



CITY COUNCIL REGULAR MEETING

Monday, June 12, 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 12th day of June, 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 |
| 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 |

*Jerry Smith was in attendance for his last meeting and did vote on the Consent Agenda items.
**Daniel Aguirre assumed District 1 seat after Oaths of Office were administered and Certificate of Election was issued.

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 6:35 p.m. and presided.

III. INVOCATION

- Councilman Ward gave the invocation.

IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

V. PRESENTATION(S)

- Proclamations by the Mayor
 1. Juneteenth Celebration

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 Mr. Karl Meyer commented on his desire to place a Manufactured Home on a lot he owns in order to rent it.

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

- A. Minutes of May 08, 2023 Regular Meeting
- B. Minutes of May 16, 2023 Special Meeting
- C. Minutes of May 22, 2023 Special Meeting and Workshop Session
- D. Review of Credit Card Statement
- E. Receive Monthly Financial Highlight Report
- F. Consider approval of new lease to Big Bear Shrimp at City Harbor
- G. Receive Victoria Economic Development Corporation (VEDC) Monthly Report

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. **Administer Oaths of Office and issue Certificates of Election to newly elected officials to the Port Lavaca City Council to-wit: Daniel Aguirre representing District 1 and Allen Tippit representing District 3, to each serve a new term of three (3) years. Presenter is Mandy Grant**

City Secretary Grant administered the Statement of Elected Official, Oath of Office and Certificate of Election signed by the Mayor, to the following newly elected officials:

- Daniel Aguirre, Council Member, Single District One (1), for a term of 3 years; and
- Allen Tippit, Council Member, Single District Three (3), for a term of 3 years.

No action necessary and none taken.

2. **Consider election of Mayor Pro Tem by Council Members in accordance with Section 3.04 of the City of Port Lavaca Home Rule Charter. Presenter is Mandy Grant**

Section 3.04 of the City of Port Lavaca Home Rule Charter:

“The Mayor Pro Tem shall be selected by the Council at the first regular meeting after each General Election, or upon a vacancy in the office of Mayor Pro Tem, from among the members of the Council and shall perform all duties of the Mayor in the Mayor’s absence or disability but shall vote as a Council Member.”

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 Section 3.04 of the City of Port Lavaca Home Rule Charter, Councilwoman Rosie Padron be elected to the office of Mayor Pro Tem and shall perform all duties of the Mayor in the Mayor’s absence or disability, but shall vote as a Council Member, effective immediately.

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

3. **Conduct Public Hearing for the purpose of adopting the 2023 Downtown Waterfront Master Plan for the City of Port Lavaca by Ordinance No. G-5-23. Presenter is Mayor Whitlow**

Mayor opened Public Hearing at 7:06 p.m.

Visioning Committee Members, Justin Weaver and Steve Marwitz, spoke favorably on this subject.

Mayor closed Public Hearing at 7:10 p.m.

No action necessary and none taken.

4. **Call annual corporate meeting to order for Port Lavaca Channel & Dock Company and consider and take any action deemed necessary for adoption of unanimous written consent. Presenter is Anne Marie Odefey**

Mayor Whitlow called the annual corporate meeting to order at 7:11 p.m. for Port Lavaca Channel and Dock Company. City Attorney Odefey advised Council that there was no activity and that the slate of Corporate Officers and Registered Agent of Port Lavaca Channel and Dock Company, owned by the City of Port Lavaca, resolves that Jerry Smith in no longer serving as City Council Member and as such, has resigned his position; and Daniel Aguirre is now the Council Member serving for that District; and slate of members stand as follows:

President	Jack Whitlow,	Mayor
Secretary	Mandy Grant,	City Secretary
Director	Daniel Aguirre,	Council Member District 1
Director	Tim Dent,	Council Member District 2
Director	Allen Tippit,	Council Member District 3
Director	Rosie Padron,	Council Member District 4
Director	Jim Ward,	Council Member District 5
Director	Ken Barr,	Council Member District 6
Registered Agent	Anne Marie Odefey	City Attorney

Mayor Whitlow adjourned the annual corporate meeting at 7:13 p.m.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with recommendation of City Attorney, Council hereby accepts any activity taken by the corporation and accepts the slate of Corporate Officers and Registered Agent of Port Lavaca Channel and Dock Company, owned by the City of Port Lavaca, as listed above, for adoption of unanimous written consent.

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

5. **Call annual corporate meeting to order for Clement Cove Harbor Company and consider and take any action deemed necessary for adoption of unanimous written consent. Presenter is Anne Marie Odefey**

Mayor Whitlow called the annual corporate meeting to order at 7:13 p.m. for Clement Cove Harbor Company. City Attorney Odefey advised Council that there was no activity and that the slate of Corporate Officers and Registered Agent of Clement Cove Harbor Company, owned by the City of Port Lavaca, resolves that Jerry Smith in no longer serving as City Council Member and as such, has resigned his

position; and Daniel Aguirre is now the Council Member serving for that District; and slate of members stand as follows:

President	Jack Whitlow,	Mayor
Secretary	Mandy Grant,	City Secretary
Director	Daniel Aguirre,	Council Member District 1
Director	Tim Dent,	Council Member District 2
Director	Allen Tippit,	Council Member District 3
Director	Rosie Padron,	Council Member District 4
Director	Jim Ward,	Council Member District 5
Director	Ken Barr,	Council Member District 6
Registered Agent	Anne Marie Odefey	City Attorney

Mayor Whitlow adjourned the annual corporate meeting at 7:15 p.m.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with recommendation of City Attorney, Council hereby accepts any activity taken by the corporation and accepts the slate of Corporate Officers and Registered Agent of for Clement Cove Harbor Company, owned by the City of Port Lavaca, as listed above, for adoption of unanimous written consent.

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

6. **Consider 2024 proposed Budget from the Calhoun County Appraisal District (CCAD) as required by Sec. 6.06 (A) of the Texas Property Tax Code to the Governing bodies of the Taxing Units within. Presenter is Jesse Hubbell**

Council Members received a 2024 proposed budget report of the Calhoun County Appraisal District (CCAD) from Jesse Hubbell, Chief Appraiser, although he was not in attendance.

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 accepts a 2024 proposed budget report of the Calhoun County Appraisal District (CCAD).

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

- 7. **Consider the use of the Bayfront Peninsula Park for the annual Hardhead Derby on Friday, August 04, 2023 and Saturday, August 05, 2023 and waiver of any fees associated with this event. Presenter is Tania French**

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 use of the Bayfront Peninsula Park for the annual Hard Head Derby on Friday, August 04, 2023 and Saturday, August 05, 2023 and waives any fees associated with this 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

- 8. **Consider Second and Final Reading of an Ordinance (G-2-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 36 Signs; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Derrick Smith**

Motion made by Councilman District 6 Barr

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

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

Seconded by Councilman District 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

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

Motion made by Councilman District 5 Ward

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

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

Seconded by Councilman District 6 Barr

Voting Yea:

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

Voting Nay:

Councilman District 3 Tippit,

10. **Consider Second and Final Reading of an Ordinance (G-4-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 42 Subdivisions and Plats; Article I In General, Section 42-1 Definitions; Article VII Group Housing and Commercial Development, Addition of New Section 42-161 Landscaping; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Derrick Smith**

Motion made by Councilman District 5 Ward

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

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

Seconded by Councilman District 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

11. **Consider First Reading of an Ordinance (G-5-23) of the City of Port Lavaca for the purpose of adopting the 2023 Downtown Waterfront Master Plan for the City of Port Lavaca. Presenter is Derrick Smith**

Motion made by Councilman District 3 Tippit

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

THAT, Council hereby approves First Reading of an Ordinance (G-5-23) of the City of Port Lavaca for the purpose of adopting the 2023 Downtown Waterfront Master Plan for the City of Port Lavaca.

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

12. Consider award of construction contract for the Lighthouse Beach Boat Ramp Channel Dredging project. Presenter is Wayne Shaffer

Public Works Director Shaffer advised Council that the entrance to the Lighthouse Beach Boat Ramp is subject to silt and sand sedimentation that makes the entrance too shallow for boats to enter and exit. There is \$39,000.00 available in the Lighthouse Beach Dredging Fund. Failing to address this issue creates a hardship on community members that utilize this boat ramp Shaffer advised that Urban Engineering and staff had received two bids and they are as follows:

	Bidder Name:	Grand Total
No. 1	Lester Contracting, Inc.	\$28,150.00
No. 2	Derrick Construction Company	\$64,700.00
No.3	Shirley & Sons Construction	No Bid

Urban Engineering and staff recommend awarding bid for the Lighthouse Beach Boat Ramp Dredging Project to Lester Contracting, Inc, in the amount of \$28,150.00.

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 awarding bid for the Lighthouse Beach Boat Ramp Dredging Project to Lester Contracting, Inc, in the amount of \$28,150.00.

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 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 award of bid for Ballistic Shields for the Police Department. Presenters are Weston Burris and Susan Lang**

Finance Director Lang advised Council that previously, the City Council approved the Police Department to apply for a Grant through the Office of the Governor for a grant for Ballistic Shields. This grant was awarded in the amount of \$58,656.33. There was no required match. Unfortunately, prices have increased since the time of the award, therefore, the City will need to leverage the amount of the grant funds in order to fulfill the purpose of the grant funds received. On June 6, 2023, staff received bids for the ballistic shields. Five bids were received from the following vendors:

- 1) Safeware
- 2) Primary Arms
- 3) Galls
- 4) GT Distributors
- 5) Armor Research

Upon evaluation of the bids, it was determined that GT Distributors scored the highest. Abnormalities from bid specifications are noted on the bid tabulation, which is found in the council packet online. Staff recommends the award the bid to GT Distributors in the amount of \$69,034.00 and approve a budget amendment in the amount of \$10,378.00 for the cost difference in the equipment.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with recommendation of staff, Council hereby approves award of bid for fourteen (14) Ballistic Shields for the Police Department, to GT Distributors, in the amount of \$69,034.00.

BE IT FURTHER RESOLVED that Council also authorizes a budget amendment in the amount of \$10,378.00 for the cost difference in the equipment.

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

14. **Consider recommendation of the Planning Board for approval of a Variance request to the City's Code of Ordinances Chapter 12 Buildings and Building Regulations, Sec. 12-24 Building Setbacks, for Block 1, Lot 37 of the Burkeshire Addition (1615 Burkedale Drive), Parcel ID #19116. Presenter is Derrick Smith**

Development Services Director Smith advised Council that Eduardo Villalobos, is requesting this variance request to construct a carport that will project into the 25ft front building setback line. The dimensions of the finished carport would leave 12' from back of curb on the west side of the driveway and 26' 6" from back of curb on the east side of the driveway.

He said staff approves the request due to similar allowances for properties within the same block. The Planning Board recommendation is for approval of the Variance to the ordinance Sec. 12-24. - Building Setbacks for Block 1, Lot 37 of the Burkeshire Addition (1615 Burkedale Drive), Parcel ID # 19116, with the understanding the carport does not get enclosed.

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 the Planning Board and staff, Council hereby approves a Variance request to the City's Code of Ordinances Chapter 12 Buildings and Building Regulations, Sec. 12-24 Building Setbacks, for Block 1, Lot 37 of the Burkeshire Addition (1615 Burkedale Drive), Parcel ID #19116, with the understanding the carport does not get enclosed.

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

15. **Consider recommendation of the Planning Board to approve a request from Kevin and Sasha Nevarez for a Conceptual Plan and a Variance request to the City's Code of Ordinances Chapter 48 Traffic and Vehicles, Article II Parking, Stopping and Standing, Division 3 Off-Street Parking and Loading, Subdivision II Off-Street Parking Sec. 48-106 Facility Requirements and Sec. 48-107 Minimum Standards. To be located at 212 South Commerce Street, Parcel ID's #87353 and #87352. Presenter is Derrick Smith**

Development Services Director Smith advised Council that Kevin and Sasha Nevarez are requesting approval of a variance for off-street parking due to site constraints. The dwelling unit and restaurant are proposed to be 2,494 square feet each. The dwelling unit requires 2 spaces and the restaurant is proposed to have 44 seats and requires 15 spaces. The request is for 11 spaces which will include two ADA parking spaces.

At the June 5th meeting, the Planning Board discussed the proposed plans and recommended approval of the Variance request to the ordinance Chapter 48, Division 3-Off Street Parking and Loading, Sec.48-106 and Sec. 48-107. The restaurant is to be located at 212 S. Commerce Street, Parcel ID's #87353 and #87352. Due to an oversight, the Planning Board did not include a recommendation to approve the conceptual plan in their motion. The Planning Board has since met on Monday, June 12th at 5:30 p.m., prior to the Council meeting, and recorded a vote on the recommendation for approval of the conceptual plan.

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 request from Kevin and Sasha Nevarez for a Conceptional Plan and a Variance request to the City's Code of Ordinances Chapter 48 Traffic and Vehicles, Article II Parking, Stopping and Standing, Division 3 Off-Street Parking and Loading, Subdivision II Off-Street Parking Sec. 48-106 Facility Requirements and Sec. 48-107 Minimum Standards, to be located at 212 S. Commerce Street, Parcel ID's #87353 and #87352.

Seconded by Councilman District 6 Barr

Voting Yea:

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

Voting Nay:

Councilman District 3 Tippit, Councilman District 5 Ward

16. **Consider recommendation of the Planning Board for approval of a conceptual plan for a Light Industrial Park to be located on Alcoa Drive within the city limits of Port Lavaca, property ID #40091. The legal description for this parcel is A0137 Samuel Shupe, Tract PT 3, Acres 29.31, Port Lavaca, Calhoun County, Texas. Presenter is Derrick Smith**

Development Services Director Smith advised Council that the applicant, Henry LaBrie, is proposing to develop a light industrial park on Alcoa Drive. The development will begin with the construction of two buildings on the northeast corner of the property and will continue developing the property as businesses show interest.

The first building will be for AmSpec, a testing, inspection and certification company who works with the plants, and will build as there is a need and desire per Tate Malpass, representative for the development. AmSpec will have an office facility, warehouse space, lab space and yard for trucks which will be gated. A majority of the building will be office space and the latter will be office and lay-down yard.

The Planning Board recommends approval of a conceptual light industrial park to be located on Alcoa Drive within the city limits of Port Lavaca. The location is not in accordance with the Future Land Use Map and is designated for multi-family dwellings.

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 conceptual plan for a Light Industrial Park to be located on Alcoa Drive within the city limits of Port Lavaca, property ID #40091. The legal description for this parcel is A0137 Samuel Shupe, Tract PT 3, Acres 29.31, Port Lavaca, Calhoun County, Texas.

BE IT FURTHER RESOLVED that Council also authorizes amendment to the Land Use Map, designated for multi-family dwellings, to accommodate for Business Use.

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

17. **Consider recommendation of the Planning Board and discuss approval of the conceptual plan and Preliminary Subdivision Replat for Lot 2A, Block 1, of the Janav Subdivision (1782 State HWY 35 N). Presenter is Derrick Smith**

Development Services Director Smith advised Council that the applicant has adhered to the proper subdivision replat application submittal and reviewed procedural process prior to presentation before the Planning Board. The applicant is compliant with the replat process prior to submitting plans for construction. The intent of this request is for the sale of a 1.058-acre tract of land for a proposed restaurant. The property will have a shared entrance drive with the adjacent hotel.

The Planning Board and staff recommend approval of a Conceptual Plan for a fast-food Restaurant and Preliminary and Final Plat for Lot 2A, Block 1, of the Janav Subdivision (1782 State HWY 35 N).

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 the Planning Board and staff, Council hereby approves a Conceptual Plan for a fast-food Restaurant and Preliminary and Final Plat for Lot 2A, Block 1, of the Janav Subdivision (1782 State HWY 35 N).

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

18. **Consider recommendation of the Port Commission for approval of Urban Engineering Task Order No. 32 for Harbor of Refuge Railroad Culvert Replacement Project, in the amount of \$35,000.00. Presenter is Jim Rudellat**

Harbor Master Rudellat advised Council that at the April Port Commission meeting on April 18, the Commissioners made a recommendation to Council to Collect bids and proposals to replace the railroad drainage culvert at the Harbor of Refuge, as soon as possible. Staff has already engaged Urban Engineering to perform needed field topographical surveying that will be used in the preparation of the engineered bid documents.

Urban Engineering issued Task Order #32, in the amount of \$35,000 fixed fee plus approved reimbursable expenses, to prepare the bid documents and perform the construction contract administration services. The Port Commission and staff recommend approval of Task Order #32.

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 the Port Commission and staff, Council hereby approves Task Order No. 32, from Urban Engineering, for the Harbor of Refuge Railroad Culvert Replacement Project, in the amount of \$35,000.00.

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

Seconded by Councilman District 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

19. **Consider approval of AECOM Technical Services, Inc. (AECOM) Task Order No. 7 for Bid and Construction Phase Services for the City of Port Lavaca Water Supply System Improvements project, in the amount of \$149,595.00. Presenter is Wayne Shaffer**

Public Works Director Shaffer advised Council that the Water System Improvements were to alleviate an agreed order with the Texas Commission on Environmental Quality (TCEQ) for storage capacity. He said this project will need to be paid either with Bond Funds or Reserves. Increasing storage and pumping capacity enables the city to address the TCEQ's agreed order and to better serve the growth needs of the community. Staff recommends approving AECOM's proposal for Task Order #7 for Bid and Construction Phase Services for the City of Port Lavaca Water Supply System Improvements project, in the amount of \$149,595.00.

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 AECOM Technical Services, Inc. (AECOM) Task Order No. 7 for Bid and Construction Phase Services for the City of Port Lavaca Water Supply System Improvements project, in the amount of \$149,595.00.

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 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 approval of New Plan Options for the 2023-2024 Fiscal Year, with Texas Municipal League (TML) Multi-State Intergovernmental Employee Benefits Pool, related to the City’s group health insurance coverage. Presenter is Susan Lang**

Finance Director Lang advised Council that staff had received and reviewed the Medical, Dental and Vision Insurance Plan options available to the City for the 2023-2024 Fiscal Year (FY) beginning October 01, 2023, as offered by Blue Cross-Blue Shield of Texas (BCBSTX) through the TX Health Benefits Pool.

The 2023-2024 Renewal rate for the same coverage currently offered will increase by 30%, or \$318,714. After reviewing the options offered, we are recommending a plan change that will reduce the increase to 2.46% or \$66,075.60.

Changes to plan coverage are highlighted below:

The Individual Deductible will increase from \$750 to \$2,500.

The Out-of-Pocket (OOP) Maximum will increase from \$4,000 to \$6,000.

Even with these changes, the City is projecting an increase to the annual budget of approximately \$66,076 for FY 2024. The City has been absorbing all increases over the past several years, rather than passing on to employees to share. We are recommending the same for this year because we have increased individual deductibles by 233% and the OOP maximum by 50%.

Overall, the trend for the City's health insurance costs have risen from \$728,040 in fiscal year 2020 to a projected 964,151 for fiscal year 2024. We will continue to monitor changes in plan design in order to minimize rising costs to the City.

The dental coverage costs increased by 3,080, with no plan changes recommended. There were no changes or price increase to the vision plan offered to employees for fiscal year 2024.

Staff recommends the approval of Blue Cross-Blue Shield of Texas (BCBSTX) Option 3 as offered by TX Health Benefits Pool, with continued coverage of the same plans for dental and vision for the 2023-2024 Fiscal Year (October 01, 2023 thru September 30, 2024).

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 new plan of Blue Cross-Blue Shield of Texas (BCBSTX) Option Number 3, as offered by TX Health Benefits Pool, with continued coverage of the same plans for dental and vision for the 2023-2024 Fiscal Year (October 01, 2023 thru September 30, 2024).

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 Aguirre, 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 5 Ward

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

Meeting adjourned at 8:12 p.m.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary