



CITY COUNCIL REGULAR MEETING

Monday, February 13, 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 13th day of February, 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 Tippit	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) None

VI. COMMENTS FROM THE PUBLIC

(Limited to 3 minutes per individual unless permission to speak longer is received in advance)

- 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 January 09, 2023 Regular Meeting
- B. Review of Credit Card Statement
- C. Receive Monthly Financial Highlight Report
- D. Review of Quarterly Financial Statements ending January 31, 2023

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 Opioid Settlement Participation Agreements with Allergan, CVS, Walgreens, and Walmart. Presenter is Anne Marie Odefey**

City Attorney Odefey advised Council that there were options of either accepting the State's recommendation or any City can sue separately. Her recommendation is to approve the State's Opioid Settlement Participation Agreements with Allergan, CVS, Walgreens, and Walmart, a copy which is on file in the office of the City Secretary, in their entirety.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with the recommendation of City Attorney, Council hereby approves the State's Opioid Settlement Participation Agreements with Allergan, CVS, Walgreens, and Walmart.

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 Tippet, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

2. **Consider agreement between the City of Port Lavaca and the Calhoun County YMCA for operation of the Municipal Swimming Pool from April 01, 2023 to September 30, 2023. Presenter is Wayne Shaffer**

Interim City Manager Weaver presented Council with an agreement between the City of Port Lavaca and the Calhoun County YMCA for operation of the Municipal Swimming Pool from April 01, 2023 to September 30, 2023, a copy which is on file in the office of the City Secretary, in its entirety.

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 agreement between the City of Port Lavaca and the Calhoun County YMCA for operation of the Municipal Swimming Pool from April 01, 2023 to September 30, 2023.

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

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

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

3. **Consider appointment/reappointment of member(s) to the Port Commission to fill a vacancy and/or start a new term. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that Raymond Butler had been appointed to fill unexpired term of David Roberts until February 2023. Mr. Butler has now expressed a desire to be appointed for a new two-year term.

Motion made by Councilwoman District 4 (Mayor Pro Tem) Padron

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

THAT, in accordance with recommendation of staff, Council hereby appoints Raymond Butler to the Port Commission to start a new two-year term.

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

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

Interim City Manager Weaver advised Council that Bill Regan's term with the Recreation and Parks Board will expire in February and he has expressed a desire to be reappointed for a new two-year term.

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 Bill Regan to the Recreation and Parks Board to start a new two-year term.

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

5. **Receive annual report from the Police Department for Racial Profiling. Presenter is Colin Rangnow**

Police Chief Rangnow presented Council with the annual report for Racial Profiling.

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 annual report from the Police Department for Racial Profiling.

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

6. **Consider Resolution No. R-021323-1 authorizing City Representatives in matters pertaining to the City's participation in the Texas Community Development Block Grant Program. Presenter is Wayne Shaffer**

Motion made by Councilman District 5 Ward

WHEREAS, the City Council of Port Lavaca desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

WHEREAS, it is necessary and in the best interests of the City to participate in the Texas Community Development Block Grant Program; and

WHEREAS, the City Council of Port Lavaca is committed to compliance with federal, state, and program rules, including the current TxCDBG Project Implementation Manual; and

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

THAT the City Council directs and designates the following to act in all matters in connection with any grant application and the City's participation in the Texas Community Development Block Grant Program:

- The Mayor and Interim City Manager shall serve as the City's Chief Executive Officer and Authorized Representative to:
 - Execute a grant application and any subsequent contractual documents,
 - Certify environmental review documents between the Texas Department of Agriculture and the City, and
 - Certify the Payment Request form and/or other forms required for requesting funds to reimburse project costs, and
 - Be assigned the role of Authorized Official in the TDA-GO grant management system.
- In addition to the above designated officials, should any grant be funded the Mayor Pro-Tem, Interim City Manager, City Secretary, City Council Member, County Clerk, County Auditor, County Treasurer is authorized to:
 - Certify the Payment Request form and/or other forms required for requesting funds to reimburse project costs,
 - Prepare and submit other financial documentation, and
 - Be assigned the role of Project Director or Payment Processor in the TDA-GO grant management system.

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

7. **Consider Resolution No. R-021323-2 authorizing the submission of a 2023/2024 Texas Community Development Block Grant (CDBG) program application to the Texas Department of Agriculture for the Community Development Fund and adopting required CDBG Civil Rights policies. Presenter is Wayne Shaffer**

Motion made by Councilman District 1 Smith

WHEREAS, the City Council of the City of Port Lavaca desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

WHEREAS, it is necessary and in the best interests of the City of Port Lavaca to apply for funding under the Texas Community Development Block Grant Program;

WHEREAS, the City of Port Lavaca, in consideration for the receipt and acceptance of federal funding if awarded, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections as follows:

- In accordance with Section 109 of the Title I of the Housing and Community Development Act (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, to take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;
- In accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 75, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the Section 3 Service Area;
- In accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), to adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;
- in accordance with Executive Order 13166, to take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project;
- In accordance with Section 504 of the Rehabilitation Act of 1973, to not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and
- In accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, to conduct at least one activity during the contract period of the TxCDBG contract, to affirmatively further fair housing; and

WHEREAS, the City of Port Lavaca, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.

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

1. That a Texas Community Development Block Grant Program application for the Community Development Fund is hereby authorized to be filed on behalf of the City of Port Lavaca with the Texas Department of Agriculture.
2. That the City of Port Lavaca application be placed in competition for funding under the Community Development Fund.
3. That the application be for up to \$500,000.00 of grant funds to provide wastewater improvements.
4. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.
5. That it further be stated that the City of Port Lavaca is committing at minimum \$75,000.00 from its Public Utility Fund as a cash contribution toward the administration, engineering, and/or construction activities of this wastewater improvement project.
6. The City of Port Lavaca adopts the following policies:
 - a. Citizen Participation Plan and Grievance Procedures (Form A1013);
 - b. Excessive Force Policy (Form A1003);
 - c. Fair Housing Policy (Form A1015);
 - d. Section 504 Policy and Grievance Procedures (Form A1004); and
 - e. Code of Conduct Policy (Form A1002).
7. The City of Port Lavaca affirms its commitment to conduct a project-specific analysis and take all appropriate action necessary to comply with program requirements for the following:
 - f. Section 3 economic opportunity;
 - g. Limited English Proficiency; and
 - h. Activity to affirmatively Further Fair Housing choice.

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 contract with the Matagorda Bay Mitigation Trust for \$200,000.00 in grant dollars. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the Matagorda Bay Mitigation Trust issued Requests for Proposals on September 1, 2022 for their 2022-2023 funding cycle.

The application is requesting \$200,000.00 for Phase 1 engineering costs for needed shoreline protection along approximately 1,800 linear feet of the east side of the former City Landfill at the Harbor of Refuge. Earlier in the year, we submitted this project for inclusion in the General Land Office (GLO) 2023 Coastal Resiliency Master Plan and it was accepted. This Phase 1 engineering will accomplish 30% engineering design, the application for a GLO CEPR grant and submittal-ready Regulatory permitting. On January 4, 2023 staff was notified that the project application entitled "Harbor of Refuge Old Landfill Shoreline Erosion Response and Protection - Phase 1 Engineering" was approved for funding.

Weaver advised that staff is working with Texas Commission on Environmental Quality (TCEQ) on an immediate resolution to the erosion being seen on the northeast length of this shoreline. Staff has proposed a solution that involves cutting back the bank to a slope that is less susceptible to erosion. If approved, costs for this initial work will likely be paid for with Community Development Block Grant Mitigation (CDBG-MIT) appropriations. In the CEPRA grant application, the plan is to apply to construct a concrete revetment mat that would provide long-term protection of this shoreline. If the CEPRA grant application is approved, since the project is in the 2023 CRMP, GLO would use GOMESA funds to pay for 100% of the construction costs along with 60% of the engineering costs. It is staff's recommendation to approve the contract with the Matagorda Mitigation Trust for \$200,000.00 in grant dollars.

Motion made by Councilman District 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 contract with the Matagorda Bay Mitigation Trust for \$200,000.00 in grant dollars.

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

9. **Consider Engineering Agreement between City of Port Lavaca and CivilCorp, LLC for 2023 Capital Improvement Projects (CIP) of Independence Drive Paving and Drainage Improvements. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that this agreement between the City and CivilCorp, LLC was for providing Professional Engineering Services for the 2023 Capital Improvement Projects (CIP) consisting of the design and preparation of plans, bidding, limited construction administration services, and additional services provided herein for the construction of the following proposed projects:

Independence Drive Paving and Drainage Improvements from Half League Rd to Virginia St (FM 1090) including:

- Reconstruct Independence Drive from existing two-lane road to three-lane road with curb and gutter and underground storm sewer;
- Design Road and Drainage Improvements to accommodate future 10' shared use path on both sides of Independence Drive (shared use paths designed by TxDOT as separate project);
- Improve ditch from Independence Drive to SH 35; and
- Design drainage ditch for offsite flow adjacent to northwest side of Independence Drive along existing 80' ROW including pipe/box culvert under Independence Drive at outfalls.

Weaver stated the overall construction project will cost approximately 5.1 million dollars. Staff recommends Council approve entering into this agreement with CivilCorp, LLC for the amount of \$475,000.00.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with recommendation of staff, Council hereby approves Engineering Agreement between City of Port Lavaca and CivilCorp, LLC for 2023 Capital Improvement Projects (CIP) of Independence Drive Paving and Drainage Improvements in the amount of \$475,000.00.

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

10. **Consider First Reading of an Ordinance (G-1-23) of the City of Port Lavaca amending the Code of Ordinances, Part II, Appendix A – Fees, Rates and Charges (Chapter 22 – Fire Prevention and Protection, Sec. 22 Construction Permits) 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 First Reading of an Ordinance (G-1-23) of the City of Port Lavaca amending the Code of Ordinances, Part II, Appendix A – Fees, Rates and Charges (Chapter 22 – Fire Prevention and Protection, Sec. 22 Construction Permits) and providing an effective date.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

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 the recommendation of the Planning Board for a Variance request to the Ordinance Chapter 48, Division 3-Off Street Parking and Loading, Sec.48-106 and Sec. 48-107; to be located at 312 West Live Oak Street. Presenter is Derrick Smith**

Development Services Director Smith advised Council that G&W Engineers, Inc, on behalf of Calhoun County, is requesting this variance for the upcoming new combined dispatch building project. The requested variance is due to site constraints. The requested parking is a similar parking style of the buildings on the same block. He said the applicant is requesting to use a portion of the right-of-way on Live Oak Street to accommodate the required parking spaces for the proposed structure.

Smith said the building square footage is proposed to be 5,694 which requires 19 spaces. The request is for 13 spaces which will include the required ADA parking. Please note the attached memo from the applicant states 15 parking spaces but after reviewing ADA requirements for parking, site will fit 13 spaces.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with recommendation of the Planning Board and Staff, Council hereby approves the request from G&W Engineers, Inc, on behalf of Calhoun County, for a Variance request to the Ordinance Chapter 48, Division 3-Off Street Parking and Loading, Sec.48-106 and Sec. 48-107; to be located at 312 West Live Oak Street.

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

12. **Receive the recommendation of the Planning Board for a Single-lot Preliminary Minor Plat for the Sylvia Piña Mendoza Life Estate Subdivision, located at 914 Schooley Street. CAD Pin #54708. Presenter is Derrick Smith**

Development Services Director Smith advised Council that the applicant for the proposed subdivision was deeded the land. With the probate, Sylvia Pina Mendoza was provided the land under CAD PIN 54708 with the remainder to a family member. Ms. Mendoza is now legally platting the property to obtain proper building permits for a remodel and addition to her home. He said the applicant has adhered to the proper subdivision plat submittal and review procedural process prior to presentation before the Planning Commission.

Planning Board has stipulated that before the final plat is brought before the Board, all utilities connected to the quadplex must be rerouted.

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 the Planning Board and Staff, Council hereby approves the request of applicant for a Single-lot Preliminary Minor Plat for the Sylvia Piña Mendoza Life Estate Subdivision, located at 914 Schooley Street. CAD Pin #54708.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

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 the recommendation of the Planning Board for a Variance to the Ordinance Chapter 12, Sec. 12-24. - Building Setbacks for the Sylvia Piña Mendoza Life Estate Subdivision. Presenter is Derrick Smith**

Development Services Director Smith advised Council that this Variance request is to build a front covered deck within the 15-ft setback. The dimensions of the finished deck would leave a 6-ft front property setback. The Planning Board recommends approval of the request with the following stipulations:

- As there are no plans to widen the road and with the understanding that the roadside parking will not create an undue burden on the neighborhood.
- The entire structure, including the steps must be within the approved setbacks and encroach no further than the 6ft.
- The structure must remain open and not be enclosed.

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 the Planning Board and Staff, Council hereby approves the request for a Variance request to the Ordinance Chapter 12, Sec. 12-24. - Building Setbacks for the Sylvia Piña Mendoza Life Estate Subdivision with the following stipulations:

- As there are no plans to widen the road and with the understanding that the roadside parking will not create an undue burden on the neighborhood.
- The entire structure, including the steps must be within the approved setbacks and encroach no further than the 6ft.
- The structure must remain open and not be enclosed.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

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 the recommendation of the Planning Board for an 8-Lot Final Plat, Mimi's Subdivision located on Independence Dr., Property Identification is #37736. Presenter is Derrick Smith**

Development Services Director Smith advised Council that the applicant for the proposed Mimi's Subdivision plat is requesting to subdivide the 10.62-acre parcel into eight (8) lots. Currently, lot 2 is a proposed daycare.

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 the Planning Board and Staff, Council hereby approves the recommendation of the Planning Board for an 8-Lot Final Plat, Mimi's Subdivision located on Independence Dr., Property Identification is #37736.

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

15. **Consider the recommendation of the Planning Board for a Preliminary Plat, PVS PL Hanuman LLC Subdivision, located north of SH 35 and east of Village Road; the property identification for this site is 93150 with the parcel containing 2.18 acres situated in the Alejandro Esparza Survey, Abstract No. 12 of Calhoun County, Texas and being a part of the same property shown as 3.079 acres in Express Inn Port Lavaca Subdivision. Presenter is Derrick Smith**

Development Services Director Smith advised Council that the applicant has adhered to the proper subdivision plat submittal and review procedural process prior to presentation before the Planning Board. They have prepared plans to construct a new motel at this location. This area is well suited to support a new motel and the plat serves as the legal location for the proposed motel upon approval of the platting process.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with recommendation of the Planning Board and Staff, Council hereby approves the recommendation of the Planning Board for a Preliminary Plat, PVS PL Hanuman LLC Subdivision, located north of SH 35 and east of Village Road; the property identification for this site is 93150 with the parcel containing 2.18 acres situated in the Alejandro Esparza Survey, Abstract No. 12 of Calhoun County, Texas and being a part of the same property shown as 3.079 acres in Express Inn Port Lavaca 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

16. **Announcement by Mayor that City Council will retire into closed session:**

- **For consultation with City Attorney on matters in which the duty of the Attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act (Title 5, Chapter 551,–Section 551.071(2) of the Texas Government Code). Presenter is Mayor Whitlow**
- **To deliberate commercial or financial information that was received from a business prospect that seeks to locate, stay, or expand in or near the territory of the Governmental Body, and with which the Governmental Body is conducting Economic Development Negotiations, in accordance with Title 5, Chapter 551, Section 551.087 of the Texas Government Code. Presenter is Mayor Whitlow**

Mayor Whitlow announced that Council would retire into closed session at 7:15 p.m.

17. **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 7:38 p.m.

First Motion:

Motion made by Councilman District 5 Ward

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

THAT, Council hereby approves Resolution No. R-021323-3, Chapter 380 Economic Development Agreement between the City of Port Lavaca and PVS PL Hanuman, LLC, a Developer, per City Ordinance #S-2-13.

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

Second Motion:

Motion made by Councilman District 2 Dent

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

THAT, Council hereby empowers City Attorney and Mayor to execute Engagement Letter of RBC Capital Markets, LLC (RBCCM) for review of City's Combined Utility System and function as City's Financial Advisor, not to exceed \$7,500.00.

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

IX. ADJOURNMENT

Mayor asked for motion to adjourn.

Motion made by Councilman District 2 Dent

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 7:45 p.m.

These minutes were approved on March 13, 2023.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary