



## CITY COUNCIL SPECIAL MEETING

Tuesday, May 27, 2025 at 5:30 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 27<sup>th</sup> day of May 2025, the City Council of the City of Port Lavaca, Texas, convened in a special meeting 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 Tippet	Councilman, District 3
Rosie G. Padron	Councilwoman, District 4, Mayor Pro Tem
Rose Bland-Stewart	Councilman, District 5
Justin Burke	Councilman, District 6

And with the following absent: None

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#### II. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 5:40 p.m. and presided.

#### II. PRESENTATION(S)

- Employee Service Award
  - Lucio Licerio - 25 Years – Streets Department

#### 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 by logging on with your computer and using "Join Zoom Meeting" information on first page of this agenda).*

- Mayor Whitlow asked for comments from the public and there were none.

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

- Review and discuss Texas Commission on Environmental Quality (TCEQ) Violation Tracking No. 823013, the status of the engineering design of the Lynn's Bayou Wastewater Treatment Plant Expansion and the \$39.15M loan commitment offer from the Texas Water Development Board for the Lynn's Bayou Wastewater Treatment Plant Expansion project. Presenter is Jody Weaver**

Robert D. Traylor, Managing Director, RBC Capital Market addressed City Council on the \$39.15M loan commitment offer from the Texas Water Development Board (TWDB) for the Lynn's Bayou Wastewater Treatment Plant Expansion project. He said the deadline is August 31, 2025 to make the commitment for the TTWDB funds.

No action necessary and none taken.

- Consider Resolution No. R-052725-1 of the City of Port Lavaca authorizing the hiring of Bickerstaff Heath Delgado Acosta LLC on a contingent fee basis as bond counsel to the City of Port Lavaca. Presenter is Jody Weaver**

Motion made by Councilman District 3 Tippit

WHEREAS, City of Port Lavaca, Texas ("City") has a substantial need for legal services in connection with the issuance of public securities or the administration of its affairs that pertain to the issuance of public securities or the administration of its affairs pertaining to the issuance of public securities as contemplated by Tex. Govt. Code Section 1201.027 in connection with certain Texas Water Development Board financing for the expansion of the City's Lynn's Bayou Treatment Plant (the "Obligations"); and

WHEREAS, the legal services cannot be adequately performed by the attorneys and supporting personnel of the City because the issuance of Obligations by the City requires specialized skills and experience and the services of a firm that is nationally recognized as bond counsel who can opine on the validity and appropriateness of the Obligations, when issued; and

WHEREAS, the services required are not typically available and cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because such a contract would require the City to incur costs and expenses which would need to be borne even if the City ultimately determined not to issue Obligations. The nature of the bond counsel engagement with Bickerstaff Heath Delgado Acosta LLP of Austin, Texas ("BHDA"), is feasible only because BHDA is agreeing to provide the services on a contingent fee basis and thus bears the risk if the City ultimately determined that it was not practical or feasible to issue the Obligations; and

WHEREAS, absent the issuance of Obligations, the City does not have funds to pay the estimated amounts required under a contract providing only for the payment of hourly fees; and

WHEREAS, the City, by and through its City Council (the "City Council") and pursuant to all relevant authority, desires to retain and acquire legal counsel and the professional legal services of BHDA regarding the City's sale and issuance of public securities as contemplated by the requirements of Subchapter C of Chapter 271 of the Texas Local Government Code, which is further described in the attached Exhibit 1; and

WHEREAS, the City Council has duly posted written notice of its consideration of the decision to hire BHDA in accordance with Section 2254.2036 of the Texas Government Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS THAT the City Council, for and on behalf of the City and in the public interest, hereby makes the following findings, which incorporate each of the preceding recitals as if fully stated below, and orders and approves the following:

- (1) It is necessary, proper, and advisable for the City and City Council to be represented by BHDA regarding the City's sale and issuance of public securities due to the legitimate and principal interests of the City and the public as herein described.
- (2) BHDA is hereby retained by the City Council on behalf of the City and is formally engaged to provide legal counsel and related professional and personal services pursuant to and described in the contract for legal services ("Engagement Agreement") in connection with City's sale and issuance of public securities, said agreement being approved in substantially the form attached hereto as Exhibit 1.
- (3) The Mayor is authorized and directed to execute the Engagement Agreement on behalf of the City.
- (4) Unless otherwise designated, the past, present, or future tense shall each include the other, the masculine, feminine, or neuter gender shall each include the other, and the singular and plural number shall each include the other where necessary for a correct meaning in this resolution.
- (5) This resolution shall take effect immediately from and after its passage and enactment.
- (6) All preliminary recitals of this resolution and all attached documents are incorporated by reference as findings of the City Council.
- (7) This resolution was considered and approved at a meeting held in compliance with the Open Meetings Act, Chapter 551, Texas Government Code.

Seconded by Councilman District 6 Burke

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilwoman District 5 Bland-Stewart, Councilman District 6 Burke

Voting Nay:

Councilman District 3 Tippit,

3. **Consider Resolution No. R-052725-2 of the City of Port Lavaca expressing intent to Finance Expenditures to be incurred by the City of Port Lavaca's Lynn's Bayou Wastewater Treatment Plant Expansion, Texas Water Development Board Project No. 73963. Presenter is Jody Weaver**

Motion made by Councilman District 2 Dent

WHEREAS, the City of Port Lavaca, Texas (the "Issuer" or "City") is a political subdivision of the State of Texas authorized to issue obligations to finance its activities pursuant to CHAPTER 271, TEXAS LOCAL GOVERNMENT CODE, and other provisions, the interest on which is excludable from gross income for federal income tax purposes ("tax-exempt obligations") pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code");

WHEREAS, the Issuer will make, or has made not more than 60 days prior to the date hereof, payments with respect to the acquisition of the equipment listed on Exhibit "A" attached hereto;

WHEREAS, the Issuer desires to reimburse itself for the costs associated with the projects listed on Exhibit "A" attached hereto from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof; and,

WHEREAS, the Issuer reasonably expects to issue tax-exempt obligations to reimburse itself for the costs associated with the projects listed on Exhibit "A" attached hereto.

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

Section 1. The Issuer reasonably expects to reimburse itself for all costs that have been or will be paid subsequent to the date that are 60 days prior to the date hereof and that are to be paid in connection with the acquisition of the equipment listed on Exhibit "A" attached hereto from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof.

Section 2. This Resolution is also made to evidence the intent of the Issuer to make such reimbursements under Treas. Reg. Section 1.150-2 and Section 1201.042, Texas Government Code.

Section 3. The Issuer reasonably expects that the maximum principal amount of tax-exempt obligations issued to reimburse the Issuer for the costs associated with the project listed on Exhibit "A" attached hereto will not exceed \$39,150,000.

Section 4. The Issuer intends to reimburse the expenditures hereunder not later than 18 months after the later of the date the original expenditure is paid or the date the project is placed in service or abandoned, but in no event more than three years after the original expenditure is paid unless the project is a construction project for which the Issuer and a licensed architect or engineer have certified on Exhibit "A" that at least five years are necessary to complete the project in which event the maximum reimbursement period is five years after the date of the original expenditure.

Seconded by Councilman District 1 Aguirre

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilwoman District 5 Bland-Stewart, Councilman District 6 Burke

4. **Consider Resolution No. R-052725-3 of the City of Port Lavaca authorizing publication of Notice of Intention to Issue Combination Tax and Surplus Revenue Certificates of Obligation for the Lynn's Bayou Wastewater Treatment Plant Expansion project, which project is identified as Texas Water Development Board Project No. 73963. Presenter is Jody Weaver**

Motion made by Councilman District 3 Tippit

WHEREAS, the City Council of the City of Port Lavaca, Texas (the "City Council") deems it advisable to give notice of intention to issue combination tax and surplus revenue certificates of obligation of said City, as hereinafter provided; and

WHEREAS, it is officially found and determined that the meeting at which this Resolution has been considered and acted upon was open to the public and public notice of the time, place and subject of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended;

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

Section 1. FORM OF NOTICE. Attached hereto and marked Exhibit "A" is a form of Notice of Intention to Issue Combination Tax and Surplus Revenue Certificates of Obligation, the form and substance of which are hereby adopted and approved.

Section 2. PUBLICATION OF NOTICE. Said Notice shall be published, in substantially the form attached hereto, in a newspaper, as defined in Subchapter C of Chapter 2051, Texas Government Code, of general circulation in said City once a week for two consecutive weeks, the date of the first publication thereof to be at least forty-five (45) days prior to the date tentatively set for passage of the ordinance authorizing the issuance of such certificates.

Section 3. POSTING OF NOTICE ON WEBSITE. Further, said Notice shall be posted in substantially the form attached hereto continuously on the City's website for at least forty-five (45) days prior to the date tentatively set for passage of the ordinance authorizing the issuance of such certificates.

Seconded by Councilman District 1 Aguirre

Voting Yea:

Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilwoman District 5 Bland-Stewart

Voting Nay:

Councilman District 2 Dent, Councilman District 6 Burke

5. Announcement by Mayor that City Council will retire into closed session:
- To discuss Personnel matters in accordance with Title 5, Section 551.074 of the Texas Government Code (to discuss the appointment, employment, evaluation, duties and responsibilities, reassignment, discipline, or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee: [Municipal Court Judge]). Presenter is Mayor Whitlow

Mayor Whitlow announced that Council would not be having a closed session.

6. 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.

## **V. ADJOURN SPECIAL MEETING**

Mayor Whitlow asked for motion to adjourn.

Motion made by Councilman District 2 Dent

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, Councilwoman District 5 Bland-Stewart, Councilman District 6 Burke

Special Meeting adjourned at 6:53 p.m.

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Jack Whitlow, Mayor

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Mandy Grant, City Secretary