



CITY COUNCIL REGULAR MEETING

Monday, December 13, 2021 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 13th day of December, 2021, 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 6:32 p.m. and presided.

III. INVOCATION

- Councilman Ward gave the invocation.

IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

V. PRESENTATION(S) BY THE MAYOR

- Employee Service Award:
 - Mandy Grant 30 Years City Secretary Department

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:
 - Jay Howard with Texas Disposal Systems, 13305 View Ridge Ct. in Dripping Springs, TX (512-584-6195) for Solid Waste Collection Contract jhoward@texasdisposal.com encouraged City to go out for bids when current contract expires.

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

A. Minutes of November 08, 2021 Regular Meeting

B. Minutes of November 22, 2021 Special Meeting

C. Payment of Invoices Exceeding \$1,500

D. Receive monthly Financial Highlight Report

E. Final Plat, Rafei Subdivision No. 2 located at 2248 FM 3084, also known as Half League Road. ID is A0035 Maximo Sanchez, Tract PT 30, being .187 acres

F. Final Plat, a 2-lot, Gorgies Subdivision located at northeast corner of Austin Street and Alcoa Street. ID is A0035 Maximo Sanchez, Tract PT 11 PLD, Acres 1.96, PIN is 39302

G. Final Replat, Lot 1, Block 1 of W. Peikert Subdivision located on the southwest corner of Peikert and Henry Barber Way, PIN is 19688

H. Final Plat, a 3-lot, Port Lavaca Crossing located south of Tiney Browning Boulevard on SH 35 North, being 3.19 acres, PIN is 29954 and PIN 86163

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 all consent agenda items as listed:

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

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

1. **Consider request of the Port Lavaca Events Committee to close E. Railroad Street, between N. Virginia Steet and N. Colorado Street, from 8:00 a.m. to 4:00 p.m. every Sunday and every third Saturday of the month during the 2022 calendar year in order to sponsor “Boujee on the Bay” and “Depot Day” Events. Presenter is Tania French**

Tania French, Port Lavaca Events Committee, advised Council that the Port Lavaca “Depot Days” started-mid 2021 on the third Saturday of the month.

Mad Batter Cheesecakes also started “Boujee on the Bay”, a local Farmer’s Market in 2021 which is held the third Sunday of the month. As we work to grow both events, we are joining forces and moving the Farmer’s Market to the Depot with the future goal of adding in cooking and art demonstrations upon completion of the Depot renovations. In order to add consistency and grow, “Boujee on the Bay” will become a weekly farmers market, held on Sunday, with the third weekend being larger with “Depot Days” on Saturday featuring shopping vendors in addition to local produce and goods. She said the request is for the closure of E. Railroad Street between N. Virginia and N. Colorado Streets from 8:00 a.m. to 4:00 p.m. every Sunday and every third Saturday of the month in 2022.

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 request of the Port Lavaca Events Committee to close E. Railroad Street, between N. Virginia Steet and N. Colorado Street every Sunday and every third Saturday of the month during the 2022 calendar year in order to sponsor “Boujee on the Bay” and “Depot Day” events.

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

2. **Consider Resolution No. R-121321-1 to cast votes on the official ballot for the election of members to the Board of Directors for the Calhoun County Appraisal District for a two-year term beginning January 1, 2022 and ending on December 31, 2023. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that there were 321 votes cast from the City of Port Lavaca be distributed in any way they chose to.

Motion made by Councilman District 2 Dent

WHEREAS, this election is for the Board of Directors of the Calhoun County Appraisal District; and

WHEREAS, the Board of Directors consists of five members who serve two-year terms, the next term being January 1, 2022 through December 31, 2023; and

WHEREAS, the CITY OF PORT LAVACA, TEXAS is a taxing unit entitled to vote in the election for the Board of Directors for the Calhoun County Appraisal District, if so desired.

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

THAT, Council hereby approves that the 321 votes cast from the City of Port Lavaca be distributed equally among the following candidates:

Bauer, William H. Jr.	64
Hill, Kevin	64
Lyssy, Vern	64
Rodriguez, Jessie	64
Swope, William	65

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

3. **Consider presentation by Republic Services regarding the Municipal Contract between BFI Waste Services of Texas, L.P. dba Republic Services of Corpus Christi and the City of Port Lavaca. Presenter is Mike Reeves**

City Council received a PowerPoint presentation by Mike Reeves, Manager of Municipal Services for BFI Waste Services of Texas, L.P. dba Republic Services in connection to looking ahead on service options.

No action necessary and none taken.

4. **Consider approval of the Annual Financial Report (AFR) for the Fiscal Year ending September 30, 2020, prepared by the Audit Firm of Harrison, Waldrop & Uherek, L.L.P. Presenter is Susan Lang**

Finance Director Lang advised Council that the Financial Committee had already previewed the Annual Financial Report (AFR) for the Fiscal Year ending September 30, 2020, prepared by the Audit Firm of Harrison, Waldrop & Uherek, L.L.P. and concurred with the report as presented.

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 the Financial Committee and staff, Council hereby approves the Annual Financial Report (AFR) for the Fiscal Year ending September 30, 2020, prepared by the Audit Firm of Harrison, Waldrop & Uherek, L.L.P.

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

5. **Consider Audit Engagement Letter from Harrison, Waldrop & Uherek, L.L.P. for the Fiscal Year ending September 30, 2021. Presenter is Susan Lang**

Finance Director Lang advised Council that the Audit Firm of Harrison, Waldrop & Uherek, L.L.P. had submitted an Audit Engagement Letter for the Fiscal Year ending September 30, 2021.

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 Audit Engagement Letter from Harrison, Waldrop & Uherek, L.L.P. for the Fiscal Year ending September 30, 2021 in an amount not to exceed \$29,850.00.

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

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

6. **Consider recommendation of the Port Commission to approve the second and final reading of an Ordinance (S-3-21) amending Base Ordinance No. S-16-85 to reduce the right-of-way width of Leonard Buren Road in City Harbor (road right-of-way that leads to Clegg lift station and Adjacent property). Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the field notes to this ordinance are correct for its second and final reading.

Motion made by Councilman District 3 Tippit

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

THAT, in accordance with recommendation of Port Commission and staff, Council hereby approves Ordinance S-3-21 on this its second and final reading.

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

7. **Consider appointment of new member to the Port Lavaca Housing Authority Board of Commissioners to fill a vacancy. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that Tricia Taylor, Executive Director for the Port Lavaca Housing Authority, had submitted a request to appoint Dalia Soto as a new member to the Port Lavaca Housing Authority Board of Commissioners to fill a vacancy caused by Alice Bland stepping down as of January 2022.

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 appointment of Dalia Soto to the Port Lavaca Housing Authority Board of Commissioners as a new member to fill a vacancy in January 2022.

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

8. **Consider approval of the Texas Opioid Settlement Case by adoption of the following: Presenter is Anne Marie Odefey**

- **Settlement Participation Form for Janssen (JNJ).**
- **Settlement Participation Form for Distributors.**
- **Settlement Allocation Term Sheet.**

City Attorney Odefey advised Council that representatives of the Texas Attorney General's Office would be in attendance via Zoom to speak on the Texas Opioid Settlement Case and introduced Amanda Sanders and James Holian.

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 Texas Opioid Settlement Case by adoption of the following:

- Settlement Participation Form for Janssen (JNJ).
- Settlement Participation Form for Distributors.
- Settlement Allocation Term Sheet.

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

9. **Consider request of AECOM for approval of Task Orders No. 3 and No. 4, in the total amount of \$251,720.00, for the following Scope of Work: Presenter is Jody Weaver**
- **Task Order No. 3 is for City's Water Supply: Rehabilitate the existing 250,000-gallon Ground Storage Tank (GST) at George St and develop construction documents for a new High Service Pump Station. Construction phase services are included.**
 - **Task Order No. 4 is for City's Lynn's Bayou WWTP Improvements: Develop construction documents for the immediate needs identified in the Lynn's Bayou WWTP condition assessment including pump replacement, new blowers, and a new blower building. Evaluate influent flow data to confirm if the surface loading rate of the secondary clarifier meets the TCEQ 2-hour peak requirement.**

Interim City Manager Weaver advised Council that at the Special meeting in November, AECOM presented their final report for the City's Water Supply Feasibility Study and the Wastewater Treatment Plant (WWTP) expansion. She said that in order to keep progress moving forward on both the Water Supply needs and the required improvements to the WWTP, AECOM has prepared Task Orders 3 and 4 as "next steps" for Council consideration.

Task 3 is to prepare bid documents and construction phase support to rehabilitate the 250,000-gpm ground storage tank and construct a new High Service Pump Station at George Street. This will bring the city into compliance with Texas Commission on Environmental Quality (TCEQ) for required water storage.

Task 4 is to prepare bid documents and construction phase support to address the "immediate needs" identified in the WWTP condition assessment, including pump replacement, new blowers and a new blower building. This will be a first step in the ultimate TCEQ requirement to expand the capacity of the plant.

The total estimated cost for both engineering Task Orders is \$251,720.00. There are funds available in the Public Utility Fund Reserves to fund this.

As far as the funds available for the preliminary estimate of \$3M for construction, we will have approximately \$2M for the American Recovery Act grant funds, but the remainder will need to be financed. Once staff has good engineering estimates, we will begin looking at financing options to pay for the construction.

Staff recommends approval of AECOM's Task Orders 3 and 4 in the amount of \$251,720.00.

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 request of AECOM for approval of Task Orders No. 3 and No. 4, in the total amount of \$251,720.00.

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 Smith, 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 award of construction bid for the Bauer Community Center Parking Lot project.**
Presenter is Jody Weaver

Interim City Manager Weaver advised Council that Urban Engineering opened five (5) construction bids for the Bauer Community Center Parking Lot project and the tabulation is as follows:

Bidder	Total Base Bid	Total Base Bid + Alternate No. 1	Calendar Days
1. Sylva Construction, LLC	\$164,165.86	\$319,158.10	70
2. Brannan Paving Co., Ltd.	\$166,640.55	\$324,252.55	260
3. K-C Lease Service, Inc. DBA Matagorda Construction & Materials	\$191,461.80	\$361,000.00	60
4. LCR Total Transport, LLC	\$209,995.45	\$392,216.45	45
5. Lester Contracting, Inc.	\$229,528.60	\$410,116.80	90

There is a total of \$269,500.00 budgeted for this project in the Fiscal Year-End (FYE) 2022 Capital Improvement Plan.

The Apparent Low Bidder is Sylva Construction with a Base Bid of \$164,165.86. The Base Bid includes a sealcoat similar to that constructed at Bayfront Park. Sylva Construction is still the Low Bidder with the alternate bid which was to apply 1-1/2" of Hot-mix Asphalt (HMAC). Their Alternate bid is \$319,158.10.

The Base Bid is \$105,334.14 below the budgeted funds and the Alternate bid is \$49,658.10 over budget.

Staff recommends considering the increased positive aesthetics and the added structural integrity that would be available by adding \$50,000.00 from General Fund reserves to the project budget to provide HMAC, this would be staff's recommendation.

Note: Below is some of the savings/additional revenue that we have realized to date since adopting the Fiscal Year-End (FYE) 2022 budget:

Ezzell Street: Gen Fund Budget: \$780,000; \$523,133.25 awarded = \$256,866.75

E. George Street: Budget \$785,000 budgeted; \$627,435.25 awarded = \$157,564.75

Budgeted FYE 2021 Sales Tax \$3,290,000; actual rec'd \$3,566,919 = \$276,919.00

General. Fund gain over budget as a result of final FYE 2020 audit

\$200,780 less \$66,130 (depot) less \$41,900 (Bayfront) = \$ 92,750.00

TOTAL potentially available from GF above what was budgeted: = \$784,100.50

Weaver said that in January, staff will be bringing a Task Order from CivilCorp to begin the design work for the 5th Street drainage project which will require another \$300-\$350K above what was budgeted to construct.

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 awards the construction bid for the Bauer Community Center Parking Lot project to Sylva Construction, LLC for the Total Base Bid plus Alternate No. 1 in the total amount of \$319,158.10 and with 70 calendar days to complete the project after receipt of Order 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

11. **Consider recommendation of the Planning Board for approval of a preliminary plat located on Henry Barber Way, legal description is A0137 Samuel Shupe, part of Tract 1, being 12.449 acres and PIN is 14186. Presenter is Jessica Carpenter**

Development Services Director Carpenter advised Council that the applicant, Gonzalez Industrial Insulation Inc, is proposing an industrial and business office use located on Henry Barber Way. The site location is currently not platted and has a cell tower on site and drainage to the rear of the property adjacent to Chocolate Bayou. The preliminary plat is the next step in the process to provide a legal lot of record for the proposed development.

The proposal is to develop the site with the following:

- 1(one) building serving as a general office and industrial shop
- 1(one) Storage Building
- Parking
- Driveway to shop from Henry Barber Way
- Driveway access to general (private/public) parking adjacent to office

The Future Land Use map designates this parcel as Light Industrial; therefore, the proposed industrial maintenance services, servicing Formosa is compliant with the Future Land Use map. The Planning Board has approved this preliminary plat and staff concurs.

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 the Planning Board and staff, Council hereby approves request from Gonzalez Industrial Insulation Inc, for a preliminary plat located on Henry Barber Way, legal description is A0137 Samuel Shupe, part of Tract 1, being 12.449 acres and PIN is 14186.

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

12. **Consider recommendation of the Planning Board for a Variance Request for a manufactured home to be permanently placed on one lot of a 3-lot proposed replat that is not a manufactured home park or in a block with at least half of the residential homes are manufactured homes; being Lot 2A and Lot 3A, of Block 1, of the original W. Peikert Subdivision. Presenter is Jessica Carpenter**

Development Services Director Carpenter advised Council that only Lot 3A would be part of the variance request. She said that Onel Diaz is presenting this proposed site plan for a variance request to place a manufactured home on a parcel currently being platted from one lot to three lots. The proposed lot requested for a variance for a manufactured home is accessed from Peikert Road. The remaining 2 lots have existing single-family stick-built homes. She said that the applicant will adhere to the proper permitting prior to placement of the manufactured home and the intent for the manufactured home is to be utilized as a residence for perpetuity.

The proposed manufactured home is to be permanently installed on a vacant lot that is not a manufactured home park and is not in a block with at least 50 percent of the existing structures are manufactured homes

The location of this variance request for a manufactured home is in proximity to the Future Land Use Map designated area for manufactured homes, and the Lakeside RV Resort is directly across Henry Barber Way from this plat. The lot proposed for the manufactured home is accessed from Peikert which is not a block with a mobile home density of at least 50 percent of existing structures per the aforementioned code

The Planning Board deemed this location to be within the scope of the boundary discussed for manufactured homes. This lot requested for the manufactured home is on the corner of Henry Barber Way and Peikert, and in close proximity to the existing approved location for manufactured homes and manufactured home parks designation in accordance with the Future Land Use Map.

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 the Planning Board and staff, Council hereby approves a Variance Request from Onel Diaz, for a manufactured home to be permanently placed on one lot of a 3-lot proposed replat that is not a manufactured home park or in a block with at least half of the residential homes are manufactured homes; being a replat, Lot 3A, of Block 1, of the original W. Peikert Subdivision.

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

13. **Consider approval of cost proposal submitted by CRG Environmental Services, Inc. to prepare a response to TCEQ's Request For Information (RFI) regarding the Limited Phase II Environmental Site Assessment performed at the Harbor of Refuge. Presenter is Jody Weaver**

Interim City Manager Weaver reminded Council that at the June 14th meeting, Council approved submitting to Texas Commission on Environmental Quality (TCEQ) the Limited Phase II Environmental site assessment which had been performed by CRG Environmental Services, Inc. on Tracts 16, 17, and 17A at the Harbor of Refuge. The purpose of submitting the Limited Phase II Report to TCEQ was to explore any environmental concerns that may be as a result of the land use by the City's tenant over the past 20 years and request a final determination from TCEQ regarding any action that may or may not be needed.

On November 29, we finally received a response from TCEQ in the form of a Request for Information (RFI). They are requesting additional information before making a determination as to whether the site can be excluded from entry into the Texas Risk Reduction Program (TRRP). The TCEQ reviewer has raised several questions that will require a more comprehensive assessment than the Limited work previously performed. CRG has presented a proposal for the Phase II Soil and groundwater sampling and lab analysis required in order to have the information to respond to TCEQ's RFI. The total cost of this additional work is \$29,284.00.

With the upcoming growth at the Calhoun County Port Authority, we anticipate an increased demand to lease waterfront property. This investment now to explore any potential environmental concerns, and then address them if found, is critical to put us in a position to maximize the potential leasing opportunities for the Harbor of Refuge in the coming years.

Staff's Recommendation is to authorize the lump sum proposal in the amount of \$29,284.00, to be paid from General Fund Reserves, for the additional scope of work required to respond to TCEQ's RFI.

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 recommendation of staff, Council hereby approves cost proposal submitted by CRG Environmental Services, Inc. to prepare a response to Texas Commission on Environmental Quality (TCEQ)'s Request For Information (RFI) regarding the Limited Phase II Environmental Site Assessment performed at the Harbor of Refuge, in the lump sum of \$29,284.00, to be paid from General Fund Reserves, as a Loan to the Port Revenue Fund.

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

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

14. **Consider approval of cost proposal submitted by CRG Environmental Services, Inc. to prepare a Phase I Environmental Site Assessment to encompass generally the land south of the East-West channel and west of the North-South Channel at the Harbor of Refuge. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that prompted by potential environmental concerns, as a result of recent land use of a part of the old land fill property, the City is investing in environmental assessments of this particular leased area. The goal is to have a clear determination of what development and land use can and cannot occur on this property moving forward; however, this determination will apply only and specifically to identified Tracts 16, 17, and 17A.

As mentioned in the agenda item above, with the upcoming growth at the Calhoun County Port Authority, we anticipate an increased demand to lease waterfront property; therefore, there soon may be a demand for the acreage to the north and south of these tracts 16, 17, and 17A. The Port Commission recommends, and staff concurs, that we need to consider and examine the entire area south and west of the Harbor of Refuge channels to identify any environmental concerns and address them in order to be in a position to maximize the potential leasing opportunities at the Harbor of Refuge in the coming years. The first step in this effort would be to conduct a Phase I Environmental Site Assessment.

CRG Environmental Services has sent a cost proposal, for a lump sum \$5,500.00 to conduct a Phase I on the entirety of this area, which is about 68 acres and includes all of the 75 acres of the former landfill, less those areas that are clearly wetlands (the scope would include the area now being used as the gun range). Although this is within the expenditure limit that the City Manager can approve, staff is bringing it to Council for your knowledge and approval to allocate general fund reserves to pay for this Assessment.

Staff's Recommendation is to authorize the lump sum proposal in the amount of \$5,500 from General Fund Reserves to contract with CRG Environmental Services, Inc. to perform a Phase I Environmental Site Assessment on the old landfill property as proposed.

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 recommendation of staff, Council hereby approves cost proposal submitted by CRG Environmental Services, Inc. to prepare a Phase I Environmental Site Assessment to encompass generally the land south of the East-West channel and west of the North-South Channel at the Harbor of Refuge, in the lump sum of \$5,500.00, to be paid from General Fund Reserves, as a Loan to the Port Revenue Fund.

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

Seconded by Councilman District 3 Tippit

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

15. **Receive preliminary report for Election Redistricting Plans (with Draft Plan A Map) based on the 2020 United States Census Data, prepared by the law firm of Rolando L. Rios & Associates, PLLC of San Antonio, Texas. Presenter is Mandy Grant**

City Secretary Grant presented Council with a preliminary report for Election Redistricting Plans (with Draft Plan A Map) based on the 2020 United States Census Data, prepared by the law firm of Rolando L. Rios & Associates, PLLC of San Antonio, Texas.

No action necessary and none taken.

16. **Consider the first reading of an Ordinance (F-1-21) of the City of Port Lavaca, Texas granting to AEP Texas Inc., its Successors and Assigns, a non-exclusive Franchise to construct, maintain and operate lines and appurtenances and appliances for conducting electricity in, over, under, and through the streets, avenues, alleys and public places of the City of Port Lavaca, Texas. Presenter is Jody Weaver**

Interim City Manager Weaver advised Mayor that Ms. Vee Strauss, with AEP Texas Inc. would be making a presentation to Council on the Franchise for AEP Texas Inc. which would be expiring in January 2022. This would be the first reading and the second and final reading would be at the January 10, 2022 council meeting.

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 Port Commission and staff, Council hereby approves Ordinance F-1-21 on this its first reading.

Seconded by Councilman District 5 Ward

Voting Yea:

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

17. **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 discuss personnel matters in accordance with Title 5, Section 551.074 of the Texas Government Code (to discuss appointment, employment, evaluation, responsibilities and duties, reassignment, discipline or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee [City Manager]). Presenter is Mayor Whitlow**

Mayor Whitlow announced that Council would retire into closed session at 9:27 p.m.

18. **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 10:06 p.m.

No action necessary and none taken.

IX. ADJOURNMENT

Motion made by Councilwoman District 4 (Mayor Pro Tem) Padron, Seconded by Councilman District 5 Ward

Voting Yea:

Councilman District 1 Smith, 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 10:10 p.m.

These minutes were approved on January 10, 2022.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary