



# CITY COUNCIL SPECIAL MEETING

Monday, July 09, 2024 at 5:30 PM

City Council Chambers | 202 N. Virginia Street, Port Lavaca, Texas 77979

## MINUTES

STATE OF TEXAS §  
COUNTY OF CALHOUN §  
CITY OF PORT LAVACA §

On this the 9th day of July 2024, the City Council of the City of Port Lavaca, Texas, convened in a Special Session at 5:30 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                  |
| Justin Burke    | 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 5:36 p.m. and presided.

### III. 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.

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

- A. Minutes of June 03, 2024 Workshop Meeting
- B. Minutes of June 10, 2024 Regular Meeting
- C. Minutes of June 24, 2024 Special Meeting
- D. Review of Credit Card Statement

- E. Receive Monthly Financial Highlight Report**
- F. 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 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 Burke

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

- 1. Consider extension of the Mayor’s Declaration of a Local State of Disaster, dated July 06, 2024 for 30 days.**

Motion made by Councilman District 2 Dent

WHEREAS, on July 06, 2024, Lt. Governor Dan Patrick declared a state of disaster for several counties in Texas including Calhoun County; and

WHEREAS, on July 06, 2024, due to the imminent threat of widespread or severe damage injury, for loss of life or property due to the forecasted severe weather, County Judge Richard Meyer declare4d a state of disaster for the County of Calhoun; and

WHEREAS, on July 06, 2024, the forecasted severe weather could lead to prolonged loss of electrical power, dangerous street flooding and road conditions, loss of water pressure, and unsafe infrastructure within the City, threatening the safety and lives of all residents; and

WHEREAS, the Mayor of the City of Port Lavaca has determined that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property; and

WHEREAS, Pursuant to Chapter 418.108(b) of the Texas Government Code, the local state-of-disaster prompted by the Tropical Storm Beryl weather emergency is in effect for a period of not more than 7 days from the date of July 06, 2024.

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF PORT LAVACA:

- 1. That a state of disaster is declared for the City of Port Lavaca.

- 2. That the City's Emergency Management Plan has been implemented.
- 3. That this state of disaster shall continue for a period of not more than seven days of the date hereof, unless the same is continued by consent of the City Council of Port Lavaca, Texas.
- 4. That this proclamation shall take effect immediately from and after its issuance.

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 Burke

**2. Consider appointment of member(s) to the Planning Board to fill a vacancy and/or start a new term of two (2) years. Presenter is Derrick Smith**

Development Services Director Smith advised Council that the Planning Board has one (1) term that has expired for Steve Butler. Mr. Butler has requested to be reappointed to the Planning Board. There are no term limits established and the full term is for a period of two (2) years.

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 Steve Butler to the Planning Board to start new two-year term.

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 Burke

**3. Consider request of the United Way of Calhoun County for use of the Bayfront Peninsula Park for their annual family day on Saturday, September 21, 2024 and waiver of any fees associated with the event. Presenter is Tania French**

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 request of the United Way of Calhoun County for use of the Bayfront Peninsula Park for their annual family day on Saturday, September 21, 2024 and waives any fees associated with the 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 Burke

**4. Consider Amendments to the City of Port Lavaca HR and Workplace Policies by adding “Timekeeping Policy” and “Emergency Policy”. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council to table this agenda item.

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 tables this agenda item.

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 Burke

**5. Consider Second and Final reading of an Ordinance (G-6-24) of the City of Port Lavaca amending the Code of Ordinances, to Chapter 12, Article IV- Building and Building Regulations Sec. 12-287 - Definition; unfit condition declared; minimum standards for use and occupancy, (d),(11); and providing an effective date. Presenter is Derrick Smith**

Interim City Manager Weaver advised Council to table this agenda item.

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 tables this agenda item.

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 Burke

**6. Consider First reading of an Ordinance (G-7-24) of the City of Port Lavaca amending the basic Traffic Control Devices Ordinance G-6-86, Section 3, by adding Stop Signs in Lynnhaven Subdivision; Repeal Clause; and providing an effective date. Presenter is Colin Rangnow**

Interim City Manager Weaver advised Council to table this agenda item.

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 tables this agenda item.

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 Burke

7. **Consider professional Engineering Services Agreement with CivilCorp for the Smith Road Sidewalk and Bike Lane project. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that for those that weren't around after Hurricane Harvey, if the City experiences a windstorm event that generates a large amount of brush and debris that Republic can't handle under their normal contract and the City plans to request reimbursement from FEMA, we must go through a procurement process to contract with a firm to collect and dispose of the debris and separately a firm that will manage and monitor these collection and disposal efforts to make sure reported quantities are accurate and all laws are being followed. The Pre-Disaster Debris Contract we had in place with True North since 2018 has expired and it is prudent to have one in place prior to a windstorm event coming our way. With a Management Firm under contract, they will help us in properly procuring a pre-disaster contract for Debris collection and disposal.

We initially advertised for Disaster Debris Management and Monitoring Proposals beginning May 15 with proposals due on May 31. Unfortunately, we received only one response and FEMA recommended that we advertise again. So, we did not open that submittal and readvertised beginning June 05 with a due date of June 21, 2024.

We received 3 proposals: TetraTech (Houston, TX), True North (Arlington, TX), and DebrisTech (Picayune, MS). The scoring committee was comprised of myself, Wayne Shaffer (Director of Public Works), Brittney Hogan (Interim Finance Director), and Kateryna Thomas (Grants and Capital Improvement Projects Coordinator). The summary of the scores are attached. Tetra Tech received an average score of 96.5, True North was 89.3 and DebrisTech was 82.0.

In accordance with FEMA requirements, Kateryna Thomas notified various MWDBE, HUB and Small Businesses about the RFP and has that fully documented for submittal to FEMA should we get hit with a windstorm and need to enact the contract.

**FINANCIAL IMPLICATIONS:**

Attached is a comparison of the cost proposals received. All three proposals were less than the Independent Cost Analysis that staff performed prior to advertising for Proposals. It is noted that True North has the lowest cost overall for the scenario of hours listed in the Pricing Schedule that we included in the RFP,

but it's noted that they do not provide pricing for some of the categories. It is understood that these tasks are included in the tasks of other personnel categories, but then that could affect the number of hours needed from those other categories. Their unit prices of the categories with the potential for the most hours is actually the highest, therefore as the hours for field work and data entry categories increase, the overall cost gets closer among all three. The Cost Proposal was 25 points of the overall 100 points scored.

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 authorizes the Interim City Manager to negotiate a Pre-Disaster Contract for Debris Management and Monitoring Services with TetraTech, based upon their submitted Proposal dated June 21, 2024.

BE IT FURTHER RESOLVED, THAT the Mayor is authorized to sign once the language has been approved by the City Attorney.

Seconded by Councilman District 6 Burke

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 Burke

8. **Consider recommendation of the Planning Board for a request to the Ordinance Chapter 26- Manufactured Housing and Recreational Vehicles for a manufactured home to be placed on a residential lot that is not in a manufactured housing park. The property is described as Block 47, Lot 1 of the Original Townsite (723 S. Benavides Street). Presenter is Derrick Smith**

Mayor Whitlow announced that Council would retire into closed session at 6:05 p.m.:

- 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).

Mayor Whitlow announced that Council was back in open session at 6:27 p.m.

Director of Development Services Derrick Smith advised council that in accordance with Chapter 26.4(2)(c) of City of Port Lavaca Code of Ordinances, HUD-Code manufactured housing shall be installed only in a manufactured housing park, manufactured housing subdivisions or other property approved by the building official as described in the remainder of this subsection. A HUD-Code manufactured home will be permitted to be installed on any lot on which a manufactured home was situated in the past 180 days.

David Holford spoke on behalf of Jacob Benjamin, variance requestor. Mr. Benjamin is requesting a variance to place a manufactured home on 723 S. Benavides Street. Mr. Benjamin's variance application explains that his request is due to medical necessity. Mr. Benjamin states that he has purchased a new manufactured home, and the land purchase is contingent on the variance approval. He has also included a note from his primary

care provider that states that he should live within three (3) minutes response rate by EMS or to get to the hospital. According to the tax role, the current property owner is Larry R. Johnson c/o Elsa P. Johnson.

Smith explained that when considering whether to grant a variance, the Board must make specific findings that (1) it meets the intent of the ordinance and substantial justice will be provided to the applicant; (2) the variance is not contrary to public interest; and (3) that due to special conditions, literal enforcement of the ordinance would result in an unnecessary hardship to the property owner. An unnecessary hardship does not include a hardship created by the property owner. The hardship must be unique to the property. The variance request for a manufactured home to be permanently installed on 723 S. Benavides does not meet the intent of the Code of Ordinances. Furthermore, the property does not have unique hardships to prevent meeting the spirit of the ordinances. Therefore, staff recommends denial as per the aforementioned ordinance citation.

Motion made by Councilman District 1 Aguirre

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

THAT, in accordance with the recommendation of the Planning Board and staff, Council hereby approves denial of variance placement of manufactured home but approves a Special Use Permit for Jacob Benjamin to place a manufactured home at 723 S. Benavides St., Port Lavaca, Texas 77979

BE IT FURTHER RESOLVED, THAT Mr. Benjamin’s attorneys are responsible for drafting a Special Use Permit and Mr. Benjamin will be responsible for any legal fees implemented by city attorneys for review of the permit.

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 Burke

- 9. **Announcement by Mayor that City Council will retire into closed session:**
  - **To deliberate the purchase, exchange, lease or value of Real Property (Deliberation in an Open Meeting would have a detrimental effect on the position of the Governmental Body in negotiations with a third party), in accordance with Title 5, Chapter 551, Section 551.072 of the Texas Government Code. Presenter is Mayor Whitlow**

Mayor Whitlow announced that Council would retire into closed session at 6:41 p.m.

- 10. **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 7:22 p.m.

No action necessary and none taken.

**VI. ADJOURNMENT**

Mayor asked for motion to adjourn.

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

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 Burke

Meeting adjourned at 7:22 p.m.

These minutes were approved on August 12, 2024.

ATTEST:

\_\_\_\_\_  
Jack Whitlow, Mayor

\_\_\_\_\_  
Mandy Grant, City Secretary