



CITY COUNCIL REGULAR MEETING

Monday, September 11, 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 11th day of September, 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
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
Ken Barr	Councilman, District 6

*Councilwoman District 4 (Mayor Pro Tem) Padron arrived at 6:58 p.m. during Agenda #2)

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)

- There were no presentations.

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 the following citizen spoke:
 - Mr. Gerhardt (Gary) John Jackson, 2205 Larry Dr., Port Lavaca, TX, had invitation for a presentation on 9-1-1 events held at the Calhoun County Library on Thursday, September 14, 2023 beginning at 6:00 p.m.

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

- A. Minutes of August 14, 2023 Regular Meeting
- B. Minutes of August 21, 2023 Special and Workshop
- C. Review of Credit Card Statement
- D. Receive Monthly Financial Highlight Report
- E. Receive Victoria Economic Development Corporation (VEDC) Monthly Report

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 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippet, 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. **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 properties listed: Presenter is Derrick Smith**

Mayor Whitlow announced that the public hearing was now open at 6:43 p.m.

- | | |
|------------------------|---|
| (a) 121 Massanet Dr. | No property owners present |
| (b) 616 W. Mahan | Arthur Piña will refurbish |
| (c) 503 S. San Antonio | Vera Archangel will refurbish |
| (d) 1422 Holloman | Not Substandard (to be demolished) |
| (e) 112 Massanet | Joe Villarreal, owner & Oscar Padron will refurbish |
| (f) 615 S. Ann St. | Kenneth Yates will refurbish |

Mayor Whitlow announced that the first public hearing was now closed at 6:56 p.m.

No action necessary and none taken.

2. **Consider finding that the following properties listed, located in the City of Port Lavaca, Texas, are 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 11, 2023. Presenter is Derrick Smith**

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 finds that the following properties listed, with the exception of (d) 1422 Holloman, located in the City of Port Lavaca, Texas, are 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 11, 2023:

- | | | |
|-----|--------------------|--|
| (a) | 121 Massanet Dr. | No property owners present |
| (b) | 616 W. Mahan | Arthur Piña will refurbish. |
| (c) | 503 S. San Antonio | Vera Archangel will refurbish. |
| (d) | 1422 Holloman | Not Substandard (to be demolished) |
| (e) | 112 Massanet | Joe Villarreal, owner & Oscar Padron will refurbish. |
| (f) | 615 S. Ann St. | Kenneth Yates will refurbish. |

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 Barr

3. **Receive Budget Report from Undine, LLC for the Port Lavaca Water Treatment Plant for the 2023-2024 Fiscal Year pursuant to the Water Treatment Contract. Presenter is Jody Weaver**

Representatives were in attendance to address Council in presenting their Budget Report from Undine, LLC for the Port Lavaca Water Treatment Plant for the 2023-2024 Fiscal Year pursuant to the Water Treatment Contract. Representatives were Andy Thomas, Vance Tillman and Rich Melcher.

No action necessary and none taken.

4. **Consider request of the Chamber of Commerce for parade permit, traffic control assistance and closing off several streets, for the Annual “Lighted Christmas Parade” on Friday, December 01, 2023, beginning at 6:30 p.m. and also request waiver of any fees associated with the event. Presenter is Tania French**

Tania French, Port Lavaca Events Committee, advised Council that the Port Lavaca Chamber of Commerce requests approval for the Annual “Lighted Christmas Parade” on Friday, December 01, 2023, beginning at 6:30 p.m. The parade will begin at Bayfront Peninsula Park, travel down Main Street to Virginia to San Faubian and will end at Sandcrab Stadium. Chamber also requests assistance with traffic control and also for waiver of any fees associated with this event.

