



CITY COUNCIL REGULAR MEETING

Monday, March 10, 2025 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 10th day of March 2025, 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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Constituting a quorum for the transaction of business, at which time the following business was transacted:

II. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 6:35 p.m. and presided.

III. INVOCATION

- Councilman Ward gave the invocation.

IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

V. PRESENTATION(S) BY THE MAYOR

- There were none.

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:
 - Jesse G. Cortez, Jr., 1503 Leon Dr., Port Lavaca, TX:
 - Speed Bump needed by J.R. School;
 - Jack Brakes needed around city;
 - City needs to clean up area and cut grass around town;
 - City needs to replace street signs that are down;
 - City can put cameras on speed wagon;
 - Need more lights on top of school bus; and
 - Law Enforcement, EMS, and Fire Trucks need all lights on when raining or foggy, to avoid a future accident.
 - Sarita Bonuz, 207 Peikert Street, Port Lavaca, TX:
 - Interested in purchasing some city property for development.

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

- A. Minutes of February 10, 2025 Regular Meeting**
- B. Minutes of February 25, 2025 Joint W with City Council and Port Commission**
- 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. **Consider request of The Harbor Children's Alliance and Victim Center for closure of streets adjacent to 215 W. Railroad Street for the annual hosting of "Celebrate the Child Picnic" on Saturday, April 05, 2025 from 9:00 a.m. to 2:00 p.m. The streets to be closed are N. Benavides from the rear of the library driveway to W. Railroad and W. Railroad from N. Benavides to N. Ann. Presenter is Colin Rangnow**

Police Chief Rangnow advised Council that Maria Watson, of The Harbor Children's Alliance and Victim Center has made a request for closure of streets adjacent to 215 W. Railroad Street for the annual hosting of "Celebrate the Child Picnic" on Saturday, April 05, 2025 from 9:00 a.m. to 2:00 p.m. The streets to be closed are N. Benavides from rear of the Library driveway to W. Railroad and W. Railroad from N. Benavides to N. Ann Street.

Motion made by Councilman District 3 Tippit

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

THAT, Council hereby approves request of The Harbor Children's Alliance and Victim Center for closure of streets adjacent to 215 W. Railroad Street for the annual hosting of "Celebrate the Child Picnic" on Saturday, April 05, 2025 from 9:00 a.m. to 2:00 p.m. The streets to be closed are N. Benavides from the rear of the library driveway to W. Railroad and W. Railroad from N. Benavides to N. Ann Street.

Seconded by Councilman District 5 Ward

Voting Yea:

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

2. **Consider request of the Cowboy Fellowship Church for the use of Bayfront Peninsula Park Pavilion for annual Easter Sunrise Service on Sunday, April 20, 2025 and waive any fees associated with the event. Presenter is Tania French**

Tania French, Events Coordinator, advised Council that the Cowboy Fellowship Church would like to host its annual Easter Sunrise service at Bayfront Peninsula Park, Sunday, April 20, 2025. This event is open to the community and free of charge. The church requests use of the large pavilion for a few hours beginning just before sunrise and requests waiver of fees associated with this request. This event will not interfere with normal operation of the park.

Motion made by Councilman District 1 Aguirre

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

THAT, Council hereby approves request of the Cowboy Fellowship Church for the use of Bayfront Peninsula Park Pavilion for annual Easter Sunrise Service on Sunday, April 20, 2025 and waive any fees associated with the event.

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

3. **Consider request for temporary waiver of permits and fees for the “35 On or Sorta Near 35” during the “Christmas in July” theme and take place over three days from July 24 to 26, 2025, with the main event scheduled for Saturday, July 26, 2025. Presenter is Tania French**

Tania French, Events Coordinator advised Council that a group of community members approached us with an idea to create a new event in Port Lavaca that blends elements of the successful Shop the Town event with 90 Miles on 90, a popular annual event in RoundTop. Here is a link to the RoundTop event: <https://roundtop.com/events/90-miles-on-90/>

The proposed event, 35 On or Sorta Near 35, would have a Christmas in July theme and take place over three days, from July 24-26, 2025, with the main event scheduled for Saturday, July 26, 2025. The event would feature 35 designated stops around Port Lavaca, beginning at Red Barn and concluding at the Bauer Community Center. Participants will have the opportunity to collect puzzle pieces at each stop, ultimately forming a Port Lavaca keepsake puzzle.

The event aims to support local businesses by incorporating brick-and-mortar establishments along with designated parking areas for pop-up antique dealers and vendors. The weekend will culminate at Bayfront Beats on July 26, where attendees who complete the puzzle will be eligible for prizes and drawings.

To facilitate the success of this inaugural event, we respectfully request the following considerations from the City of Port Lavaca:

1. Waiver of peddler permits for participating vendors.
2. Waiver of garage sale permits for temporary sales locations.
3. Waiver of Bauer Community Center rental fees for event activities, which will include use of the parking lot and inside for vendors.
4. A \$35.00 discount (total) on Lighthouse Beach RV Park stays of three days or longer during the event week.

We believe 35 On Or Sorta Near 35 has the potential to bring visitors to town, engage locals, and become a signature annual event benefiting the community and local hotels businesses.

Motion made by Councilman District 3 Tippit

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

THAT, Council hereby approves request for temporary waiver of permits and fees for the “35 On or Sorta Near 35” during the “Christmas in July” theme and take place over three days from July 24 to 26, 2025, with the main event scheduled for Saturday, July 26, 2025.

BE IT FURTHER RESOLVED, THAT the following considerations are also approved for this event:

1. Waiver of peddler permits for participating vendors.
2. Waiver of garage sale permits for temporary sales locations.
3. Waiver of Bauer Community Center rental fees for event activities, which will include use of the parking lot and inside for vendors.
4. A \$35.00 discount (total) on Lighthouse Beach RV Park stays of three days or longer during the event week.

Seconded by Councilman District 5 Ward

Voting Yea:

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

4. Consider appointment/reappointment of member(s) to the Recreation and Parks Board to fill an expired term and/or begin a new two year term. Presenter is Jody Weaver

Interim City Manager Weaver advised Council that the Recreation and Parks Board has a term that expired in February for William “Bill” Reagan. A letter of interest has been submitted by Mr. Reagan requesting to be reappointed to the Recreation and Parks Board. There are no term limits established and the full term is for a period of two (2) years.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with recommendation of staff, Council hereby approves reappointment of William “Bill” Reagan to the Recreation and Parks Board for a new two-year term.

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

5. Receive certification of City Secretary that the candidate for the Council Member Single District #4 position, in the May 03, 2025 General Officers Election, is unopposed. Presenter is Mandy Grant

The following was presented by City Secretary Grant (English and Spanish):

I, Mandy Grant, certify that I am the City Secretary of the City of Port Lavaca, Texas and the authority responsible for preparing the ballot for the May 03, 2025 general city election.
(Yo, Mandy Grant, certifica que soy la secretaria de la ciudad de Port Lavaca, Texas y la autoridad responsable de preparar la balota para la elección general de la ciudad del 3 de Mayo de 2025).

I further certify that no proposition is to appear on the ballot for the May 03, 2025 election, no person has made a declaration of write-in candidacy, and the following candidate is unopposed:
(Certifico más lejos que no hay asunto aparecer en la balota para la elección del 3 de Mayo de 2025, ninguna persona he hecho un declaración de candidatura inscrita, y el candidato siguiente esta sin oposición):

OFFICE (CARGO)

CANDIDATE (CANDIDATO)

Council Member, District #4 *(Miembro de Consejo, Distrito #4)* Rosie Padron

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 certification of City Secretary that the candidate for the Council Member Single District #4 position, in the May 03, 2025 General Officers Election, is unopposed.

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

6. **Consider adopting an order canceling part of the May 03, 2025 General Officers Election, specifically the Council Member Single District #4 position; and declaring unopposed candidate, Rosie Padron, duly elected as Council Member. Presenter is Mandy Grant**

The following was presented by City Secretary Grant (English and Spanish):

The City Council of the City of Port Lavaca, Texas hereby cancels the election scheduled to be held on May 03, 2025 in accordance with Section 2.053(a) of the Texas Election Code. The following candidate has been certified as unopposed and is hereby declared elected:

(El Concejo Municipal de la Ciudad de Port Lavaca, Texas, cancela la elección programada para el 03 de mayo de 2025 de acuerdo con la Sección 2.053 (a) del Código Electoral de Texas. El siguiente candidato ha sido certificado como no oponible y por la presente se declara electo):

CANDIDATE (CANDIDATO)

OFFICE (OFICINA)

TERM (TÉRMINO)

Rosie Padron

Council Member, District #4
(Miembro de consejo, distrito #4)

3 years
3 años

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

(Una copia de esta orden será fijada el día de elección en cada lugar de la interrogación que habría sido utilizado en la elección).

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 an order canceling part of the May 03, 2025 General Officers Election, specifically the Council Member Single District #4 position; and declares unopposed candidate, Rosie Padron, duly elected as Council Member.

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

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

7. Consider Resolution No. R-031025-1E of the City of Port Lavaca to appoint Election Judges for the City's General Officers Election held on the uniform date of May 10, 2025. Presenter is Mandy Grant

Author's Note: This agenda item erroneously shows May 10, 2025 and has been corrected for the election to be held on the uniform date of May 03, 2025.

Motion made by Councilman District 5 Ward

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 has the authority to appoint the Election Officers for city elections.

WHEREAS, in addition, that the general officers' election has been ordered for Saturday, May 03, 2025 by Resolution No. R-011325-1E adopted on January 13, 2025.

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

SECTION 1. THAT, in accordance with the Texas Election Code, a presiding judge and an alternate presiding judge must be appointed for each election precinct [EC §32.001(a)]. The role of the alternate judge is to serve as presiding judge for an election if the presiding judge cannot serve [EC §32.001(b)]. In an election conducted by the presiding judge, the alternate judge serves as one of the election clerks [EC §32.032].

SECTION 2. THAT, such election shall be conducted by the City of Port Lavaca, with Early Voting Days, Extended Hours for Early Voting day on a Saturday and the main Election Day voting to be at the following polling places designated for each City election district and the following citizens, registered to vote in the city, are hereby appointed Election Officers to conduct said election:

All Polling Places:	City of Port Lavaca City Hall - Main Lobby 202 N. Virginia Street Port Lavaca, Texas 77979
Augustin Rojas, Jr.	Presiding Judge
Janie Delgado	Alternate Judge
Michael Moehler	Presiding Judge for the Early Voting Ballot Board and the Central Counting Station
Mary Lou Tharling	Alternate Judge for the Early Voting Ballot Board and the Central Counting Station

SECTION 3 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 officers' election.

SECTION 4. THAT, the Office of the City Secretary is hereby authorized and directed to provide a copy of the RESOLUTION to the judges as written notice of their appointment as required the Texas Election Code [EC §32.009].

If either the Presiding Judge or the Alternate Presiding Judge is unable to perform his/her assigned duties, the Office of the City Secretary is authorized to select an Acting Presiding or Acting Alternate Presiding Judge from the qualified Election Clerks, as needed.

SECTION 5. THAT, the Presiding Judge shall have the authority to appoint two (2) clerks to assist in the holding of such election. Said election officers shall also serve as the Early Voting Ballot Board (EVBB) for such election. The Central Counting Station will be in the City Hall Conference Room.

SECTION 6. THAT, the Election Judge(s) shall be compensated at an hourly rate of \$12.00; early voting clerks and election clerks shall be compensated at an hourly rate of \$11.00 as provided by the State Election Code [EC §32.091(a)].

SECTION 7. THAT, the City Secretary is hereby appointed the Elections Clerk for early voting; and the Assistant City Secretary is hereby appointed the Deputy Election Clerk for early voting in accordance with Section 83.001 *et seq.* of the Texas Election Code. The place for early voting days and election day is hereby designated as the City of Port Lavaca, City Hall - Main Lobby, 202 N. Virginia Street, Port Lavaca, Texas.

SECTION 8. THAT, the Mayor is authorized to sign Writ of Election to the Presiding Judge.

SECTION 9. THAT, this resolution shall be effective immediately upon adoption.

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

8. Consider Resolution No. R-031025-2 of the City of Port Lavaca declaring April 2025 as Fair Housing Month. Presenter is Jody Weaver

Motion made by Councilman District 2 Dent

WHEREAS Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

WHEREAS The principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

WHEREAS The National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

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

THAT, WE, do proclaim April as Fair Housing Month in City of Port Lavaca and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.

Seconded by Councilman District 6 Burke

Voting Yea:

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

9. Consider Resolution No. R-031025-3 of the City of Port Lavaca, Texas, authorizing Signatories for the Texas Community Development Block Grant (TxCDBG) Program. Presenter is Jody Weaver

Motion made by Councilman District 1 Aguirre

WHEREAS, the City Council of The City of Port Lavaca desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

WHEREAS, it is necessary and in the best interests of The City of Port Lavaca to participate in the Texas Community Development Block Grant Program; and

WHEREAS, the City Council of The City of Port Lavaca is committed to compliance with federal, state, and program rules, including the current TxCDBG Project Implementation Manual; and

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

That the City Council directs and designates the following to act in all matters in connection with any grant application and the City of Port Lavaca's participation in the Texas Community Development Block Grant Program:

- The Mayor shall serve as The City of Port Lavaca's Chief Executive Officer and Authorized Representative to
 - Execute a grant application and any subsequent contractual documents,
 - Certify environmental review documents between the Texas Department of Agriculture and The City of Port Lavaca, and
 - Certify the Payment Request form and/or other forms required for requesting funds to reimburse project costs, and
 - Be assigned the role of Authorized Official in the TDA-GO grant management system.
- In addition to the above designated officials, should any grant be funded the Mayor, City Manager, and Finance Director are authorized to
 - Certify the Payment Request form and/or other forms required for requesting funds to reimburse project costs,
 - Prepare and submit other financial documentation, and
 - Be assigned the role of Project Director or Payment Processor in the TDA-GO grant management system.

Seconded by Councilman District 6 Burke

Voting Yea:

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

10. **Consider Resolution No. R-031025-4 of the City of Port Lavaca, Texas, to reaffirm required Texas Community Development Block Grant (TxCDBG) Civil Rights Policies. Presenter is Jody Weaver**

Motion made by Councilman District 5 Ward

WHEREAS, The City of Port Lavaca, Texas, (hereinafter referred to as "City of Port Lavaca") has been awarded TxCDBG funding through a TxCDBG grant from the Texas Department of Agriculture (hereinafter referred to as "TDA"); and

WHEREAS, The City of Port Lavaca, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts

greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability; and

WHEREAS, The City of Port Lavaca, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections; and

WHEREAS, The City of Port Lavaca, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 75, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the TxCDBG project area; and

WHEREAS, The City of Port Lavaca, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations; and

WHEREAS, The City of Port Lavaca, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project; and

WHEREAS, The City of Port Lavaca, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds and

WHEREAS, The City of Port Lavaca, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period to affirmatively further fair housing; and

WHEREAS, The City of Port Lavaca, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

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

1. Citizen Participation Plan and Grievance Procedures (Form A1013);
2. Excessive Force Policy (Form A1003);
3. Section 504 Policy and Grievance Procedures (Form A1004);
4. Code of Conduct Policy (Form A1002);
5. Fair Housing Policy (Form 1015);

The City of Port Lavaca reaffirms its commitment to conduct a project-specific analysis and take all appropriate action necessary to comply with program requirements for the following:

6. Section 3 Economic Opportunity;
7. Limited English Proficiency (LEP); and
8. Affirmative Further Fair Housing

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

11. **Consider Resolution No. R-031025-5 of the City of Port Lavaca, Texas, to renew the application with the Texas Department of Housing and Community Affairs (TDHCA) to continue participation in the HOME Investment Partnerships Program, Homeowner Reconstruction. Presenter is Jody Weaver**

Motion made by Councilman District 5 Ward

WHEREAS, the Texas Department of Housing and Community Affairs (TDHCA) has notified the public of a funding availability to benefit low-income residents of the State of Texas communities through the Texas HOME Investment Partnerships Program; and

WHEREAS, the City of Port Lavaca has identified significant housing needs, particularly for the reconstruction of owner-occupied housing; and

WHEREAS, the City of Port Lavaca wishes to assist low-income homeowners with safe, decent, sanitary and affordable housing, and at the same time enhance the health, economic, and aesthetic quality of the community:

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

ONE, the City of Port Lavaca, acknowledges and approves that an application be completed and submitted to the TDHCA to participate in the HOME Investment Partnerships Program, Homeowner Reconstruction Assistance Program.

TWO, the City of Port Lavaca will utilize general funds in the amount of \$40,000 as cash reserve to utilize during the agreement term for eligible program costs before reimbursements are received from the State of Texas HOME Program.

THREE, HOME Program Match, if applicable, will be provided in accordance to 10 TAC 23 in the amount of Eleven percent (11%) of project hard costs per household assisted through the Texas HOME Program, in the form of waived fees, cash, leverage, and other forms of eligible match.

FOUR, the City of Port Lavaca designates JoAnna P. “Jody” Weaver, Interim City Manager, as the person authorized to represent the City of Port Lavaca in all matters related to the HOME Program and, with signature authority to sign all forms and documents related to the administration of the HOME Program, including loan documents, grant agreements and the Reservation System Participation Agreement and/or Contract, unless otherwise stated.

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

12. **Consider First reading of an Ordinance (S-1-25) 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 Brittney Hogan**

Motion made by Councilman District 6 Burke

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 (S-1-25) 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.

Seconded by Councilman District 2 Dent

Voting Yea:

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

13. **Consider First reading of an Ordinance (G-1-25) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes; Chapter 32 Parks and Recreation; Bauer Community Center Rental Rates; and providing an effective date. Presenter is Brittney Hogan**

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-1-25) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes; Chapter 32 Parks and Recreation; Bauer Community Center Rental Rates.

BE IT FURTHER ORDAINED, THAT there is a provision for the annual pass rate to remain at \$25.00 for the Lighthouse Beach Park, for the second reading of this ordinance.

Seconded by Councilman District 5 Ward

Voting Yea:

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

Voting Nay:

Councilman District 3 Tippit,

14. **Consider First reading of an Ordinance (G-2-25) of the City of Port Lavaca amending the ordinance Codified and Described in the City of Port Lavaca's Code of Ordinances as Chapter 50 – Utilities, Article II. - Water, Division 2. – Water Service, Sec. 50-46 – Leak on Customer's side of meter; Providing for purpose of Ordinance; Providing penalties for violations; Providing for severability; Providing a repealing clause; and Providing an effective date. Presenter is Brittney Hogan**

Motion made by Councilman District 3 Tippit

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

THAT, Council hereby approves First reading of an Ordinance (G-2-25) of the City of Port Lavaca amending the ordinance Codified and Described in the City of Port Lavaca's Code of Ordinances as Chapter 50 – Utilities, Article II. - Water, Division 2. – Water Service, Sec. 50-46 – Leak on Customer's side of meter; Providing for purpose of Ordinance; Providing penalties for violations; Providing for severability; Providing a repealing clause; and Providing an effective date.

BE IT FURTHER ORDAINED, THAT there is a provision to Exhibit A, Sec. 50-46 (B)(3), changing the adjustment from one-half of the calculated Leak volume to one hundred percent (100%) of the calculated Leak Volume, for the second reading of this ordinance.

Seconded by Councilman District 2 Dent

Voting Yea:

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

15. **Consider approval of the replacement of a 15 Ton Gas Heating and Air Conditioning Unit for City Hall. Presenter is Derrick Smith**

(Due to Development Services Director Smith's absence, Interim City Manager Weaver presented this agenda item).

Interim City Manager Weaver advised Council that in the past couple of months, City Hall has been having issues with the Roof-Top Unit (RTU) that provides heating and cooling to the northwest side. This includes the main foyer area, women's bathrooms and the offices parallel to N. Virginia Street. After visiting with the service technician, the following items need to be addressed:

- 1) The heat exchanger is in need of replacement.
- 2) The compressor will need to be replaced soon.
- 3) Years of high winds have resulted in the coils being damaged by sand and debris. A rough estimate to replace the compressor alone would be \$10,000.

The other additional repairs could result in a cost greater than a new unit.

Effective January 1, 2025, the EPA mandated that all new RTUs be manufactured using a new type of refrigerant that cannot be retrofitted to existing equipment. Installation of RTUs with the existing refrigerant will be allowed to be installed until January 1, 2026. The refrigerant will also be allowed to be produced until 2037. The new refrigerants are classified as low flammability. Therefore, numerous sensors are installed for leak detection and shutting the system down to prevent combustion.

The new safety features and availability of the new units are a concern. With the hot season coming up, there may be a significant delay in availability and more safety features could result in more costly repair issues.

Another concern is the price. Updated standards and new technology could result in a rise in price. Also, the apron that the unit mounts to on the roof will have to be replaced. The approximate cost of apron replacement will be \$4,000.00.

Waiting until more is known about the new systems could save the city money and aggravation. Furthermore, the existing system has been working on "borrowed" time.

It is staff's recommendation that Coastal Refrigeration be awarded the bid in the amount of \$26,242.00 to replace the entire RTU with the same type of refrigerant and using the existing apron.

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 the replacement of a 15 Ton Gas Heating and Air Conditioning Unit for City Hall, to Coastal Refrigeration, in the amount of \$26,242.00, with assurance that the Unit will have a warranty from the manufacture.

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

Seconded by Councilman District 6 Burke

Voting Yea:

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

16. **Consider recommendation of the Planning Board of a conceptual plan to subdivide the property described as A0035 Maximo Sanchez, Tract Pt 26, Acres 6.00. Parcel ID# 38063. Presenter is Derrick Smith**

(Due to Development Services Director Smith's absence, Interim City Manager Weaver presented this agenda item).

Interim City Manager Weaver advised Council that Hector and Phillip Gonzales had a conceptual plan to subdivide the property described as A0035 Maximo Sanchez, Tract Pt 26, Acres 6.00. Parcel ID# 38063, for single family homes on the north side of Independence. The request would meet the intent of future development in that area. The property is designated as Multi-family in the future Land Use Plan.

The Planning Board recommends approval of the conceptual site plan 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 the request of Hector and Phillip Gonzales for a conceptual plan to subdivide the property described as A0035 Maximo Sanchez, Tract Pt 26, Acres 6.00. Parcel ID# 38063 for single family homes.

Seconded by Councilman District 2 Dent

Voting Yea:

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

17. **Consider recommendation of the Planning Board of a conceptual plan for a Recreational Vehicle Park located on the 1100 Block of South Virginia Street, the legal description is A0035 Maximo Sanchez, Tract Pt 63, Acres 4.22, Parcel ID# 39082. Presenter is Derrick Smith**

(Due to Development Services Director Smith's absence, Interim City Manager Weaver presented this agenda item).

Interim City Manager Weaver advised Council that the applicants, Rolando Rodriguez and Zawad Ismail, are proposing a new Recreational Vehicle (RV) Park with plans of adding tiny homes for rent in the future. The applicants are planning to have the development done in phases. A rough draft drawing of the layout of Phase I and Phase II are proposed. Phase III will be the addition of tiny homes for rent. The Future Land Use Map designates this area as High Density Residential.

The Planning Board expressed concerns of approving the placement of a RV Park within an area planned for residential use in the Future Land Use Plan; therefore, recommends denial of the conceptual site plan and staff concurs.

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 the Planning Board and staff, Council hereby denies a conceptual plan for a Recreational Vehicle Park located on the 1100 Block of South Virginia Street, the legal description is A0035 Maximo Sanchez, Tract Pt 63, Acres 4.22, Parcel ID# 39082.

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

18. **Consider recommendation of the Planning Board of a replat of Lots 1-16, 53-54 and 63-66 of Claret Crossing Subdivision, Section 1. Presenter is Derrick Smith**

(Due to Development Services Director Smith's absence, Interim City Manager Weaver presented this agenda item).

Interim City Manager Weaver advised Council that the purpose of the request to replat certain lots in Claret Crossings Subdivision, Section 1, is to remove the duplex stipulation to allow for single-family homes. The property is designated as High Density Residential in the Future Land Use Plan

The Planning Board recommends approval of the replat of Lots 1-16, 53-54 and 63-66 of Claret Crossing Subdivision, Section 1 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 replat of Lots 1-16, 53-54 and 63-66 of Claret Crossing Subdivision, Section 1.

Seconded by Councilman District 2 Dent

Voting Yea:

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

19. **Consider Administration Agreement for Texas Community Development Block Grant (TxCDBG) Contract No. CDV23-0209. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the City of Port Lavaca has been awarded a Texas Community Development Block Grant (TxCDBG) under contract No. CDV23-0209. As part of the grant administration process, the City is required to enter into an administrative agreement with a qualified consultant to ensure compliance with state and federal regulations, reporting requirements, and project oversight.

The staff recommends that the City Council approve the Administrative Agreement with Grant Works for professional administrative services related to the TxCDBG project. The selected consultant has been chosen based on prior experience with similar projects through competitive bids.

The contract for Administrative Services is \$34,900.00, which will be funded through the TxCDBG grant. There will be no additional cost to the City. Council did award the contract through Resolution R-111422-1 on November 14th, 2022, it was dependent on the successful negotiation of a contract with the service provider. Staff recommends approval of the Administrative Agreement for TxCDBG Contract No. CDV23-0209 in the amount of \$34,900.00 and authorize the Mayor to execute the agreement on behalf of the City.

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 an Administration Agreement for Texas Community Development Block Grant (TxCDBG) Contract No. CDV23-0209 to Grantworks, in the amount of \$34,900.00.

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

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

20. **Consider Engineering Agreement for Texas Community Development Block Grant (TxCDBG) Contract No. CDV23-0209. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the City of Port Lavaca has been awarded a Texas Community Development Block Grant (TxCDBG) under contract No. CDV23-0209. The is required to secure specialized engineering services to support critical infrastructure projects funded by the Texas Community Development Block Grant. The selected engineering firm was chosen based on its demonstrated expertise and prior experience with similar projects, ensuring that all project milestones and compliance requirements are met.

The engineering services agreement will be fully funded through the TxCDBG grant, thereby incurring no additional cost to the City and is \$55,500.00.

The Council did award the contract through Resolution R-111422-2 on November 14th, 2022, it was dependent on the successful negotiation of a contract with the service provider.

Motion to approve the Engineering Agreement for TxCDBG Contract No. CDV23-0209 in the amount of \$55,500.00 and authorize the Mayor to execute the agreement on behalf of the City

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 an Engineering Agreement for Texas Community Development Block Grant (TxCDBG) Contract No. CDV23-0209 to Urban Engineering, in the amount of \$55,500.00.

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, Councilman District 5 Ward, Councilman District 6 Burke

21. **Consider Professional Services Agreement Between the City of Port Lavaca and Avenu Insights for Local Hotel Occupancy Tax Field Audit Services. Presenter is Jody Weaver**

Author's Note: This item erroneously shows Interim City Manager Weaver as presenter.

Finance Director Hogan advised Council that the City has been utilizing Avenu Insights & Analytics, LLC to conduct annual local hotel occupancy tax audit services since 2012. The audits conducted have helped the City preserve, enhance, and manage our Hotel Occupancy Tax funds in recent years. Avenu Insights has also aided the City with the accuracy of tax filings, and with the identification of any non-compliant businesses by conducting these annual audits. All amendments to the original agreement have been exhausted since the last approval in 2021. Therefore, Avenu Insights is requesting the Council approve a new agreement for their audit services, which will be for a period of three years and automatically renew for two (2) one-year terms.

Funds have been budgeted for this service in the Hotel Occupancy Tax fund. The breakdown of contract compensation schedule is below:

- HOT administration services for \$250.00 per property per year
 - The City currently has 13 properties (\$3,250.00 per year).
- \$2,000.00 for each hotel examination in the first year and \$2,100.00 thereafter.
 - The City determines how many hotels to exam each year and which properties.

Staff Recommends council approve the professional services agreement provided by Avenu Insights & Analytics, LLC to conduct local hotel occupancy tax field audit services.

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 a new Professional Services Agreement between the City of Port Lavaca and Avenu Insights for Local Hotel Occupancy Tax (HOT) Field Audit Services for a period of three years and to automatically renew for two (2) one-year terms.

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

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

22. **Consider award of a Construction Contract for Vehicle Entry Management System for the Light House Beach Park. Presenter is Jody Weaver**

Author's Note: This item erroneously shows Interim City Manager Weaver as presenter.

Public Works Director Shaffer advised Council that the City wishes to begin collecting revenue from the Lighthouse Beach (LHB) Park Entry once again. Understanding that the City does not have the manpower to collect these fees at the Entry Kiosk, we explored automating the system. The City advertised the bid documents on February 12, 2025 and received one bid on February 27, 2025.

The City will need to do a budget amendment to pay out of Reserve Funds since this was not a budgeted expenditure.

Increased Revenue at the Park will provide a means to improve the quality of the Park and provide new amenities as they become available.

Staff recommends award of contract to Parking BOXX to provide and install a Vehicle Entry Management System for a total Base Bid of \$38,892.00, with the understanding that there are fees outlined to be calculated at time of invoice, estimated at \$12,000.00.

Motion made by Councilman District 2 Dent

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

THAT, Council hereby awards a Construction Contract for Vehicle Entry Management System for the Light House Beach Park to Parking BOXX, in the amount of \$38,892.00, with additional fees for transport and installation, not to exceed \$15,000.00.

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

Seconded by Councilman District 6 Burke

Voting Yea:

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

Voting Nay:

Councilman District 3 Tippit

23. **Consider award of a Construction Contract for the Smith Road Sidewalk and Bike Lane Project. Presenter is Jody Weaver**

Interim City Manager Weaver reminded Council that a total of \$500,000 was budgeted for Street Capital Improvement Projects (CIP) in the Fiscal Year (FY) 2024-2025 CIP. \$275,000 was earmarked for this Smith Road project and \$225,000 was earmarked for the Schooley, Henry and Bonorden Rehab. After getting into the detail design for Smith Road, staff and the design team realized that Smith Road, which was constructed in 2005, had not had any pavement sealant applied in its 20-year life. Therefore, we added a bid item to apply a micro-surfacing sealant over the entire pavement from State Highway (SH) 35 to Texana Drive. Obviously, the cost for the micro-surfacing was not included when the \$275,000 budget figure was established. Since then, to establish a bike lane basically involves applying new paint striping along with a few signs, it would not be smart to spend the money to establish a bike lane without first spending dollars on needed sealant maintenance on the existing pavement. City received bids from Staff Concrete Construction and 304 Construction LLC.

Staff Concrete Construction is the low bidder. Using the bid unit prices, I am presenting 4 scenarios for your consideration in awarding a construction contract. The bid tabulation for each scenario is attached as well as the recommendation letter from CivilCorp. Staff Concrete Construction is willing to accept an award that is less than the Base Bid and CivilCorp has confirmed that if Scenario A is awarded, Staff Concrete Construction is still the low bidder.

Scenario A: Contract Award \$185,613.79

Construct ONLY the sidewalk work (no bike lane designation work)

Scenario B: Contract Award \$408,022.99

Add a micro-surfacing to the entire pavement from SH 35 to Texana Dr. and restripe the road as we had planned that would allow bike lane designation and signage in the future

Scenario C: Contract Award \$428,952.99

Construct the entire project: sidewalk work, pavement micro-surfacing, restriping and bike lane designation

Scenario D: Contract Award \$408,437.99

Same as “C” except delete the sidewalk on Smith Road north of the existing sidewalk in front of the Chinese Church.

Available Funds:

The engineering contract is \$50,600, so the remaining CIP funds that had been earmarked for Smith Road are \$224,400, which is adequate to award Scenario A. Public Works had budgeted an additional \$225,000 in this year’s CIP for renovations to Schooley, Henry and Bonorden Streets. This dollar amount had been part of an overall project cost estimate if the project were an engineered design and contracted out. But Wayne and the Public works crews have been able to reduce this cost significantly by reclaiming the pavement and making improvements to the ditch drainage IN-HOUSE. This work is still underway, but Wayne estimates that the total materials needed for this project will be about \$40,000. So, there is \$185,000 of budgeted CIP funds that could be used for this Smith Road project which would allow an award of Scenario B or D. (\$409,400 available).

To award the entire project, would require about \$20,000 from reserves or bond funds.

Project Need

To assist in determining the need for the project, below are the results of a survey we conducted in 2023 among residents of Brookhollow Estates, Jade Bay, and Bay Vista.

- Would you support and utilize the construction of a 5 ft wide sidewalk along Smith Road?
 - o Yes = 55 No = 11 No response = 1
- If Bike lanes were established on Smith Road would you utilize them?
 - o Yes = 50 No = 17
- Do you walk or bike to Lighthouse Beach Park on occasion?
 - o Yes = 59 No = 6 No response = 2

Fiscal Year 2024-2025 Sealcoat Program

It is possible that award of the micro-surfacing could help with this year’s planned “sealcoat” project. Public Works has budgeted \$200,000 this year for the Sealcoat Program. Wayne and I have earmarked Mariemont for this year’s program. Mariemont is made up of hot-mix paved streets. Larry, McPherson, Oleander and Purple Sage were constructed in 2004 and Vail, Jackson, and Leon were a couple years later – perhaps 2008 (?). Clearly a pavement sealant is overdue.

We are planning to utilize a micro-surfacing over these hot-mix streets so as not to create a big change in the roughness of the street after the sealant. Not many contractors do this work in Texas, but we have had several discussions with Intermountain Slurry Seal, Inc. at the TML conferences who does do this work and they are the subcontractor that Staff Concrete would use for this Smith Road project. Based upon the pricing in this Smith Road bid, we estimate that the cost to micro-surface all of Mariemont would be around \$275,000. It is possible though that if I can get a bid package together and bid Mariemont project soon we might get a better price, if Intermountain were interested in submitting a bid and could do the work at the same time they did Smith Road.

Recommendation:

City Staff would like to see an award to Staff Concrete Construction of the entire project in the amount of \$428,952.99 with plans to prepare a bid package for the Mariemont Micro-surfacing project in the next couple of months.

However, if Council would prefer to keep the project within the \$275,000 specifically budgeted for this project, which in that case, city staff recommends a contract award of Scenario A for \$185,613.79 and will propose budgeting for the micro-surfacing and bike lane work in FY 2025-2026. Note: other hot mix surfaced streets that we will work to include in budgeting a micro-surfacing over the next few years include Village Road, Jennings, Dan, Cheeves, Davis, Oak and Tiney Browning Blvd.

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 awards a Construction Contract for the Smith Road Sidewalk and Bike Lane Project, choosing Scenario C to construct the entire project: sidewalk work, pavement micro-surfacing, restriping and bike lane designation, to Staff Concrete Construction, in the amount of \$428,952.99 and 170 calendar days to complete project, after receipt of Notice to Proceed.

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, Councilman District 5 Ward, Councilman District 6 Burke

24. **Consider adoption of Title VI Nondiscrimination Plan. Presenter is Jody Weaver**

Mayor announced that Interim City Manager Weaver had requested this agenda item be passed for now.

Motion made by Councilman District 6 Burke

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

THAT, Council hereby passes this agenda item.

Seconded by Councilman District 2 Dent

Voting Yea:

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

25. **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**

- **To discuss personnel matters in accordance with Title 5, Section 551.074 of the Texas Government Code (to discuss appointment, employment, evaluation, responsibilities and duties, reassignment, discipline or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee [Interim City Manager]). Presenter is Mayor Whitlow**

Mayor Whitlow announced that there would not be a closed session.

26. **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, Councilman District 5 Ward, Councilman District 6 Burke

Meeting adjourned at 8:32 p.m.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary