



# CITY COUNCIL REGULAR MEETING

Monday, December 09, 2024 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 9th day of December 2024, the City Council of the City of Port Lavaca, Texas, convened in a regular session at 6:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following members in attendance:

### I. ROLL CALL

Jack Whitlow	Mayor
Daniel Aguirre	Councilman, District 1
Tim Dent	Councilman, District 2
Allen Tippit	Councilman, District 3
Jim Ward*	Councilman, District 5
Justin Burke	Councilman, District 6

And with the following absent:

Rosie G. Padron	Councilwoman, District 4, Mayor Pro Tem
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\*Jim Ward, Councilman District 5 left meeting at 7:19 p.m. during agenda item #2 Public Hearing.

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
  - Jeremy Marek            20 Years            Fire 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 and there were none.

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

- A. Minutes of November 13, 2024 Special Meeting (City Council moved regular meeting of November 11, 2024 due to Veteran's Day also being on the 11<sup>th</sup>)**
- B. Minutes of November 18, 2024 Special Meeting**
- C. Review of Credit Card Statement**
- D. Receive Monthly Financial Highlight Report**
- E. Receive Victoria Economic Development Corporation (VEDC) Monthly Report**

Motion made by Councilman District 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 3 Tippit

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Burke

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

1. **Receive updated report from Jonas Titus, Chairman of the Victoria Economic Development Corporation (VEDC) and Consider authorization to pay the \$25,000 agreement with Calhoun County for Victoria Economic Development Corporation services. Presenter is Jody Weaver**

Council received a presentation from Jonas Titus, Chairman of the Victoria Economic Development Corporation (VEDC).

Interim City Manager Weaver reminded Council that in August of 2022, the City Council authorized the City Manager to negotiate and enter into an Interlocal Agreement with Calhoun County for sharing in the economic development services provided by VEDC-Regional Partnership, for an annual cost not to exceed \$25,000 without further authorization from Council.

The executed agreement has a term of 3 years, but states that funding is subject to annual appropriation by the City Council and each year’s funding must be included in the budget for that year and is not effective until so approved by the City Council.

During our budget workshops the \$25,000 was included in the budget but Council did not authorize it for payment of this agreement at that time. It was agreed that this would be an item for further discussion and a vote at the December meeting.

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 authorization to pay the \$25,000.00, in accordance with the Interlocal Agreement between the City of Port Lavaca and Calhoun County for Victoria Economic Development Corporation services, which was approved for negotiations by Letter of Intent, on August 08, 2022.

Seconded by Councilman District 2 Dent

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 5 Ward

Voting Nay:

Councilman District 3 Tippit, Councilman District 6 Burke

2. **Conduct Public Hearing in accordance with the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, Section 12-291 - Notice (a) and (b), for the following properties listed:**

(a) **312 Avalon**

(b) **610 N. Commerce**

Mayor opened public hearing at 7:15 p.m.

Mayor closed the public hearing at 7:23 p.m.

3. **Consider declaring property to be substandard and any required action after declaration, following a Public Hearing held on December 09, 2024: Presenter is Derrick Smith**

(a) **312 Avalon**

(b) **610 N. Commerce**

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 finds that the following property listed, 312 Avalon, located in the City of Port Lavaca, Texas, is in violation of the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, following a Public Hearing held on December 09, 2024.

BE IT FURTHER RESOLVED, THAT this property is hereby declared substandard and will allow the property owner sixty (60) days to work with Development Services to arrive at a written renovation plan and if no such plan is executed, then Council authorizes staff to proceed with demolition and place a lien on the property.

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 6 Burke

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 finds that the following property listed, 610 N. Commerce, located in the City of Port Lavaca, Texas, is in violation of the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, following a Public Hearing held on December 09, 2024.

BE IT FURTHER RESOLVED, THAT this property is hereby declared substandard and will allow the property owner sixty (60) days to work with Development Services to arrive at a written renovation plan and if no such plan is executed, then Council authorizes staff to proceed with demolition and place a lien on the property.

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 6 Burke

- 4. **Consider First reading of an Ordinance (F-1-24) of the City of Port Lavaca, Texas granting to Centerpoint Energy Resources Corp., DBA Centerpoint Energy Texas Gas Operations, the right, privilege and franchise to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the public rights-of-way of the City of Port Lavaca, Texas for the transportation, delivery, sale and distribution of natural gas; containing other provisions relating to the foregoing subject; providing for severability and providing an effective date. Presenter is Anne Marie**

Motion made by Councilman District 6 Burke

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 First reading of an Ordinance (F-1-24) of the City of Port Lavaca, Texas granting to Centerpoint Energy Resources Corp., DBA Centerpoint Energy Texas Gas Operations; the right, privilege and franchise to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the public rights-of-way of the City of Port Lavaca, Texas for the transportation, delivery, sale and distribution of natural gas; containing other provisions relating to the foregoing subject.

BE IT FURTHER RESOLVED, THAT a change to the Term of Franchise, Section 3, will be changed from thirty (30) years to five (5) years.

Seconded by Councilman District 2 Dent

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 6 Burke

- 5. **Consider First reading of an Ordinance (S-5-24) of the City of Port Lavaca for amendment(s) to the Base Ordinance S-2-24 for 2024-2025 fiscal year budget; providing for Budget Amendment(s); providing for severability, repealing all ordinances in conflict and establishing an effective date. Presenter is Jody Weaver**

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 First reading of an Ordinance (S-5-24) of the City of Port Lavaca for amendment(s) to the Base Ordinance S-2-24 for 2024-2025 fiscal year budget; providing for Budget Amendment(s).

Seconded by Councilman District 6 Burke

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 6 Burke

- 6. **Consider First reading of an Ordinance (G-10-24) of the City of Port Lavaca amending the ordinance codified and described in the City of Port Lavaca’s Code of Ordinances as Chapter 2, Administration, Article V, Finance, Division 1. - Generally, adding Section 2-126 for Credit Card Convenience Fee; providing for purpose of ordinance; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Jody Weaver**

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 First reading of an Ordinance (G-10-24) of the City of Port Lavaca amending the ordinance codified and described in the City of Port Lavaca’s Code of Ordinances as Chapter 2, Administration, Article V, Finance, Division 1. - Generally, adding Section 2-126 for Credit Card Convenience Fee.

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 6 Burke

- 7. **Consider First reading of an Ordinance (G-11-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes, CH 38 Solid Waste, Sec. 38-29 Residential Garbage/brush/bulk collection; CH 2 Administration, Sec. 2-126 Credit Card Use Fee; and providing an effective date. Presenter is Jody Weaver**

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 the recommendation of staff, Council hereby authorizes First reading of an Ordinance (G-11-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes, CH 38 Solid Waste, Sec. 38-29 Residential Garbage/brush/bulk collection; CH 2 Administration, Sec. 2-126 Credit Card Use Fee.

Seconded by Councilman District 6 Burke

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 6 Burke

- 8. **Consider award of a construction contract for Phase 3 City Hall Security Improvements project. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that staff received construction bids for the City Hall Utility Billing Security Improvements (City Hall Master Plan Phase 3) project on November 14. Two bids were received and they are as follows:

Bidder:	Base Bid	Alternate 1	Alternate 2	Base + Alts	Days
Barefoot Construction 312 Davis Ave Port Lavaca, Texas 77979	\$71,200.00	\$7,400.00	\$79,200.00	\$157,800.00	180
BLS Construction Inc 207 Fahrenthold St #4319 El Campo, Texas 77437	\$89,705.00	\$7,460.00	\$54,251.00	\$151,416.00	60

The components of the bid were as follows:

- Base Bid: the bullet resistant security construction in the Utility Billing area
- Alternate Bid 1: to use powered speakers bullet resistant two-way speakers instead of a simple round speak-thru hole.
- Alternate Bid 2: the work required to install a remote door opener system at the south doors to City Hall along with an ADA curb ramp and crosswalk from the Utility Billing Parking ADA spaces.

As you recall, Council chose to use the Competitive Sealed Proposal Method for this solicitation. As such, the proposals received were evaluated based upon price, qualifications, and calendar days to complete.

The evaluation committee met on December 3 and reviewed the scoring provided by Rawley McCoy Architects. In attendance at the meeting was Jody Weaver, Brittney Hogan, Derrick Smith, and Karen Hill, with Councilman Tim Dent attending remotely. Councilman Justin Burke also sat in on the meeting remotely. Brian Parker with Rawley McCoy Architects was unable to join the meeting.

The significant difference in the calendar days proposed by the two contractors weighed heavily on the consideration. This construction, particularly the Base Bid work, will greatly disturb utility billing operations during construction. BLS has stated that the base bid will be done in 60 days, when Barefoot stated 6 months. Including Alternate 2 adds 60 days for BLS and 120 days for Barefoot.

The evaluation committee unanimously agreed in the rankings provided by the Architect for the Base Bid + Alternate 1 and the Base Bid + Alternate 1 and Alternate 2. Both score sheets are attached. In both scenarios, BLS scores the highest.

Council has budgeted \$350,000 in the FY 2024-2025 budget for this project as well as the north end City Hall security project. I don't have a proposal yet for the Architect for the north end project, but we can estimate \$40k-\$50k to complete Phase 3 and perform the Phase 4 work. With an award of the Base Bid and both Alternates of Phase 3, that will leave about \$150K for the construction of Phase 4. The estimated cost for Phase 4 based upon the conceptual drawings is \$240,000. This includes the Controlled-Access bullet resistant store front at the north end of the hallway with renovations to relocate Municipal Court to the north end with a bullet resistant enclosure and other renovations needed to walls, flooring and ceiling panels, etc. We will work with the Architect to try to keep costs as low as possible, but it is likely additional funds will need to be budgeted for this next Phase 4, although it's unlikely the additional funds would be needed before FY 2025-2026.

In consideration of all the information provided, it is the recommendation of the Evaluation Committee to award a construction contract to BLS Construction in the amount of \$151,416.00 for the Base Bid and Alternate Bids 1 and 2.

Motion made by Councilman District 6 Burke

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 a construction contract for Phase 3 City Hall Security Improvements project to BLS Construction, Inc., in the amount of \$151,416.00 for the Base Bid and Alternate Bids 1 and 2; and 60 days to complete, from receipt of Notice to Proceed.

Seconded by Councilman District 1 Aguirre

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 6 Burke

**9. Consider Resolution No. R-120924-1 of the City of Port Lavaca for the purpose of adopting the 2024 Drought Contingency Plan for the City of Port Lavaca. Presenter is Wayne Shaffer**

Public Works Director Shaffer advised Council that the City of Port Lavaca Drought Plan (DCP) must be updated every 5 years to keep in line with Texas Commission on Environmental Quality (TCEQ) and the Texas Water Development Board (TWDB). Staff has updated this plan to meet aforementioned requirements. The DCP will assist the City in meeting current and future needs of its citizens.

The City needs this plan in place in order facilitate the needs of the citizens and to promote growth in our community. Staff recommends adoption of the updated plan.

Motion made by Councilman District 6 Burke

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

THAT, in accordance with the recommendation of staff, Council hereby adopts Resolution No. R-120924-1 of the City of Port Lavaca for the purpose of adopting the 2024 Drought Contingency Plan for the City of Port Lavaca, a copy which is in the office of the City Secretary and city website, in its entirety.

Seconded by Councilman District 2 Dent

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 6 Burke



10. **Consider approval of Exhibit A Texas Settlement Subdivision Participation and Release Form in the Kroger Texas Settlement. Presenter is Anne Marie Odefey**

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 staff, Council hereby approves Exhibit A Texas Settlement Subdivision Participation and Release Form in the Kroger Texas Settlement, a copy which is in the office of the City Secretary, in its entirety.

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

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 6 Burke

11. **Consider Resolution No. R-120924-2 of the City of Port Lavaca for the adoption of a Covered Applications and Prohibited Technology Policy. Presenter is Jody Weaver**

Motion made by Councilman District 2 Dent

WHEREAS, On December 7, 2022, Governor Greg Abbott required all state agencies to ban the video-sharing application TikTok from all state-owned and state-issued devices and networks over the Chinese Communist Party’s ability to use the application for surveilling Texans; and

WHEREAS, Governor Abbott also directed the Texas Department of Public Safety (DPS) and the Texas Department of Information Resources (DIR) to develop a plan providing state agencies guidance on managing personal devices used to conduct state business; and

WHEREAS, Following the issuance of the Governor’s directive, the 88th Texas Legislature passed Senate Bill 1893, which prohibits the use of covered applications on governmental entity devices; and

WHEREAS, As required by the Governor’s directive and Senate Bill 1893, this model policy prohibits the installation or use of covered applications or prohibited technologies on applicable devices; and

WHEREAS, Deems it appropriate to adopt such policy.

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

Section One. The Covered Applications and Prohibited Technology Policy attached hereto is hereby adopted.

Section Two. Unless otherwise amended or revised by resolution of City Council, the Covered Applications and Prohibited Technology Policy shall remain in full force and effect and shall supersede such technology policies of prior date.

Section Three. This Resolution shall be effective as of November 20, 2024.

Seconded by Councilman District 6 Burke

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 6 Burke

Voting Nay:

Councilman District 3 Tippit

**IX. ADJOURNMENT**

Mayor asked for motion to adjourn.

Motion made by Councilman District 2 Dent

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 6 Burke

Meeting adjourned at 8:09 p.m.

ATTEST:

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Jack Whitlow, Mayor

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Mandy Grant, City Secretary