Chapa owns 515 S Ann Street, which is a 2-lot parcel of land. Ms. Chapa is requesting a variance to the Manufactured Housing and Recreational Vehicles ordinance to place a manufactured home on lot 2. The lot where Ms. Chapa is requesting the manufactured home to be placed does not currently have a manufactured home on the lot and has not had a manufactured home on the property in the last 180 days. The manufactured year is 1999.

Sylvia Chapa, requestor of this variance, interacted virtually and advised Council she had bought this manufactured home in an auction by Calhoun County and was not aware of ordinance. Smith said that the Members of the Planning Board made a motion to deny the request as to not set a precedent in allowing manufactured homes on residential lots not inside manufactured home parks and subdivisions. Also, it was noted the age of the manufactured home did not meet the minimum requirement of a 10-year replacement option.

Motion made by Councilman District 1 Smith

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 denies request of Sylvia Chapa for a Variance Request to Chapter 26 - Manufactured Housing and Recreational Vehicles for the placement of a manufactured home to be placed on 515 S. Ann Street, Lot 2 parcel ID #17270.

Seconded by Councilman District 2 Dent

Voting Yea:

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

Voting Nay:

Councilman District 3 Tippit, Councilman District 5 Ward

5. **Consider recommendation of the Planning Board for approval of a Conceptual Apartment Complex (Desilos Real Estate Living) to be located at 206 Bonorden Street, Blasingim Subdivision (PL), Lot 1, Acres 1.599. Property identification #81143. Presenter is Derrick Smith**

Development Services Director Smith advised Council that the applicant is proposing a multifamily apartment complex. Preliminary density is anticipated to be 53 units of loft-type apartments and three stories tall. The Planning Board and staff recommend approval.

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 the recommendation of Planning Board and Staff, Council hereby approves a Conceptual Apartment Complex (Desilos Real Estate Living) to be located at 206 Bonorden Street, Blasingim Subdivision (PL), Lot 1, Acres 1.599. Property identification #81143.

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

6. **Receive First Reading of an Ordinance (G-2-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 36 Signs; 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, Council hereby approves First Reading of an Ordinance (G-2-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 36 Signs; providing for severability; providing a repealing clause; and providing an effective date.

Seconded by Councilman District 1 Smith

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

7. **Consider First Reading of an Ordinance (G-3-23) of the City of Port Lavaca amending the Code of Ordinances, Part II, Appendix A – Fees, Rates and Charges (Chapter 36 – Signs, Sec. 36-7 Temporary Signs (e) Banners, Flags, Pennants and Inflatables; 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, Council hereby approves First Reading of an Ordinance (G-3-23) of the City of Port Lavaca amending the Code of Ordinances, Part II, Appendix A – Fees, Rates and Charges (Chapter 36 – Signs, Sec. 36-7 Temporary Signs (e) Banners, Flags, Pennants and Inflatables; and providing an effective date.

Seconded by Councilman District 1 Smith

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

8. **Consider First Reading of an Ordinance (G-4-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 42 Subdivisions and Plats, Article VII Group Housing and Commercial Development, Section 42-160 Minimum Design Standards, adding (5) Landscaping; 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, Council hereby approves First Reading of an Ordinance (G-4-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 42 Subdivisions and Plats, Article VII Group Housing and Commercial Development, Section 42-160 Minimum Design Standards, adding (5) Landscaping; providing for severability; providing a repealing clause; and providing an effective date.

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

Mayor Whitlow announced that Council would recess at 7:45 p.m.

Mayor Whitlow announced that Council was back from recess at 7:52 p.m.

9. **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 7:53 p.m.

10. **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 8:32 p.m. and advised there would be no action with regard to matters in closed session.

IX. ADJOURNMENT

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

Meeting adjourned at 8:33 p.m.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary