



## CITY COUNCIL REGULAR MEETING

Monday, May 12, 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 12th day of May 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                  |
| Rosie G. Padron    | Councilwoman, District 4, Mayor Pro Tem |
| Jim Ward           | Councilman, District 5 (Out Going)      |
| Rose Bland-Stewart | Councilman, District 5 (In Coming)      |
| Justin Burke       | Councilman, District 6                  |

And with the following absent: None

Constituting a quorum for the transaction of business, at which time the following business was transacted:

#### II. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 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 11 – 17, 2025
  - National Public Works Week is May 18 – 24, 2025 “People, Purpose, Presence”

**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:
  - Russell Cain, spoke in favor of the President Trump and American Flag banners displayed on Main Street.
  - Felicia Harral, Rotary President, stated appreciation for all who assisted and attended the Rotary's 100<sup>th</sup> celebration. Also talked about the Port Authority's putting on some events for the kids.

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

**A. Minutes of April 14, 2025 Regular Meeting**

**B. Minutes of April 30, 2025 Special Meeting and Workshop Session**

**C. Review of Credit Card Statement**

**D. Receive Monthly Financial Highlight Report**

**E. Receive 1<sup>st</sup> Quarterly Report from Public Works Department ending 03.31.2025**

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

**G. Receive Quarterly City Investment Report for 01.01.2025 thru 03.31.2025**

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 1 Aguirre

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 03, 2025 City of Port Lavaca General Officers Election. Presenter is Mayor Whitlow**

Records and materials regarding the May 03, 2025 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:

**COUNCIL MEMBER, SINGLE DISTRICT FIVE (5) for a term of three (3) years**

| Candidate          | Early Voting | Election Day | Total Votes |
|--------------------|--------------|--------------|-------------|
| Rose Bland-Stewart | 84           | 34           | 118         |
| Jim Ward           | 64           | 26           | 90          |
| Total Ballots Cast | 148          | 60           | 208         |

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-051225-1E certifying the May 03, 2025 General Election returns and declaring candidates elected. Presenter is Mandy Grant**

Motion made by Councilman District 3 Tippit

WHEREAS, the returns of the May 03, 2025 election were canvassed at the regular city council meeting held on Monday, May 12, 2025, at 6:30 p.m., with the following results:

**COUNCIL MEMBER, SINGLE DISTRICT FIVE (5) for a term of three (3) years**

| Candidate          | Early Voting | Election Day | Total Votes |
|--------------------|--------------|--------------|-------------|
| Rose Bland-Stewart | 84           | 34           | 118         |
| Jim Ward           | 64           | 26           | 90          |
| Total Ballots Cast | 148          | 60           | 208         |

WHEREAS, there came on to be considered the returns of an election held the 3rd day of May, 2025, for the purpose of electing the hereinafter named officials; and

WHEREAS, it appearing from said returns duly and legally made, that two hundred eight (208) 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, Rose Bland-Stewart was duly elected Council Member, District Five (5) 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 1 Aguirre

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippet, 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: Rosie Padron representing District 4; and Rose Bland-Stewart representing District 5; 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:

- Rosie Padron, Council Member, Single District Four (4), for a term of 3 years; and
- Rose Bland-Stewart, Council Member, Single District Five (5), 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 2 Dent

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 1 Aguirre

Voting Yea:

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

5. **Consider appointment/reappointment of member(s) to the Port Commission to fill a vacancy and/or start a new term. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that current Port Commission Board Members Alex Davila, Mike McGuire, Larry Nichols and Jaime O'Neill have terms that are expiring. All four (4) current members have expressed a desire to be reappointed. There are also two (2) other candidates, Jerry Smith and Jim Ward, that would like to be considered. There are no term limits established and the full term is for a period of two (2) years.

Voting Ballots naming the six (6) candidates were issued to each Council Member and they were instructed to vote for four (4) candidates of their choice and affix their signature to the ballot.

| Record Vote    | Port Commission Board Member Candidates (New 2-Year Term) |         |         |         |       |      |
|----------------|---|---------|---------|---------|-------|------|
| Council Member | Davila  | McGuire | Nichols | O'Neill | Smith | Ward |
| Aguirre        | X   |         | X       | X       | X     |      |
| Dent           |   | X       | X       | X       | X     |      |
| Tippit         |   | X       | X       | X       | X     |      |
| Padron*        |   | X       |         | X       | X     |      |
| Bland-Stewart  | X   | X       |         | X       | X     |      |
| Burke          |   | X       | X       | X       | X     |      |

\*Voted only for 3 candidates

City Secretary Grant added the total record votes each candidate received from the ballots taken:

| Candidate:   | Davila | McGuire | Nichols | O'Neill | Smith | Ward |
|--------------|--------|---------|---------|---------|-------|------|
| Total Votes: | 2      | 5       | 4       | 6       | 6     | 0    |

Motion made by Councilman District 1 Dent

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

THAT, Council hereby reappoints Mike McGuire, Jaime O'Neill and Larry Nichols to the Port Commission Board to serve a new two-year term.

BE IT FURTHER RESOLVED, THAT Council hereby appoints Jerry Smith to the Port Commission Board to serve a new two-year term

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

6. **Receive annual Police Department Activity Report for 2023-2024. Presenter is Colin Rangnow**

Police Chief Rangnow presented Council with the annual Police Department Activity Report for 2023-2024.

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 presentation of the annual Police Department Activity Report for 2023-2024.

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

7. **Consider request of the Police Department to declare the portable speed limit sign as surplus and authorize the disposal of said item. Presenter is Colin Rangnow**

Police Chief Rangnow advised Council that the Police Department would like to have the Kustom Signals Smart 850 radar speed display trailer VIN #1R9BR0910EJ482069 declared as surplus. Currently the radar system and message board are inoperable.

Given the age of the unit, parts have become obsolete. The manufacture no longer carries needed parts such as hydraulic shocks or the stabilizer jacks. Both the shocks and the jacks have been replaced multiple times. The unit has also sustained significant damage over the years from being hit by vehicles and weather exposure. This item is decommissioned and no longer used in day-to-day operations.

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 staff, Council hereby declares the portable speed limit sign as surplus and authorizes the disposal of said item

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

8. **Receive budget from Chief of Police regarding expenditure of felony Forfeiture Funds to purchase new office furniture for several offices in the Police Department. Presenter is Colin Rangnow**

Police Chief Rangnow advised Council that the police department plans to use forfeiture funds to furnish CID and the reception office or "old dispatch" with new office furniture. Both areas need updating and refurbishing.

Since the inception of the Calhoun County combined dispatch center, the police department plans to repurpose the "old dispatch" area into a reception office. The Department intends to budget for a receptionist position this upcoming fiscal year. The public would be greeted by the front receptionist Monday- Friday 8 am - 5 pm. The front receptionist would field incoming non-emergency calls to the PD/City Hall and would have limited dispatch capabilities. The position would be cross trained in records and evidence release procedures to better serve the community.

The CID office currently houses three investigators. The office furniture has been piece milled together from other office sets. The goal is to have three workstations for reports in one main office and the second would house evidence processing and electronic extraction equipment.

Coastal Office Supply (PSA/Contract # NCPA #11-18) would supply said furniture at a total cost of \$13,756.40.

Motion made by Councilman District 1 Aguirre

Seconded by Councilman District 6 Burke

Both motions were rescinded when City Attorney advised that the statute does not require council approval.

Rangnow advised that Chapter 59 of the Code of Criminal Procedure allows for police seizure and forfeiture of property used in, and the proceeds gained from, the commission of certain crimes. After seizure, the criminal district attorney may, by agreement, distribute property and funds to local law enforcement agencies to be used for official purposes. The police chief has sole decision-making authority about how felony forfeiture funds are spent. However, the city council is entitled to receive a budget showing how the funds will be spent, but nothing in the statute requires or authorizes city approval of the actual expenditures decided upon by the police chief.

No action necessary and none taken.

9. **Consider Resolution No. R-051225-2 of the City of Port Lavaca for Americans with Disabilities Act (ADA) Coordinator, Notice and Grievance Procedure: Administrative Requirements Under Title II of the ADA. Presenter is Jody Weaver**

Motion made by Councilman District 1 Aguirre

WHEREAS, the federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prohibit discrimination against qualified individuals with disabilities in all services, programs, or activities of public entities; and

WHEREAS, 28 C.F.R. Part 35 implements Title II of the ADA and outlines requirements for public entities; and

WHEREAS, 28 C.F.R. §35.106 requires a public entity to publish notice regarding the ADA requirements and its applicability to the services, programs, or activities of the public entity to applicants, participants, beneficiaries, and other interested persons; and

WHEREAS, 28 C.F.R. §35.107 (a) requires a public entity that employs 50 or more persons to designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under 28 C.F.R. Part 35 and Title II of the ADA; and

WHEREAS, 28 C.F.R. §35.107 (b) requires a public entity that employs 50 or more persons to adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging discrimination on the basis of disability in state and local government services; and

WHEREAS, the City of Port Lavaca has a longstanding commitment to provide access to all its services, programs, and activities to the public and recognizes that adoption of Title II of the ADA notice, Coordinator, and Grievance Procedure regulatory requirements further that goal.

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

Section 1: The above and foregoing recitals are true and correct and are incorporated herein.

Section 2: The City Council does hereby resolve to publish the required information regarding notice under Title II of the ADA, the ADA Coordinator, and the Title II of the ADA Grievance Procedure on the City's website and at such other locations as many as be determined from time to time.

Section 3: The Human Resources Coordinator is designated as the ADA Coordinator for the City of Port Lavaca.

Section 4: The City of Port Lavaca does hereby adopt and approve Title II of the ADA Grievance Procedure, a copy of which is attached for addressing complaints alleging discrimination on the basis of disability in the provision of services, programs, or activities by the City.

Section 5: This resolution shall be effective from and after its date of passage.

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



10. **Consider Resolution No. R-051225-3 of the City of Port Lavaca to support the submittal of a GLO Coastal Management Program (CMP) Grant application for a Boardwalk along the seawall at Smith Harbor and commit to 40% matching funds if awarded. Presenter is Jody Weaver**

Motion made by Councilman District 3 Tippit

WHEREAS, the City of Port Lavaca is a coastal community sitting on the shores of Lavaca Bay, a northwestern extension of the Matagorda Bay ecosystem and is committed to the long-term protection and enhancement of our coastal and natural resources; and

WHEREAS, the Commissioner of the Texas General Land Office is soliciting applications for projects that address environmental concerns and promote economic development with the Texas coastal zone; and

WHEREAS, the Texas General Land Office (GLO) administers the Coastal Management Program (CMP) in Texas to provide Gulf of Mexico Energy Security Act (GOMESA) funding to eligible coastal jurisdictions through a competitive application process and subsequent award of project grant funds; and

WHEREAS, the City of Port Lavaca has adopted a Downtown Waterfront Master Plan that outlines the vision and potential projects to restore the area's original recreational character, protect its natural environment, and transform the waterfront into an eco-friendly economic and tourist attraction; and

WHEREAS, a Letter of Permission to construct the proposed project, being a 10-ft-wide x 368-foot-long boardwalk (Permit No. SWG-2024-00743), was received from the U.S. Army Corps of Engineers on March 28, 2025; and

WHEREAS, in recognition of the critical importance of Port Lavaca's coastal natural resources to all residents and visitors to the Texas coast, the potential availability to leverage local dollars with State and Federal funds, the societal benefits to current and future generations of Texans, the City of Port Lavaca City Council considers it fitting and proper to commit local dollars as required match funds toward grant applications for the implementation of projects consistent with the adopted Downtown Waterfront Masterplan and provide public access to the same; and

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

THAT, the City Council hereby approves and supports the submission of one (1) GLO Texas Coastal Management Program Cycle 31 grant application to solicit funding for the following essential project and hereby also commits to establish and maintain public access to said waterfront:

- 1) Public Access Boardwalk at Smith Harbor; Preliminary and Final Design Engineering, preparation of Bid documents and Bidding, construction and construction phase engineering.

The City Manager is hereby authorized to execute any and all applications and contract forms as necessary, dedicate/secure the required cash match in an amount not to exceed \$300,000, and coordinate staff's efforts to submit the grant application to the General Land Office and if a conditional Intent to Fund notification is received, work with the GLO on approval of a workplan and budget narrative to secure final funding confirmation.

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

11. **Consider First reading of an Ordinance (S-2-25) 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 3 Tippit

NOW, THEREFORE, BE IT ORDAINED ED 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 (S-2-25) of the City of Port Lavaca for amendment(s) to the Base Ordinance S-2-24 for 2024-2025 fiscal year budget.

Seconded by Councilman District 6 Burke

Voting Yea:

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

Voting Nay:

Councilman District 2 Dent

12. **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 deliberate commercial or financial information that was received from a business prospect that seeks to locate, stay, or expand in or near the territory of the Governmental Body, and with which the Governmental Body is conducting Economic Development Negotiations, in accordance with Title 5, Chapter 551, Section 551.087 of the Texas Government Code. Presenter is Mayor Whitlow**

Mayor Whitlow announced that Council would retire into closed session at 9:50 p.m.

This closed session is for Section 551.071(2) (Attorney Consultation) and Section 551.087 of the Texas Government Code (Economic Development Negotiations).

- **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 [Municipal Court Judge]). Presenter is Mayor Whitlow**

*Author's Note: This section of closed section was moved up in the agenda by the Mayor.*

Mayor Whitlow announced that Council would retire into closed session at 6:55 p.m.

Mayor Whitlow announced that Council was back in open session at 8:23 p.m.

No action necessary and none taken on Section 551.074 of the Texas Government Code (Municipal Court Judge).

13. **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 10:16 p.m.

From discussion on Section 551.071(2) (Attorney Consultation) and Section 551.087 of the Texas Government Code (Economic Development Negotiations).

No action necessary and none taken.

## **IX. ADJOURNMENT**

Mayor asked for motion to adjourn.

Motion made by Councilman District Councilman District 3 Tippit

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

Meeting adjourned at 10:18 p.m.

ATTEST:

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

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