



CITY COUNCIL REGULAR MEETING

Monday, October 09, 2023 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 October, 2023, 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
Ken Barr	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 6:35 p.m. and presided.

III. INVOCATION

- Councilman Ward gave the invocation.

IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

V. PRESENTATION(S)

- Proclamation that October is Fire Prevention Month

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

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

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

- A. Minutes of September 05, 2023 Special Meeting
- B. Minutes of September 11, 2023 Regular Meeting
- C. Minutes of September 25, 2023 Special and Workshop Meeting
- D. Review of Credit Card Statement
- E. Receive Monthly Financial Highlight Report
- F. Consider Quarterly Investment Report ending September 30, 2023
- G. Receive Victoria Economic Development Corporation (VEDC) Monthly Report

Motion made by Councilman District 6 Barr

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 5 Ward

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

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

1. **Consider Resolution No. R-100923-1 of the City of Port Lavaca, Texas, for the nomination of candidates for the Board of Directors of the Calhoun County Appraisal District 2024-2025 Term. Presenter is Jody Weaver**

Motion made by Councilman District 2 Dent

WHEREAS, this is for the nomination of candidates for the Board of Directors of the Calhoun County Appraisal District; and

WHEREAS, the Board of Directors consists of five members who serve two-year terms, beginning January 1, 2024 through December 31, 2025; and

WHEREAS, the City of Port Lavaca, Texas is a taxing unit entitled to nominate candidates to the Calhoun County Appraisal District, if so desired.

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

THAT, the slate of current Board Members named below are nominated and submitted for election to the Calhoun County Appraisal District Board of Directors to each serve two-year terms, beginning January 1, 2024 thru December 31, 2025:

Current Board Members:

- 1) William H. Bauer Jr.
- 2) Benjamin Boone
- 3) Kevin Hill
- 4) Vern Lyssy
- 5) Jessie Rodriguez

Seconded by Councilman District 6 Barr

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 Barr

2. **Consider award of Construction Contract for the Harbor of Refuge Railroad Culvert Replacement Project. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that she and Councilman Tippit had once again spoken with representatives of Helena on September 26, 2023. I had in part misunderstood what was said in our first meeting with them, so let me state my understanding now.

Without the use of the rail, it's obvious that the City will receive \$0.00 in tariffs from rail, but initially, there may not be a big difference in the amount of tariffs we receive from barge traffic. Note that over the past 12 months, we have received \$3,165.95 in tariffs from rail and \$56,663.47 from barge. At the new \$0.79/ton rate this same quantity would translate to \$3,847.85 and \$68,867.91.

What I now understand is that although initially we may not see a difference in the barge tariffs, because Helena will necessarily have to change up how they do business without rail in Port Lavaca, we could certainly see a significant reduction of the barge tariffs from the Helena Port Lavaca operations over some time. They pointed out that this exercise to rework their operation may require new contracts and arrangements with other locales and vendors which may have the result that, when the rail is finally available in Port Lavaca, they will not return to the same level of operation as they had here before this issue.

They again offered the \$50,000 with no reimbursement, and an additional amount up to 25% of the construction cost that would be reimbursed through a consideration of tariff, dock, and lease rates over the next 15 years.

One option that had been posed by a Port Commissioner was if Helena could pay for the repairs upfront and the City reimburse over time.

Since we had \$300,000 budgeted and they offered \$50,000, I asked whether it might be possible for them to pay the shortfall upfront and City would reimburse over 10-15 years. To clarify, Councilman Tippet and I did not say that this would even be an agreeable proposition by Council, but we thought it worth the dialogue. At this time, it does not appear that this is an option Helena will agree to.

To restate the dollars involved with the less expensive 12 ga helical lock seam:

- \$639,850 (less \$50,000 Helena, less the \$300,000 we budgeted) = \$289,850 is our shortfall.
- Considering Helena's offer of 25% of \$639,850 = \$159,962.50
- So \$639,850 - \$300,000 budgeted - \$159,962.50 = \$179,887.50 additional general fund dollars (\$109,962.50 of the \$159,962.50 would be reimbursed over time)

The Port Commission as a whole strongly supports maintaining rail service to the Harbor of Refuge. I think we can all agree that in order to do that, this culvert must be replaced, but instead of spending General Fund dollars now we DO have this opportunity to utilize CDBG-MIT Grant funds to pay for this project (assuming the GLO would approve it). The cost will certainly be greater, but the dollars would all be Grant dollars. The risk I guess to consider is potential lost revenue over the next 15 years if Helena significantly alters their Port Lavaca operation as a result of being without rail for 18 months +/- . But none of us have a crystal ball and not even Helena knows yet how they are going to work this out.

Note:

- I am fairly confident that GLO will approve this project and if needed, I would argue that Hurricane Harvey was probably what caused the damage to the upstream side which accelerated the corrosion, but I can't guarantee their approval.
- It is also possible that we could get this culvert done in a shorter amount of time - perhaps 12 months, but with the pace that GLO works and all the projects they have to look at right now, I'm being told this is not realistic.
- I did speak with Michael Ada with GCRPC and there is the possibility that this could be funded with an EDA grant, but he didn't think the time frame would be any better than GLO.
- We still do not have any approval from the UPRR, so any award would necessarily be contingent upon UPRR approval. I did speak with Lester Contracting and they will still honor the bid through the November 13th Council meeting.

Staff's recommendation is to authorize inclusion of the culvert replacement project in with our Corporation Ditch CDBG-Mitigation Grant application. If Council is considering at all an award of this bid, staff recommends to wait and consider an award at the November Council meeting, hoping we would have a response from the UPRR, otherwise Council can vote to reject the bid.

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 passes this agenda item until the regular council meeting scheduled for November 13, 2023.

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

3. **Consider adding the Harbor of Refuge Railroad Culvert Replacement Project to the Community Development Block Grant – Mitigation (CDBG-MIT) application for the Corporation Ditch Drainage Improvement Project. Presenter is Jody Weaver**

Motion made by Councilman District 3 Tippit

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

THAT, in accordance with recommendation of staff, Council hereby approves adding the Harbor of Refuge Railroad Culvert Replacement Project to the Community Development Block Grant – Mitigation (CDBG-MIT) application for the Corporation Ditch Drainage Improvement Project.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute all instruments necessary to effect such agreement.

Seconded by Councilman District 2 Dent

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

4. **Consider and approve Resolution No. R-100923-2 for items approved at previous meeting concerning the General Land Office's (GLO) Regional Council of Government Method of Distribution (COG MOD) Mitigation Program application. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that Kevin Morgan, Senior Project Manager with Mott MacDonald, was present via Zoom and would give a PowerPoint presentation to them. She also asked Council to approve the resolution R-100923-2.

Motion made by Councilman District 2 Dent

WHEREAS, participation in CDBG-MIT programs requires services by professionals experienced in federally funded projects; and

WHEREAS, the City has formed and approved agreements with Urban Engineering and Mott MacDonald to allow them to provide professional engineering services to assist with the preparation of applications for the GLO's CDBG-MIT Regional COG MOD program; and

WHEREAS, these services will support drainage improvements (Corporation Ditch) and shoreline restoration projects (Harbor of Refuge Restoration); and

WHEREAS, these engineers have completed a substantial application package that was published for public comment on September 27, 2023; and

WHEREAS, the City has agreed to allow at least 14 days for public comment regarding these applications; and

WHEREAS, upon completion of the 14-day comment period, the City has approved that the complete application, along with any comments, be submitted to the Texas General Land Office.

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

Section 1. Has previously approved the Engineer Agreements with Urban Engineering and Mott MacDonald; and

Section 2. Has approved the publication of applications that support the Corporation Ditch and Harbor of Refuge Restoration projects listed above; and

Section 3. Has authorized that upon completion of the 14-day comment period, the final applications be submitted to the GLO for their CDBG-MIT COG MOD programs.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

5. **Consider approval of amendments to the Port Lavaca Pride Façade grant program.**
Presenter is Jody Weaver

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 amendments to the Port Lavaca Pride Façade grant program, as presented, a copy which is on file in the office of the City Secretary, in its entirety.

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

6. **Consider proposed submittal of proposal to Matagorda Bay Mitigation Trust in response to Request for Proposals #2023-2024-01. Presenter is Jody Weaver**

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 support of the City submitting application to Matagorda Bay Mitigation Trust and commits to \$300,000.00 matching funds for Parking Lot Improvements.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute all instruments necessary to effect such agreement.

Seconded by Councilman District 5 Ward

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

7. **Consider recommendation of the Port Commission for approval of Urban Engineering Task Order No. 33 for Smoke Testing of Hillside Terrace, Vela, Alamo Heights and Loop 1090 Lift Station basins, in the amount of \$63,800.00. Presenter is Wayne Shaffer**

Interim City Manager Weaver advised Council that the Recreation and Parks Board has two terms that have expired for Mac Sistrunk and Olga Szela. Both members have requested 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 the Port Commission and staff, Council hereby approves Urban Engineering Task Order No. 33 for Smoke Testing of Hillside Terrace, Vela, Alamo Heights and Loop 1090 Lift Station basins, in the amount of \$63,800.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute all instruments necessary to effect such agreement.

Seconded by Councilman District 6 Barr

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 Barr

8. **Consider Second and Final Reading of an Ordinance (G-10-23) of the City of Port Lavaca amending the Code of Ordinances, by Repealing Chapter 30, Article II. Juvenile Curfew; and providing an effective date. Presenter is Colin Rangnow**

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

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

THAT, in accordance with recommendation of staff, Council hereby approves the Second and Final Reading of an Ordinance (G-10-23) of the City of Port Lavaca amending the Code of Ordinances, by Repealing Chapter 30, Article II. Juvenile Curfew; and providing an effective date.

Seconded by Councilman District 2 Dent

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

9. **Consider First Reading of an Ordinance (G-11-23) of the City of Port Lavaca amending Section 3 of that certain ordinance designating the type and location of Traffic Control Devices within the City of Port Lavaca, Passed and Approved by City Council the 8th day of September, 1986, and recorded in City Council Minute Records, Volume "HH", Page 41, by adding new street locations to said ordinance in said Section 3; Repealing Clause; and providing an effective date. Presenter is Colin Rangnow**

Police Chief Rangnow advised Council that the proposed ordinance is to add additional Traffic Control Signage (Stop Signs) in the La Salle landing subdivision. Several citizens have voiced concern of the lack of traffic control in the area. Citizens have noted vehicular speeds have increased due to lack of traffic control at the various intersections in said subdivision. Currently the only intersection with signage is Caviler@ Village Road. I recommend implementing traffic control signage at the following intersections:

1. Belle Lane @ Caviler Drive (Signage placed on the east and west side of Caviler Dr.)
2. Aimable Street @ Caviler Drive (signage placed on the east and west side of Caviler Dr.)
3. St Francois Avenue @ Caviler Drive (signage placed on the south side of St Francois Ave.)
4. St Francois Avenue @ Rauhen Drive (signage placed on the south side of St Francois Ave.)
5. Aimable Street @ Belle Lane (signage placed on the west side of Belle Lane)
6. Aimable Street@ Rauhen Drive (signage placed on the northside of Aimable St.)

Motion made by Councilman District 2 Dent

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

THAT, in accordance with recommendation of staff, Council hereby approves the First Reading of an Ordinance (G-11-23) of the City of Port Lavaca amending Section 3 of that certain ordinance designating the type and location of Traffic Control Devices within the City of Port Lavaca, Passed and Approved by City Council the 8th day of September, 1986, and recorded in City Council Minute Records, Volume "HH", Page 41, by adding new street locations to said ordinance in said Section 3; Repealing Clause; and providing an effective date.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

IX. ADJOURNMENT

Mayor asked for motion to adjourn.

Motion made by Councilman District 6 Barr

Seconded by Councilman District 5 Ward

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

Meeting adjourned at 7:59 p.m.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary