



# CITY COUNCIL REGULAR MEETING

Monday, May 13, 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 13th day of May, 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                  |
| Justin Burke    | Councilman, District 6 Incoming Term    |

And with the following absent:

- |          |                                      |
|----------|--------------------------------------|
| Ken Barr | Councilman, District 6 Outgoing Term |
|----------|--------------------------------------|

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

- Proclamations by the Mayor
  - May is Motorcycle Awareness Month
  - National Police Week is May 12 – 18, 2024
  - Public Works Week is May 19 – 25, 2024 “Advancing Quality of Life for all”

**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 person spoke via Zoom:
  - Shanda Hartnett, General Manager of Sparklight introduced herself to Council and announced that there will be an “instant install” event on Wednesday, May 15<sup>th</sup> at the old office and hot dogs, chips and drinks will be available.

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

**A. Minutes of April 08, 2024 Regular Meeting**

**B. Minutes of April 29, 2024 Special Meeting and Workshop Session**

**C. Review of Credit Card Statement**

**D. Receive Monthly Financial Highlight Report**

**E. Receive Victoria Economic Development Corporation (VEDC) Monthly Report**

**F. Ratify agreement between the City and TISD, Inc. for use of two (2) Elevated Storage Tanks for placement of antennas to transmit internet services**

**G. Ratify request for a variance to the Code of Ordinance CH 32 Parks and Recreation, Article IV Park Regulations, Sec. 32-72 Park Rules Established (7) Parking or Loitering in public parks after 11:00 p.m.is prohibited; (regarding operating hours of George Adams Park on Wednesday, May 01, 2024)**

Councilman Dent requested that Consent Agenda F (Elevated Storage Tanks) be pulled.

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, with the exception of Consent Agenda F (Elevated Storage Tanks).

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

Councilman Dent asked Public Works Director Shaffer about this agreement. Shaffer clarified that TISD, Inc. leases two (2) elevated storage tanks for placement of antennas to transmit internet services. TISD will provide monthly managed WiFi services to 55 sites at no expense to the City’s Lighthouse Beach RV Park, in lieu of lease payment. If internet services are not provided, then TISD will pay \$500.00 per tower, per month.

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 Consent Agenda F (Elevated Storage Tanks).

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

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

**1. Canvass returns of the May 04, 2024 City of Port Lavaca General Officers Election. Presenter is Mayor Whitlow**

Records and materials regarding the May 04, 2024 General Election were presented by City Secretary Grant, to canvass the votes. The Canvassing Committee was formed of Mayor Whitlow, Councilman Aguirre and Councilman Tippit. Completed Election Tally Books were distributed to the Committee in order to validate the vote count to the canvassing document as follows:

- One Council Member, Single District Six (6), for a term of 3 years.

Candidate	Early Voting	Election Day	Total Votes
Ken Barr	25	5	30
Justin Burke	78	45	123
Total Ballots Cast	103	50	153

Councilman Aguirre and Councilman Tippit both agreed that the elections tally book had the same number of votes for each candidate as established in the canvassing document presented by City Secretary Grant.

No action necessary and none taken.

**2. Consider Resolution No. R-051324-1E certifying the May 04, 2024 General Election returns and declaring candidates elected. Presenter is Mandy Grant**

Motion made by Councilman District 3 Tippit

WHEREAS, the returns of the May 04, 2024 election were canvassed at the regular city council meeting held on Monday, May 13, 2024, at 6:30 p.m., with the following results:

**COUNCIL MEMBER, SINGLE DISTRICT SIX (6) for a term of three (3) years**

Candidate	Early Voting	Election Day	Total Votes
Ken Barr	25	5	30
Justin Burke	78	45	123
Total Ballots Cast	103	50	153

WHEREAS, there came on to be considered the returns of an election held the 4<sup>th</sup> day of May, 2024, for the purpose of electing the hereinafter named officials; and

WHEREAS, it appearing from said returns duly and legally made, that one hundred fifty-three (153) valid ballots were cast; and

WHEREAS, that each of the candidates in said election received the votes set out hereinabove:

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

THAT, Justin Burke was duly elected Council Member, District Six (6) of the City of Port Lavaca, Texas, at said election, and is hereby declared duly elected to said office, subject to executing the Statement of Officer and taking the Oath of Office as provided by the laws of the State of Texas.

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

3. **Administer Oaths of Office and issue Certificates of Election to newly elected officials to the Port Lavaca City Council to-wit: Jack Whitlow as Mayor to serve a new term of two (2) years; Tim Dent representing District 2 and Justin Burke representing District 6; 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:

- Jack Whitlow, Mayor, At Large Council Districts, for a term of 2 years; and
- Tim Dent, Council Member, Single District Two (2), for a term of 3 years; and
- Justin Burke, Council Member, Single District Six (6), for a term of 3 years.

No action necessary and none taken.

4. **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 5 Ward

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 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

5. **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) **126 E. Main Street**
- (b) **138 E. Main Street**
- (c) **223 E. Main Street**
- (d) **1406 Hwy 35 South**

Mayor opened Public Hearing at 6:58 p.m.

Mayor closed Public Hearing at 7:24 p.m.

No action necessary and none taken.

6. **Consider finding that the following properties listed, located in the City of Port Lavaca, Texas, are 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 May 13, 2024. Presenter is Derrick Smith**

- (a) **126 E. Main Street**
- (b) **138 E. Main Street**
- (c) **223 E. Main Street**
- (d) **1406 Hwy 35 South**

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 properties listed, located in the City of Port Lavaca, Texas, are 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 May 13, 2024:

- 138 E. Main Street; and
- 1406 Hwy 35 South

BE IT FURTHER RESOLVED, THAT these listed properties are declared substandard and property owners/heirs are allowed thirty (30) days to fix or update.

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. **Receive the 2024 Certified Estimate of Net Taxable Value (NTV) for the City of Port Lavaca from the Calhoun County Appraisal District (CCAD) as required by Sec. 26.01 (E) of the Texas Property Tax Code to the Governing bodies of the Taxing Units within. Presenter is Chief Appraiser Paul Spaeth**

Paul Spaeth, CCAD Chief Appraiser, presented Council the 2024 Certified Estimate of Net Taxable Value (NTV) for the City of Port Lavaca from the Calhoun County Appraisal District (CCAD) as required by Sec. 26.01 (E) of the Texas Property Tax Code to the Governing bodies of the Taxing Units within. A copy is in the office of the City Secretary, in its entirety.

No action necessary and none taken.

8. **Receive the 2025 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 Chief Appraiser Paul Spaeth**

Paul Spaeth, CCAD Chief Appraiser, presented Council the 2025 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. A copy is in the office of the City Secretary, in its entirety.

No action necessary and none taken.

9. **Consider Resolution No. R-051324-2 of the City of Port Lavaca for the approval and adoption of the updated Calhoun County Multi-Jurisdictional Hazard Mitigation Plan and approve that the adopted plan be submitted to the GLO, TDEM, and FEMA for final review and approval. Presenter is Jody Weaver**

Motion made by Councilman District 3 Tippit

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 Resolution No. R-051324-2 of the City of Port Lavaca for the approval and adoption of the updated Calhoun County Multi-Jurisdictional Hazard Mitigation Plan and approve that the adopted plan be submitted to the GLO, TDEM, and FEMA for final review and approval. A copy is in the office of the City Secretary, in its entirety.

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

10. **Consider Resolution No. R-051324-3 of the City of Port Lavaca to adopt The Lawn Library Program for the purpose of providing residents, with a city-utility-account, membership access to borrow city-owned tools and equipment as needed to clean-up their properties (i.e., to mow grass, trim vegetation, etc.). Presenter is Derrick Smith**

Motion made by Councilman District 3 Tippit

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 Resolution No. R-051324-3 of the City of Port Lavaca to adopt The Lawn Library Program for the purpose of providing residents, with a city-utility-account, membership access to borrow city-owned tools and equipment as needed to clean-up their properties (i.e., to mow grass, trim vegetation, etc.).

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

11. **Consider Second and Final reading of an Ordinance (G-2-24) of the City of Port Lavaca amending the basic Traffic Control Devices Ordinance G-6-86, Section 3, by adding new street locations in Burkeshire, Marshall Meadow and Seagull Subdivisions; Repeal Clause and effective date. Presenter is Jody Weaver**

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

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

THAT, Council hereby approves the Second and Final reading of an Ordinance (G-2-24) of the City of Port Lavaca amending the basic Traffic Control Devices Ordinance G-6-86, Section 3, by adding new street locations in Burkeshire, Marshall Meadow and Seagull Subdivisions; Repeal Clause and effective date.

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

- 12. **Consider Second and Final reading of an Ordinance (G-3-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes; Chapter 50 Water and Sewer residential rates; 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, Council hereby approves the Second and Final reading of an Ordinance (G-3-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes; Chapter 50 Utilities, Sec. 50-67 Water User Rates, Base Charge for Residential, Small and Large Commercial rates; and providing an effective date.

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

- 13. **Consider First reading of an Ordinance (G-4-24) of the City of Port Lavaca amending the Code of Ordinances, Chapter 26 Manufactured Home Parks and RV Parks; and providing an effective date. Presenter is Jody Weaver**

Interim City Manager Weaver and Development Services Director Smith advised Council that during the City Council Special Workshop on March 25, 2024, there was a lengthy discussion and concerns regarding the licensing of RV Parks. Staff scheduled a meeting with the surrounding owners and discussed requiring a Certificate of Occupancy in lieu of a license.

This change would reflect the same requirements as other businesses within the city. Staff recommends approving these amendments, a copy of which is in the office of the City Secretary, in its entirety.

Motion made by Councilman District 5 Ward



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

THAT, in accordance with the recommendation of staff, Council hereby approves the First reading of an Ordinance (G-4-24) of the City of Port Lavaca amending the Code of Ordinances, Chapter 26 Manufactured Home Parks and RV Parks; and providing an effective date.

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

14. **Consider First reading of an Ordinance (G-5-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes; Chapter 26 Manufactured Housing and Recreational Vehicles Sec. 26-26; Chapter 32 Parks and Recreation Sec. 32-71 (e); and providing an effective date. Presenter is Jody Weaver**

Interim City Manager Weaver and Development Services Director Smith advised Council that the purpose of this request is to establish uniform fees for all RV Parks within the City of Port Lavaca. The current Ordinance, Chapter 26, Sec. 26-26, states that if a RV Park owner owns more than 50 spaces, then the fees double in cost. After discussions with RV Park owners, the discussion was that the cost is unreasonable for those that have 51 or 52 lots. Furthermore, RV Park owners felt they were being singled out for having to pay an annual license fee. Staff recommends having a fee only for a "Certificate of Occupancy" for the RV Parks, in lieu of a "License" fee, a copy of which is in the office of the City Secretary, in its entirety.

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 the First reading of an Ordinance (G-5-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes; Chapter 26 Manufactured Housing and Recreational Vehicles Sec. 26-26; Chapter 32 Parks and Recreation Sec. 32-71 (e); and providing an effective date.

BE IT FURTHER ORDAINED, THAT new fees recommended for Chapter 32, Sec. 32-71(e) Parks and Recreation has the exception of the "Maximum Monthly Stay" which will be for a period of 3 months.

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

15. **Consider award of bid for the 2024 Seal Coat program. Presenter is Wayne Shaffer**

*\*Author’s Note: This agenda item is for the selected streets that are in the Original Townsite.*

Public Works Director Shaffer advised Council that bids were opened on Tuesday May 07, 2024 for the Sealcoat of Select Original Townsite Streets. The Base Bid of this project involves applying the second layer of rock to the seal coated streets that were part of the CDBG-DR Phase 2 project. The Additive Alternate is to sealcoat some of the other streets in that neighborhood that were not part of the CDBG-DR project.

Sylva Construction is the Low Bidder with a Bid of \$77,775.00 for the Base Bid and Additive Alternate No. 1. The Bid Tabulation is as follows:

DESCRIPTION	Qty	Units	Clark Const.	Sylva Const.
BASE BID:	20,500	SY	\$7.65	\$3.05
Additive Alt #1:	5,000	SY	\$7.65	\$3.05
Owner's Option: <i>Deduct</i> [ Use AC-5 asphalt instead of the specified AC-15P)			Use \$7.32	-\$0.10
Greatest Amount Bid (Base Bid + Add Alt #1)			\$192,615.00	\$77,775.00
Greatest Amount Bid with Owner's Option (Base Bid+ Add Alt #1+ Owner's option			\$186,660.00	\$75,225.00
Bid Bond:			5%	%

Shaffer reminded Council of the overall savings on the Community Development Block Grant - Disaster Relief (CDBG-DR) Project (Phases 1 and 2) is \$62,927.69 PLUS an additional \$133,754.00 of CDBG funds that we received, which reduced our local funds contribution by that same amount. This therefore provides a total of \$196,682 (\$62,927 + \$133,754) to fund a second aggregate sealcoat coarse with a potential future fog seal as well as other point repairs in the area.

Staff is recommending that Council award a construction contract to Sylva Construction in the amount of \$77,775.00, being the sum of the Base Bid and Additive Alternate No. I.

Staff is recommending not to accept the savings of the Owner's Option. Although the City has historically utilized AC-5 for sealcoat, CivilCorps recommends using AC-15P for better longevity and performance. We bid the Owner's option to see what the savings would be, but would like to stick with using the AC-15P asphalt.

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 staff, Council hereby authorizes award of a Construction Contract for the Seal Coat of Select Original Townsite Streets, to Sylva Construction in the amount of \$77,775.00. being the Base Bid and Additive Alternate No. 1.

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

16. **Consider request of the Animal Control Department to declare two (2) fleet vehicles as surplus and authorize the disposal of said vehicles by releasing to Enterprise Fleet Management to auction off. Presenter is Colin Rangnow**

Police Chief Rangnow advised Council the Animal Control Department requests approval to declare the following vehicles as surplus and release said vehicles to Enterprise Fleet Management to auction off.

**Animal Control Department:**

Vehicle	Year	Make/ Manufacturer	Model	VIN Serial No.
2186	2008	Chevrolet	C10	1GCEC19X68Z309675
2748	2012	Dodge	Ram	1C6RD6FP4CS242437

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 the recommendation of staff, Council hereby approves the request of the Animal Control Department and declares two (2) fleet vehicles as surplus and authorize the disposal of said vehicles by releasing to Enterprise Fleet Management to auction off:

Vehicle	Year	Make/ Manufacturer	Model	VIN Serial No.
2186	2008	Chevrolet	C10	1GCEC19X68Z309675
2748	2012	Dodge	Ram	1C6RD6FP4CS242437

BE IT FURTHER RESOLVED that Council also authorizes the disposal of said vehicles by releasing to Enterprise Fleet Management to auction off.

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

17. **Receive presentation of annual Police Department Activity Report for 2022-2023. Presenter is Colin Rangnow**

Police Chief Rangnow presented Council with the annual Police Department Activity Report for 2022-2023.

Motion made by Councilman District 3 Tippit

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 the presentation of the annual Police Department Activity Report for 2022-2023.

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

18. **Consider recommendation of the Planning Board for a request from Bettye L. Cox for a Minor Re-Plat of the properties described as Block 5, Lots 15 & 16 of the Lynnhaven Subdivision (112-114 Crockett Street). Presenter is Derrick Smith**

Development Services Director Smith advised Council that Bettye L. Cox is requesting a minor re-plat for 112 and 114 Crockett Street. Ms. Cox owns both properties and is requesting to move the property line between the two properties so that 112 Crockett will have nine more feet on the north side of her house. I have met with Ms. Cox at the property and verified that the request will meet the minimum side yard setbacks for both properties.

In accordance with the City of Port Lavaca's Code of Ordinances Sec. 12.24(d)(10), the Lynnhaven subdivision interior lot boundary line setback is five feet. The Planning Board has approved this request and staff concurs.

Motion made by Councilman District 3 Tippit

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 a request from Bettye L. Cox for a Minor Re-Plat of the properties described as Block 5, Lots 15 & 16 of the Lynnhaven Subdivision (112-114 Crockett Street).

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

19. **Consider recommendation of the Planning Board for a request from Ty C. Harris for a Minor Re-Plat of the properties described as Key Halk, Lots 19- 22 (636 Broadway St. and 611 Harbor Street). Property ID 15788 and 18320. Presenter is Derrick Smith**

Development Services Director Smith advised Council that Ty C. Harris is requesting a minor re-plat for 636 Broadway Street and 611 Harbor Street. Mr. Harris owns both properties and planning to build a new structure that would be built over the property line between lots 19 & 20. Therefore, he is requesting to move the property line between the two properties to comply with the City of Port Lavaca's Code of Ordinances. The Planning Board has approved this request and staff concurs.

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 the recommendation of the Planning Board and staff, Council hereby approves a request from Ty C. Harris for a Minor Re-Plat of the properties described as Key Halk, Lots 19- 22 (636 Broadway St. and 611 Harbor Street). Property ID 15788 and 18320.

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

20. **Consider recommendation of the Planning Board for a request from Karl Meyer for a Variance request for a manufactured home to be placed on a developed existing residential lot that is not a manufactured home park. The property is described as Block B, Lot 30, 15' of 29 of the Lou Davis Subdivision (302 Davis). Presenter is Derrick Smith**

Development Services Director Smith advised Council that the property owner, Mr. Karl Meyer, is in attendance to address this agenda item. Smith said 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.

Karl Meyer is requesting a variance to place a manufactured home on 302 Davis. Mr. Meyer's variance application explains that a manufactured home had previously been placed on the property. Smith said that according to city records, service was discontinued on August 30, 2021 and the manufactured home was removed during that time. According to the tax appraisal office, Mr. Meyer purchased the property on September 2, 2022.

Smith advised that the variance request for a manufactured home to be permanently installed as a residential home on an existing developed residential lot for the intent of occupancy does not meet the City Code of Ordinance, Chapter 26 Section 26.4(2)(c). If the request is approved, then this may allow other property owners throughout town to use this request for their benefit and defeat the intent of the ordinance. Therefore, staff recommends denial as per the aforementioned ordinance citation.

Smith said that the Planning Board has also denied the request for a Variance to Chapter 26, the Manufactured and Recreational Vehicle Parks ordinance, as they did not want to set a precedence.

Motion made by Councilman District 2 Dent

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

THAT, this agenda item is passed at this time.

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

21. **Consider recommendation of the Planning Board for a request from Texas Dow Employees FCU (TDECU) for a Minor Re-Plat and conceptual plan for .85 acres in Tract Pt. 29 of A0035 Maximo Sanchez, Property ID 38216, 38270, 38230, and 38247. Presenter is Derrick Smith**

Development Services Director Smith advised Council that Texas Dow Employees FCU (TDECU) is requesting a minor re-plat for 119-125 HWY 35. TDECU owns all four properties and is planning to build a new structure as shown in the attached site plan. The minor re-plat request does meet the requirements as set out in Chapter 42 of the City of Port Lavaca’s Code of Ordinances.

Mr. John Hayes advised Council, via Zoom, that he works with Element Group and have been contracted to do design and development.

A preliminary meeting was conducted with the developer and staff. All items addressed to the developer have been corrected in the attached revised site plan. The Planning Board has approved this request and staff concurs.

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 the Planning Board and staff, Council hereby approves a request from Texas Dow Employees FCU (TDECU) for a Minor Re-Plat and conceptual plan for .85 acres in Tract Pt. 29 of A0035 Maximo Sanchez, Property ID 38216, 38270, 38230, and 38247.

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

22. **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 that Council would retire into closed session at 9:27 p.m.

23. **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 9:40 p.m.

No action necessary and none taken.

**IX. 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 9:42 p.m.

ATTEST:

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

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