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 request of the Chamber of Commerce for parade permit, traffic control assistance and closing off several streets, for the Annual “Lighted Christmas Parade” on Friday, December 01, 2023, beginning at 6:30 p.m. and also request 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 Barr

5. **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 08, 2023 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 08, 2023 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 a parade permit and traffic control assistance for the “Marian Rosary” procession parade on Sunday, October 08, 2023 beginning at 5:00 p.m. and also request 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 Barr

6. **Consider request of Our Lady of the Gulf Catholic Church for a parade permit and traffic control assistance for their annual “Christ the King Eucharistic Procession Parade” on Sunday, November 26, 2023 beginning at 5:00 p.m. and also request waiver of any fees associated with the event. Presenter is Colin Rangnow**

Police Chief Rangnow advised Council that Our Lady of the Gulf Catholic Church has requested a parade permit and traffic control assistance for their annual “Christ the King Eucharistic Procession Parade” on Sunday, November 26, 2023 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 a parade permit and traffic control assistance for their annual “Christ the King Eucharistic Procession Parade” on Sunday, November 26, 2023 beginning at 5:00 p.m. and also request 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 Barr

7. **Consider request of Calhoun County Fair Association (CCFA) for a parade permit and traffic control assistance on Saturday, October 14, 2023 beginning at 9:00 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 Colin Rangnow**

Police Chief Rangnow advised Council that Amanda Gonzales, whom was in attendance on behalf of the Calhoun County Fair Association (CCFA), was requesting a parade permit and traffic control assistance on Saturday, October 14, 2023 beginning at 9:00 a.m.; the parade route will be from Sandcrab Stadium, Sam Faubion, N. Virginia, Main streets and ending at the Bayfront Peninsula; 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 Calhoun County Fair Association (CCFA) for a parade permit and traffic control assistance on Saturday, October 14, 2023 beginning at 9:00 a.m.; and also request waiver of any fees associated with the event.

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 Barr

8. **Consider request of Port Lavaca Police Department for temporary street closure of 100 block E. Railroad Street from 200 block N. Virginia Street to 200 block N. Colorado Street for the annual “National Night Out Celebration” on Tuesday, October 03, 2023 from 5:00 p.m. to 9:00 p.m. and also request waiver of any fees, if any, associated with the event. Presenter is Colin Rangnow**

Police Chief Rangnow advised Council that the Port Lavaca Police Department is requesting a temporary street closure of 100 block E. Railroad Street from 200 block N. Virginia Street to 200 block N. Colorado Street for the annual “National Night Out Celebration” on Tuesday, October 03, 2023 from 5:00 p.m. to 9:00 p.m. and also request waiver of any fees, if any, 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 Port Lavaca Police Department for temporary street closure of 100 block E. Railroad Street from 200 block N. Virginia Street to 200 block N. Colorado Street for the annual “National Night Out Celebration” on Tuesday, October 03, 2023 from 5:00 p.m. to 9:00 p.m. and also request waiver of any fees, if any, associated with the event.

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 Barr

9. **Consider request of the Port Lavaca Police Department to declare three fleet vehicles used in a patrol capacity as surplus and donate said vehicles to Calhoun County Independent School District (CCISD). Presenter is Colin Rangnow**

Police Chief Rangnow advised Council that the Port Lavaca Police Department is requesting to declare three fleet vehicles used in a patrol capacity as surplus and donate said vehicles to Calhoun County Independent School District (CCISD).

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 request of the Port Lavaca Police Department to declare three fleet vehicles used in a patrol capacity as surplus and donate said vehicles to Calhoun County Independent School District (CCISD).

Seconded by Councilman District 6 Barr

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 Barr

10. **Consider appointment of member(s) to Recreation and Parks Board to fill a vacancy and/or start new term. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the Recreation and Parks Board has two terms that have expired for Mac Sistrunk and Olga Szela. Both members have requested to be reappointed to the Recreation and Parks Board. There are no term limits established and the full term is for a period of two (2) years.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with recommendation of staff, Council hereby reappoints Mac Sistrunk and Olga Szela to the Recreation and Parks Board to start a new two-term.

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 Barr

11. **Consider appointment of member(s) to Planning Board to fill a vacancy and/or start new term. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the Planning Board has one term that has expired for Sheryl Cuellar. She has requested to be reappointed to the Planning Board. There are no term limits established and the full term is for a period of two (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 reappoints Sheryl Cuellar to the Planning Board to start a new two-term.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

12. **Consider proposed City Compensation plan for the 2023-2024 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. 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 survey performed by a third party was performed in 2020 with the final report dated January 2021.

Staff performed a review of the current salaries paid and 100% of full-time positions are currently being paid at or above the minimum pay recommended in the Compensation plan adopted by Council last year. The average is 91% of the midpoint.

Last year (FY 2022-23), an in-house Salary Survey was performed by City staff which identified the prevailing wage rate, represented by salary mid-points, for the various entities that were used in the January 2021 study, as well as the TML Salary Survey for other jurisdictions close to our population.

Another in-house salary survey is not required by policy until next year, but staff did invest time to compare our current midpoints with those reported by our comparable cities in the annual TML salary survey. As a result of this review, we are recommending that the salary range for Municipal Clerk move from a 33 to a 34.

As discussed at the recent Budget Workshop, we are also proposing to ADD the job description of "Capital Projects/Grants Coordinator". This is an additional position to our FTE number.

We are also proposing a new job title of "Department Office Manager" be added to the salary structure in pay grade 40, and reclassification for the current Administrative Assistants in the Police Department and Public Works to "Office Manager-Police Department" and "Office Manager-Public Works Department" These are not additional positions, but rather a re-evaluation of the current job duties associated with those positions, which were overlooked when we performed the salary survey last fiscal year. We determined a "general" Administrative Assistant job title was not equivalent to the duties being performed, but more closely resembled the job titles of "Office Manager" when compared to other cities associated with our salary survey comparative cities. The proposed job descriptions are attached with a recommended pay grade of 40, which align with the duties currently being performed for each of those positions.

Staff has assembled job descriptions from among our comparative cities, active job postings and current pay scales associated with the Office Manager duties. We have determined that a pay grade of 40 should be assigned to an Office Manager job description, and request City Council's approval.

Finally, we have compared our City to neighboring cities and those who are considered emerging, such is the description for Port Lavaca. We would like to point out that Port Lavaca currently ranks 12th out of the 16 cities with the number of full-time employees per 10,000 population.

RECOMMENDATIONS:

1. The City approves the Salary Structure as presented, providing an amount equal to 5% of the estimated FY 2022-23 payroll for merit increases for FY 2023-24;
2. Approve the addition of one new position being "Capital Projects/Grants Coordinator" and approve the job description and grade as presented;
3. The addition of the job title "Office Manager" into the pay structure at grade 40 and approve the reclassification of the Administrative Assistant positions in the Police Department and Public Works Department into this new pay grade.
4. The City Headcount is approved at 100 full-time employees and 3.38 part-time FTEs.

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 the proposed City Compensation plan for the 2023-2024 fiscal year as follows:

1. The City approves the Salary Structure as presented, providing an amount equal to 5% of the estimated FY 2022-23 payroll for merit increases for FY 2023-24;
2. Approve the addition of one new position being "Capital Projects/Grants Coordinator" and approve the job description and grade as presented;
3. The addition of the job title "Office Manager" into the pay structure at grade 40 and approve the reclassification of the Administrative Assistant positions in the Police Department and Public Works Department into this new pay grade.
4. The City Headcount is approved at 100 full-time employees and 3.38 part-time FTEs.

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 Barr

13. **Consider Second and Final reading of an Ordinance (S-1-23) approving the annual Budget for the City of Port Lavaca, Texas and adopting the budget document for the fiscal year October 01, 2023 through September 30, 2024. Presenter is Jody Weaver**

Finance Director Lang 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 Home Rule Charter, we have prepared an Ordinance that, if approved, meets the requirements as established by the governing legislation.

On July 24, 2023 (CIP) and August 21, 2023, the City Council held budget workshops to review recommendations from the City Manager for the FY 2023-2024 budget. The proposed budget was filed with the City Secretary and published on the City's website on August 15, 2023.

On August 21, 2023, the City Council announced a public hearing on the FY 2023-2024 Budget to be held on September 05, 2023. 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 30, 2023 and posted the same notice on the City's website.

The budget, with changes recommended by City Council in the August 21, 2023 workshop, is recommended for the City Council's approval, and contains combined Revenues of \$23,627,553 followed by combined Expenditures of \$22,518,956 leaving combined Fund Balance reserves of \$13,773,239.

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.

Motion made by Councilman District 3 Tippit

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

THAT, Council hereby adopts the 2023-2024 Fiscal 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 adopts the 2023-2024 Fiscal Year Annual Budget Ordinance (S-1-23), as presented by the Interim City Manager, on this its second and final reading.

Seconded by Councilman District 6 Barr

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 Barr

Voting Nay and Record Vote: None

14. **Consider Ratification of Property Tax increase reflected in the Budget. Presenter is Susan Lang**

Finance Director Lang 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 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 to ratify the property tax revenue increase reflected in the 2023-2024 Budget.

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 Barr

15. **Consider Second and Final reading of an Ordinance (S-2-23) fixing the Tax Rate and Tax Levy for the City of Port Lavaca, Texas for the year 2023. Presenter is Jody Weaver**

Finance Director Lang 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 21, 2023, the City Council took a record vote to propose a lesser tax rate (\$0.7807) 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 05, 2023.

The City published a notice of public hearing on the tax increase in the newspaper of general circulation (Port Lavaca Wave) on August 30, 2023 and posted the same notice on the City's website.

Motion #1:

Motion made by Councilman District 2 Dent

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 \$0.7807, which is effectively a 13.23% 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 2023 Tax Rate and Tax Levy Ordinance (S-3-22) 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, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

Voting Nay and Record Vote: None

Motion #2:

Motion made by Councilman District 2 Dent

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 \$0.6986.

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 Barr

Motion #3:

Motion made by Councilman District 2 Dent

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 \$0.0821.

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 Barr

16. **Consider Second and Final Reading of an Ordinance (G-7-23) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes; GBRA Fees, Building, Utilities Water-line Taps; and providing an effective date. Presenter is Derrick Smith**

Motion made by Councilman District 2 Dent

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

THAT, in accordance with recommendation of staff, Council hereby approves the Second and Final Reading of an Ordinance (G-7-23) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes; GBRA Fees, Building, Utilities Water-line Taps.

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 Barr

17. **Consider Second and Final Reading of an Ordinance (G-8-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 20 Environment and Health, Article III Accumulations On Property, Section 20-46 Assessment for failure to remove accumulation after Notice; Section 20-47 Statement of Expense - Lien; Addition of New Article XII, Litter, Addition of New Article XIII, Graffiti; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Derrick Smith**

Motion made by Councilman District 6 Barr

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 Second and Final Reading of an Ordinance (G-8-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 20 Environment and Health, Article III Accumulations on Property, Section 20-46 Assessment for failure to remove accumulation after Notice; Section 20-47 Statement of Expense - Lien; Addition of New Article XII, Litter, Addition of New Article XIII, Graffiti.

Seconded by 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 Barr

18. **Consider Second and Final Reading of an Ordinance (G-9-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 42 Subdivisions and Plats, Article VII Group Housing and Commercial Development, Sec. 42-161 Landscaping, add new Section 42-162 Dumpster Screening; providing for severability; providing a repealing clause; and providing and effective date. Presenter is Derrick Smith**

Motion made by Councilman District 6 Barr

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

THAT, in accordance with staff, Council hereby approves the Second and Final Reading of an Ordinance (G-9-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 42 Subdivisions and Plats, Article VII Group Housing and Commercial Development, Sec. 42-161 Landscaping, add new Section 42-162 Dumpster Screening.

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 Barr

19. **Consider First Reading of an Ordinance (G-10-23) of the City of Port Lavaca amending the Code of Ordinances, by Repealing Chapter 30, Article II. Juvenile Curfew; and providing an effective date. Presenter is Colin Rangnow**

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 staff, Council hereby approves the First Reading of an Ordinance (G-10-23) of the City of Port Lavaca amending the Code of Ordinances, by Repealing Chapter 30, Article II. Juvenile Curfew.

Seconded by Councilman District 1 Aguirre

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 Barr

20. **Consider recommendation of the Planning Board to approve a conceptual office building to be located on the corner of N. Virginia Street and Independence Drive, Calhoun Appraisal District Property Identification Number (CAD PIN) is 53488. Presenter is Derrick Smith**

Development Services Director Smith advised Council that the applicants are proposing a Home Health office building. The proposed structure will be a metal building with office cubicles for employees.

As a Home Health business, the employees will travel to their patients' residences. The Proposed building size is 3000 to 4000 square feet.

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 the Planning Board and staff, Council hereby approves a conceptual office building to be located on the corner of N. Virginia Street and Independence Drive, Calhoun Appraisal District Property Identification Number (CAD PIN) is 53488.

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 Barr

21. **Consider purchase of Brightly / Smart Gov and Asset Essentials software. Presenter is Derrick Smith**

Development Services Director Smith advised Council that the intent for the new contract with Brightly Software that we discussed during the budget workshop is to provide online user-friendly software (SmartGov for Development Services and Asset Essentials for Public Works) that will increase efficiency and make a positive impact in our community.

Currently, the software used is Microsoft Excel, IWorQ, Incode, email and phone messages to complete tasks. With these various channels, miscommunication happens, notes get lost, reporting becomes difficult and customer service can sometimes be affected. To increase efficiency and communication between the field, office, and other personnel, we are proposing a unified solution to manage essential functions tied to planning, permitting, registrations, inspections, public works, and code enforcement. The best solution is SmartGov and Asset Essentials.

SmartGov/Asset Essentials will get us online. The customers will be provided with 24/7 service to complete permit applications, pay for the permits and requests inspections all online. The customer will have complete transparency to their projects and the status of them. A public portal is also provided for the reporting of complaints or concerns. Depending upon how the citizen answers a few questions, the complaint/concern will be routed to Development Services or Public Works. The issue will then be routed to the proper person to handle and progress notes will be kept on the portal for the complainant to be able to log-in and view.

SmartGov/Asset Essentials has GIS integration. Access to GIS makes it so public works, permitting, code enforcement cases and inspections can be visually tracked.

Reporting. With public works, permitting and code enforcement using the same software, all information for a property can be seen at once. This data being all in one place can assist us and Council in having a better understanding of what is going on in certain areas. Reports can be immediately generated for the mayor, city council, city manager and citizens.

Workflow. Cross-departments user collaboration and automated workflow make tasks simpler. Some projects require the attention of multiple departments and with this workflow, it is easy to track what phase and with whom the project is sitting with.

Mobile application. For inspections, plans can be reviewed digitally, and work orders and enforcement cases can be tracked with just a pin drop while on-site. Results and notices can be published in the field.

Below are the costs for both SmartGov and Asset Essentials per the Sourcwell purchasing Cooperative Agreement:

Due Date	Subscription "Cloud Services"		TOTAL
	SmartGov	Asset Essentials	
October 1, 2023	\$13,006	\$10,882	\$23,888
October 1, 2024	\$17,894	\$14,972	\$32,866
October 1, 2025	\$18,431	\$15,421	\$33,852
October 1, 2026	\$18,984	\$15,884	\$34,868
October 1, 2027	\$19,554	\$16,361	\$35,915

**NOTE: The above reflects a 5-year agreement that renews every year, and also includes a non-appropriation clause under Order Form terms, which allows the City to terminate the agreement if it fails to appropriate funds sufficient to maintain the Service(s) described in the Order Form.*

These costs will replace the current annual subscription costs to iWORQ being \$4,800.00 to Permitting and \$17,289.00 to Public Works.

One Time Implementation and configuration costs is as follows:

	SmartGov	Asset Essentials	TOTAL
October 1, 2023	\$24,875	\$10,865.00	\$35,740

**NOTE: The above one-time services will be invoiced as milestones are delivered over the course of the SmartGov and Asset Essentials implementations.*

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 the purchase of Brightly / Smart Gov and Asset Essentials software per the Sourcwell Purchasing Cooperative, in the amount(s) presented.

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

Seconded by Councilman District 5 Ward

Voting Yea:

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

22. **Consider award of Construction Contract for the Harbor of Refuge Railroad Culvert Replacement Project. Presenter is Jody Weaver**

Interim City Manager Weaver reminded Council that in April, the Port Commission made a recommendation to Council to solicit bids to replace the culvert in Corporation Ditch under the railroad in the Harbor of Refuge. In June, City Council approved Urban Engineering Task Order #32 to prepare bid documents. Plans were prepared to install 2 ea. 96" polymer coated Galvanized corrugated pipe. This allows for increased runoff that will come with future development. We submitted the plans for UPRR review in accordance with our 1971 Track Agreement.

Bids were opened on Wednesday September 06, 2023. Although we were anticipating at least two bids, only one was received from Lester Contracting, Inc.

The Base Bid of \$749,850 is for the pipe specification that is specified by Union Pacific (8 Gauge thickness and comes only from Illinois with a lead time of 10-12 weeks. Alternate Bid No. 1 is for an alternate pipe specification that meets railroad E80 loading but is less expensive and is more available with a lead time of 4-6 weeks. We were unable to get any feedback from the railroad regarding the alternate pipe specification prior to bidding, so we bid both alternatives. As of the writing of this memo, we have not heard back from UPRR engineering regarding acceptance of the Alternative specification.

Lester Contracting states that once they have the pipe, the actual work will take approximately 30 days. So best case scenario would be approval of the alternate spec, which would put completion – maybe before Thanksgiving but more realistically early December. If we must wait for the UPRR spec then we are looking at completion more likely toward the end of January, considering the Christmas holiday.

We are hoping to have some feedback from UPRR to share at the meeting Monday night. If we do not have clear direction from UPRR by Monday, staff recommends that an award be made not to exceed the Base Bid. Staff will continue to work with UPRR and the contract will not be executed until approval is received from UPRR. If UPRR approves the Alternate Bid spec, then the award will be for the Alternate Bid. We were assured by UPRR staff early on that they would not hold us up, so we are optimistic we should hear something soon.

The adopted FY 2023-2024 Capital Improvement Plan (CIP) has \$300,000 budgeted for this culvert work, so we are requiring another \$449,850 or \$339,850 from General Fund Reserves depending upon which alternate we are able to construct.

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 tables this agenda item until the special council meeting scheduled for Monday, September 25, 2023.

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 Barr

23. **Consider Resolution No. R-091123-1 of the City of Port Lavaca authorizing Professional Administration/Project Delivery Services Provider Selection for Community Development Block Grant Mitigation (CDBG-MIT) Programs through the Texas General Land Office (GLO). Presenter is Jody Weaver**

Interim City Manager Weaver reminded Council that TCEQ has approved our plan to construct a Voluntary Restoration of the shoreline along the east side of the Harbor of Refuge site which had been previously disturbed by a tenant. The cost of this project is approximately \$400,000. Staff has proposed that we apply to GLO to use part of our \$9.1M allocation of CDBG- MIT dollars to fund this project.

We recently went out for Engineering RFQ's to select an engineer for this proposed project. We would anticipate that the engineering cost would be 11%-12% of the construction cost. The Administration cost would be 8%, all of which would be paid with grant dollars.

A selection committee comprised of myself, Public Works Director Wayne Shaffer and Harbor Master Jim Rudellat reviewed and scored the 7 SOQs received. The committee scored Urban Engineering the highest for this experience category (B) Shoreline erosion protection/restoration including coordination with TCEQ Municipal Solid Waste.

Below is Resolution No. R-091123-1 to select Urban Engineering from this RFQ solicitation.

Note: Our intention for the remainder of the available funds is to apply for a revised Corporation Ditch drainage basin improvement project centered around a proposed detention pond on the upstream side of Main Street and the railroad. Mott McDonald has already been selected for this project which was applied for in the round one funding opportunity, but we were not funded.

Applications are due on October 10. We will have more resolutions to bring before Council before that time.

Motion made by Councilman District 3 Tippit

WHEREAS, participation in CDBG-MIT programs requires implementation by professionals experienced in the administration/project delivery of federally-funded projects and creation of planning documents; and

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Qualifications (RFQ) process for engineering services has been completed in accordance with GLO requirements; and

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive provider for the professional services giving consideration to ability to perform successfully under the terms and conditions of the proposed procurement, integrity, compliance with public policy, record of past performance, and financial and technical resources.

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

- Section 1. That Urban Engineering is selected to provide application and project-related professional engineering services for CDBG-MIT Hurricane Harvey Mitigation program, and specifically to work on a proposed Shoreline restoration project.
- Section 2. That any and all contracts or commitments made with the above-named services providers are dependent on the successful negotiation of a contract with the service provider(s).

Seconded by Councilman District 5 Ward

Voting Yea:

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

24. **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 7:56 p.m.

25. **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 8:05 p.m.

No action necessary and none taken.

IX. ADJOURNMENT

Mayor asked for motion to adjourn.

Motion made by Councilman District 6 Barr

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

Meeting adjourned at 8:06 p.m.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary