



CITY COUNCIL REGULAR MEETING

Monday, January 08, 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 8th day of January, 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 |
| 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

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 the following citizens spoke:
 - Joe Trevino, 2499 W. Austin (Texas Lakeside RV) RV Park License to Operate
 - Daniel Brown and Loretta Brown, 1818 Broadway (Lavaca Bay RV) City RV Park in competition with local RV Parks
 - Russell Cain, P O Box 565, in support of local RV Park businesses

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

- A. Minutes of December 04, 2023 Special Meeting and Workshop Session
- B. Minutes of December 11, 2023 Regular Meeting
- C. Review of Credit Card Statement
- D. Receive Monthly Financial Highlight Report
- E. Receive Victoria Economic Development Corporation (VEDC) Monthly Report
- F. Ratify City Manager's approval of Change Order No. 1, in the amount of \$29,751.80 for the Chevy Chase St. Improvements and Select Curb & Gutter Replacement and concrete repairs

Motion made by Councilman District 6 Barr

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

THAT, in accordance with recommendation of staff, Council hereby approves all consent agenda items as listed:

Seconded by Councilman District 5 Ward

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 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. **Receive notification from Allied Waste Services of Texas/Republic Service of Corpus Christi (AW) regarding 4% annual rate increase per Third Amendment to the Solid Waste Collection and Disposal Contract with the City of Port Lavaca, effective February 01, 2024. Presenter is Mike Reeves of Republic Services**

Mike Reeves of Republic Services was not in attendance and Interim City Manager Weaver presented this agenda item on his behalf. She advised Council that in accordance with Section 10 of the Solid Waste Collection and Disposal Contract between BFI Waste Services of Texas, LP d/b/a Republic Services of Corpus Christi and the City of Port Lavaca, Republic submitted a comparative statement reflecting a four percent (4%) increase in the Base Residential Rate.

The current Base Residential Contract Rate is \$19.53 and applying the above fixed rate of four percent (4%) to the new Base Rate will be \$20.31 (.78¢ increase) effective February 01, 2024.

No action necessary and none taken.

2. **Consider Resolution No. R-010824-1E for establishing provisions for conduct for the City of Port Lavaca General Officers Election held on the uniform date of May 04, 2024 and authorize Mayor to issue Order of Election. Presenter is Mandy Grant**

Motion made by Councilman District 3 Tippit

WHEREAS, in accordance with the City Charter of the City of Port Lavaca, the Texas Election Code and other applicable state and federal laws, the City Council of the City of Port Lavaca, Texas hereby finds that a general officers election should be held on Saturday, May 04, 2024.

WHEREAS, in addition to calling and ordering the general officers election, City Council finds it necessary and expedient to establish provisions for the conduct of such election:

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

SECTION 1. THAT, an election shall be held on Saturday, May 04, 2024, which is a uniform election date, in the City of Port Lavaca, Texas, which date is not less than forty-five (45) days from the date of the adoption of this resolution for the purpose of electing the following officers:

- One Mayor, At-Large Position, for a term of two (2) years; and
- One Council Member, Single District Two (2), for a term of 3 years; and
- One Council Member, Single District Six (6), for a term of 3 years; and

SECTION 2. THAT. the Qualifications for Office, per City Charter Article 4.02, are as follows:

- a) In addition to the requirements of state law, at the time of election to office, the Mayor and each member of Council shall be at least twenty one (21) years of age, shall be a United States citizen and qualified voter of the State of Texas, shall have resided in the City for not less than one (1) year immediately preceding the election filing deadline and, if elected from a district, shall have resided in the district from which elected for not less than six (6) months immediately preceding the election filing deadline.

b) Candidates for office shall make a sworn application for a place on the ballot within the times prescribed by the Texas Election Code and pay any filing fee established by ordinance. Applications shall designate the position sought and applications for council member shall include the district number, if applicable. It shall be the duty of the Office of the City Secretary of the City of Port Lavaca to place the name of all qualified candidates making timely application on the official ballot. Legal proof of length of residency in the City and/or district must be presented to the Office of the City Secretary upon filing for office.

SECTION 3. THAT, per City Charter, Article 4.03, the candidate receiving a majority of the votes cast for the office sought shall be elected to that office.

In the event no candidate receives a majority of the votes cast at the regular election, then and in that event, a run-off election shall be held in accordance with Texas Election Law following procedures therein.

SECTION 4. THAT, the Office of the City Secretary of the City of Port Lavaca shall consist of the City Secretary and/or the Assistant City Secretary and shall perform all duties necessary to conduct the general officer’s election.

SECTION 5. THAT, the Office of the City Secretary, is expressly authorized to obtain election supplies and equipment required by law and necessary to conduct such election.

SECTION 6. THAT, such election shall be conducted by the City of Port Lavaca, with Early Voting Days and the Election Day voting to be at the following polling place designated for each City election district:

<u>DISTRICT NUMBER</u>	<u>POLLING PLACE</u>
District One	City of Port Lavaca City Hall – Main Lobby 202 N. Virginia Street
District Two	City of Port Lavaca City Hall – Main Lobby 202 N. Virginia Street
District Three	City of Port Lavaca City Hall - Main Lobby 202 N. Virginia Street
District Four	City of Port Lavaca City Hall - Main Lobby 202 N. Virginia Street
District Five	City of Port Lavaca City Hall - Main Lobby 202 N. Virginia Street
District Six	City of Port Lavaca City Hall -Main Lobby 202 N. Virginia Street

SECTION 7. THAT, Early Voting Days and extended hours to vote on a Saturday shall be conducted during the following schedule in 2024:

Monday	April	22	from	8:00	a.m.	to	5:00	p.m.
Tuesday	April	23	from	7:00	a.m.	to	7:00	p.m.
Wednesday	April	24	from	8:00	a.m.	to	5:00	p.m.
Thursday	April	25	from	7:00	a.m.	to	7:00	p.m.
Friday	April	26	from	8:00	a.m.	to	5:00	p.m.
Saturday	April	27	from	9:00	a.m.	to	2:00	p.m.
Monday	April	29	from	8:00	a.m.	to	5:00	p.m.
Tuesday	April	30	from	8:00	a.m.	to	5:00	p.m.

Early voting by personal appearance shall be conducted during the regular business hours of the Office of the City Secretary each weekday from 8:00 a.m. until 5:00 p.m., except for the second and fourth days of the early voting period by personal appearance. On the second and fourth days of early voting by personal appearance, the Office of the City Secretary’s regular business hours are hereby designated as 7:00 a.m. until 7:00 p.m. In addition, there will be extended hours of the early voting period by personal appearance held on a Saturday from 9:00 a.m. until 2:00 p.m.

SECTION 8. THAT, Election Day Voting shall be conducted during the following date and time:

Saturday	May	04	from	7:00	a.m.	to	7:00	p.m.
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SECTION 9. THAT, Notice of the election, including a Spanish translation thereof, shall be posted at City Hall and published in a local newspaper as provided by the Home Rule Charter of the City of Port Lavaca, the Texas Election Code and/or other state and federal law, and the Mayor, or his designee, is hereby authorized and directed to execute such Notice together with an Order calling such election.

SECTION 10. THAT, should any part, section, subsection, paragraph, sentence, clause or phrase contained in this resolution be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this resolution, but in all respects said remaining portion shall be and remain in full force and effect.

SECTION 11. THAT, this resolution shall be effective immediately upon adoption.

Seconded by Councilman District 5 Ward

Voting Yea:

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

- 3. **Consider Resolution No. R-010824-2 of the City of Port Lavaca to nominate a candidate to fulfill the unexpired term of W.H. “Bill” Bauer, Jr. for the Board of Directors of the Calhoun County Appraisal District (CCAD) for the 2024-2025 regular term. Presenter is Jody Weaver**

Mayor Whitlow announced he was ready for nominations:

- Councilman Tippit nominated Councilman Tim Dent.
- Councilman Ward nominated Victor Fredericksen.
- Councilman Dent declined and was fine with nomination of Victor Fredericksen.
- Councilman Tippit withdrew his nomination.

Motion made by Councilman District 5 Ward

WHEREAS, for the nomination of a candidate for the Board of Directors to fulfill the unexpired term due to the resignation of W. H. "Bill" Bauer, Jr. from the Board of Directors; and

WHEREAS, the CITY OF PORT LAVACA is a taxing unit entitled to nominate a candidate for the Board of Directors of 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, the name of Victor Fredericksen is nominated and submitted for election to the Calhoun County Appraisal District Board of Directors for the term beginning January 01, 2024 and ending December 31, 2025 by Resolution No. R-010824-3:

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

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

4. **Consider Resolution No. R-010824-3 authorizing publication of Notice of Intention to issue Combination Tax and Revenue Certificates of Obligation, Series 2024. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that with the receipt of bids for the construction of Phase 1 and Phase 2 of Alamo Heights, we are now in a better position to determine the amount of Series 2024 CO's we need to complete the Capital Improvement project that we planned when the \$7.5M Series 2022 CO's were issued.

Weaver presented a spreadsheet which showed the following:

- The first column shows the breakdown of how we initially estimated the use of the \$7.5M.
- The second column shows how we have/are actually spending these dollars.
- The third column shows the proposed use of a 2024 issuance.
- Although we have not bid on the Independence Road project yet, the cost estimate shown uses the unit prices from the recently bid Alamo Heights project, so we are relatively confident that the engineer's estimate is within contingency.

- So in order to award the work of Phases 1 & 2 of the Alamo Heights Streets and Drainage improvements and then reconstruct Independence from Virginia to Sandcrab with a sidewalk on one side, we need a little over \$11.6M.
- The Anne Street Lift Station is in great need of reconstruction. We applied for a grant for this a couple of years ago, but because all of the drainage basin is not in a Low-to-Moderate income area, the application was rejected. This cost is approximately \$0.9M (and would be paid from water rates). This would bring the total to \$12.5M

Preliminary calculations indicate that we can reasonably expect to be able to issue this \$12.5M and still generate the same dollars as fiscal year 23-24 for O&M by raising the tax rate back to 0.7944.

- I understand there is a desire to include the reconstruction of Independence from Sandcrab to Half League. This would add an estimated \$1.6M in cost.
- We also recognize that there are some potential residential development opportunities along Independence that are stalled because the area has no sewer. A lift station would cost approximately \$0.9 M and could be added as Economic Development dollars.

To accomplish all these projects, the total would be \$15M, however at this level, most assuredly the property tax rate would need to increase a couple of pennies.

At this time, Council is only authorizing the publication of a Notice of Intent (NOI) to Issue CO's and establishing a MAXIMUM amount that is being considered. Later in February Council will actually vote on the final amount to issue, which can always be less than what is stated in the NOI, but it can't be more.

This information and preliminary calculations have been shared and reviewed with the Finance Committee. Based upon the preliminary calculations, if we needed to increase the property tax rate to say \$0.81, that would equate to \$23.40 additional tax on a \$150,000 house (above the 0.7944) or \$44 on that same house above the current 0.7807.

Staff recommends that Council adopt the proposed resolution as presented to authorize publication of the Notice of Intent (NOI) to issue Combination Tax & Revenue Certificates of Obligation, Series 2024, in an amount NOT TO EXCEED \$15 million.

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 Resolution No. R-010824-3 authorizing publication of Notice of Intention to issue Combination Tax and Revenue Certificates of Obligation, Series 2024, in an amount not to exceed Fifteen Million Dollars (\$15,000,000.00).

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

5. **Consider award of Alamo Heights Improvement Project contingent upon receipt of Bond Funds from Combination Tax and Revenue Certificates of Obligation, Series 2024. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that on December 14, 2023 staff received two bids for the 2023 Capital Improvement Project – Alamo Heights Phase 1 and Phase 2 and are as follows:

Description of Project	Lester Contracting, Inc.	Mercer Construction
Base Bid	\$5,554,639.25	\$6,213,419.81
Calendar Days	620 Days	646 Days
Base Bid – Owner’s Option A	\$5,525,089.25	\$6,199,320.34
Calendar Days	620 Days	666 Days
Add Alternate Bid	\$3,417,591.75	\$3,713,138.36
Calendar Days	320 Days	380 Days
Add Alternate Bid – Owner’s Option A	\$5,525,089.25	\$6,199,320.34
Calendar Days	620 Days	666 Days

The **Base Bid** of this project includes:

- Jackson St. from 5th to Alcoa, Leon St. from Seadrift to Alcoa and 3rd, 5th, and 7th Streets from Jackson to the north side of Leon. Sidewalks are included on one side of Jackson and Leon and both sides of 3rd, 5th, and 7th. This also includes the replacement of the waterline on Leon from 5th to Alcoa and on 5th from Leon to the north end of the project. (Low Bid = \$5,554,639.25).

The **Additive Alternate Bid** includes:

- Justice from Seadrift to Alcoa, and 3rd, 5th, and 7th Streets from the north side of Leon to midway between Justice and Algee. Sidewalks are included on one side of Justice and both sides of 3rd, 5th, and 7th. (Low Bid = \$3,417,591.75).

The Owner’s Option would allow the contractor to remove and replace all curbing first, without tearing up all of the pavement, placing 6” of stabilized cement backfill under the new curbs. The advantage to this is that the road is not in a torn-up condition for as long. The downside is this method of construction is not as strong as extending the full section of 6” lime subgrade and 6” flex base fully under the curb. The Owner’s option would save only \$54,707.00 on the whole project but may be preferred by the residents.

Financial Considerations:

This project will be paid for with 2024 Series Bonds so the award will be contingent upon receipt of these funds.

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 award of the Construction Contract for the Alamo Heights Improvement Project, to Lester Contracting, Inc., for the Base Bid (\$5,554,639.25) and Additive Alternate Bid (\$3,417,591.75) totaling an amount of \$8,972,231.00, CONTINGENT upon receipt of Bond Funds from Combination Tax and Revenue Certificates of Obligation, Series 2024.

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

6. **Consider Resolution No. R-010824-4 of the City of Port Lavaca requesting Financial Assistance from Texas Water Development Board (TWDB) for the Lynn’s Bayou Wastewater Treatment Plant (WWTP) Expansion Project. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that in December 2022, Council authorized AECOM Task Order No. 5 which included a 30% project design and assistance as needed to apply for a Texas Water Development Board (TWDB) loan for funding.

AECOM completed the 30% design and submitted a pre-application for project inclusion in the 2024 Intended Use Plan. On November 28, 2023, we received notification from the TWDB that our project was included in the 2024 IUP and we have been invited to submit an application for funding through the TWDB Clean Water State Revolving Fund.

The deadline to submit the INTENT TO APPLY was December 28. We submitted this information to TWDB and edited the amount to reflect the construction cost estimate of \$39.315 M, which is the current estimate following the 30% design. Recall that AECOM’s construction estimate about 3 years ago was around \$15M, but with the increased cost of materials and construction and increased effluent limits likely to be imposed by the Texas Commission on Environmental Quality (TCEQ), the construction estimate has over doubled. Understand though that there is a 30% contingency included at this stage of design.

Note also that this is the project which DOW Chemical has made application to the Department of Energy for funding as well.

The deadline to apply for this funding from the FY 2024 State funds is January 29, 2024. I have authorized an amendment to AECOM’s contract for \$22,831.00 to prepare the required Desktop Environmental Review required for the application.

Action needed at the January Council meeting is to approve a Resolution requesting Financial Assistance from the TWDB, authorize the filing of the application, and make certain designations with regard to the application.

Financial Considerations:

We have included our financial advisor in the discussions regarding this application. This method of financing involves a low interest loan and is accepted as the best way to finance very large expenditures such as this. Bottom line, the city is under no obligation to follow through with this loan if offered, but there are narrow windows of opportunity to apply. Applying now lets TCEQ know we continue to move forward with their requirement that we expand the capacity of the Wastewater Treatment Plant. I can report that DOW’s application to the DOE did make it through to the second phase, but I have had no new updates in the last few weeks. Hopefully, any loan with TWDB will be much less than \$39M.

Motion made by Councilman District 6 Barr

WHEREAS, a Resolution by the City Council of the City of Port Lavaca, Texas requesting financial assistance from the Texas Water Development Board, authorizing the filing of an application for assistance, and making certain findings in connection therewith.

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

SECTION 1. That an application is hereby approved and authorized to be filed with the Texas Water Development Board seeking financial assistance in an amount not to exceed \$39,315,000.00 to provide for the costs of Lynn's Bayou Wastewater Treatment Plant Expansion.

SECTION 2. That Interim City Manager JoAnna P. Weaver be and is hereby designated the authorized representative of the City of Port Lavaca for purposes of furnishing such information and executing such documents as may be required in connection with the preparation and filing of such application for financial assistance and the rules of the Texas Water Development Board.

SECTION 3. That the following firms and individuals are hereby authorized and directed to aid and assist in the preparation and submission of such application and appear on behalf of and represent the City of Port Lavaca before any hearing held by the Texas Water Development Board on such application, to wit:

- Financial Advisor: R. Dustin Traylor
RBC Capital Markets
- Engineer: Vinoth Manoharan, P.E.
AECOM Technical Services, Inc.
- Bond Counsel: Gregory Miller
Bickerstaff Heath Delgado Acosta LLC (BHDA)

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

7. **Consider Interlocal Agreement between the City of Port Lavaca and the Calhoun County Appraisal District (CCAD) for the Assessment and Collection Functions of Taxes. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that this was a renewal of a standard agreement between the City of Port Lavaca and the Calhoun County Appraisal District, for the purpose of assessing property and the collection of taxes for a period from January 1, 2024 through December 31, 2026. Staff recommends the agreement be renewed, a copy which is 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 and adopts the agreement made and entered into by and between the Calhoun County Appraisal District and the City of Port Lavaca; for the purpose of assessing and collection of taxes for a period from January 1, 2024 through December 31, 2026.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute all instruments necessary to affect 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

8. **Consider First reading of an Ordinance (G-1-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes; Chapter 38 Solid Waste Residential Rates; and providing an effective date . Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that as per the 4th Amendment to our contract with Republic Services, the rates will be increased effective February 01, 2024 by four-percent (4%). Residential Trash pickup will be increased from \$19.53/month to \$20.31/month.

The City has been charging customers who need/want one or more additional carts, the same fee per cart as the required cart for service. Republic charges the City a lesser amount for additional carts. If we increase both single carts and multiple carts to the \$20.31 and keep the City-wide cleanup fee at \$0.35, we generate about \$81,935.00 a month.

If we reduce the multiple cart fee to \$16.11 (what Republic charges us) then the reduction in revenue is \$1,268 a month. If we divide this among our customers it equals \$0.35. So, if we increased the City-wide Cleanup fee to \$0.70 across the board, we would generate the same revenue as if we charge for the multiple carts.

We are asking Council to consider 2 options to amend the garbage rate: Both options will generate equivalent revenue. The difference is that in Option A, the additional revenue is collected from multiple cart customers, whereas in Option B, it is spread equally across all customers.

Option A:

Ordinance Section	Subject	Current Fee	New Fee	Increase Amt for Garbage Rate for 1 cart
38-29	Residential Rate Garbage/brush/bulk collection	\$19.53	\$20.31	
	Rate per Additional cart	\$19.53	\$20.31	
38-30	City-wide cleanups	\$ 0.35	\$ 0.35	
	TOTAL Residential Fee	\$19.88	\$20.66	\$0.78

Option B:

Ordinance Section	Subject	Current Fee	New Fee	Increase Amt for Garbage Rate for 1 cart
38-29	Residential Rate Garbage/brush/bulk collection	\$19.53	\$20.31	
	Rate per Additional cart	\$19.53	\$16.11	
38-30	City-wide cleanups	\$ 0.35	\$ 0.70	
	TOTAL Residential Fee	\$19.88	\$21.01	\$1.13

Note: Regardless of the number of carts, each customer is allowed the 12 CY of brush/bulk per month, same as a single cart.

On an additional note, I have looked through the City's records and I do not find that the City has historically charged any additional percentage or fee above what Republic charges to account as an administration fee. It looks like the additional City-wide cleanup fee has fluctuated over the years and is the only additional fee charged above what Republic charges the City.

Staff recommends Council consider that Option B is more equitable among all customers and may help encourage customers that really need a second cart to do get one. It should also be noted that the Cleanup Fee has been over \$1.00 in the past. Seventy cents (\$0.70) per customer per month will generate a little over \$30,000.00 to go toward costs associated with the annual spring cleanup as well as Code Enforcement efforts involved in brush/bulk and other clean-up complaints and issues.

Motion made by Councilman District 2 Dent

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-1-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes; Chapter 38 Solid Waste Residential Rates, with fees in Option B, as presented above.

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

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

- **For consultation with City Attorney on matters in which the duty of the Attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act (Title 5, Chapter 551,-Section 551.071(2) of the Texas Government Code). Presenter is Mayor Whitlow**

Mayor Whitlow announced there would be no closed session.

10. **Return to Open Session and take any action deemed necessary with regard to matters in closed session. Presenter is Mayor Whitlow**

There was no closed session.

IX. ADJOURNMENT

Mayor asked for motion to adjourn.

Motion made by Councilman District 3 Tippit

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

Meeting adjourned at 7:46 p.m.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary