



CITY COUNCIL REGULAR MEETING

Monday, July 10, 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 July, 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
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:

Tim Dent	Councilman, District 2
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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 6:36 p.m. and presided.

III. INVOCATION

- Councilman Ward gave the invocation.

IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

V. PRESENTATION(S)

- Public Works Director Shaffer introduced Mr. Lance Roy, as the new Utilities Superintendent

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 the following came forward:
 - Felicia Harral, 114 W. Harbor Dr., praised city employees for job well done.

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

- A. Minutes of June 12, 2023 Regular Meeting
- B. Review of Credit Card Statement
- C. Receive Monthly Financial Highlight Report
- D. Receive Victoria Economic Development Corporation (VEDC) Monthly Report
- E. Review of Quarterly Financial Statements as of 06/30/23
- F. Port Commission-recommends approval of one-year lease of City harbor Tracts 7, 8 and 11 to The Federation of Southern Cooperatives

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 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 use of the Bayfront Peninsula Park on Saturday, July 29, 2023 for the Zydeco Event and waiver of fees associated with the event; with the exception of the Alcohol in Park Fee. Presenter is Tania French**

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 the use of the Bayfront Peninsula Park on Saturday, July 29, 2023 for the Zydeco Event and waiver of fees associated with the event; with the exception of the Alcohol in Park Fee.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

2. **Consider Resolution No. R-071023-1 of the City of Port Lavaca, Texas to adopt a resolution in support of and intention to negotiate an Interlocal Agreement Memorandum of Understanding (MOU) with Calhoun County for a Combined Dispatch for emergency services. Presenter is Jody Weaver**

Mayor Whitlow appointed an Ad Hoc Committee, consisting of Councilman District 1 Daniel Aguirre and Councilman District 5 Jim Ward, to assist in negotiating Memorandum of Understanding (MOU) with Calhoun County for Combined Dispatch Project.

Motion made by Councilman District 3 Tippit

WHEREAS, the City of Port Lavaca and Calhoun County have the power, authority and responsibility to provide emergency dispatch services within their respective boundaries and an emergency communication center is crucial to the efficient and necessary provision of public safety and emergency services to the community and to the police officers; and

WHEREAS, the sharing of resources and costs of public safety dispatching will improve capabilities in call taking, processing, dispatching, and the response of public safety services; and

WHEREAS, the consolidation of dispatching services will effectively promote mutual response and assistance between participating agencies, thus eliminating delays and miscommunication which can result in devastation, such as was seen in Uvalde, Texas on May 24, 2022; and

WHEREAS, the Port Lavaca Police Department and the Port Lavaca Fire Department recognize that a consolidated dispatch center will provide a more comprehensive, capable, effective, and efficient emergency dispatching service, and therefor supports and recommends establishing a Combined Dispatch Center between the City of Port Lavaca and Calhoun County; and

WHEREAS, Calhoun County is using funds available through the American Rescue Plan Act (ARPA) to construct a facility for use as a Combined Dispatch Facility; and

WHEREAS, the City Council now finds that it is in the best interest of the citizens of Port Lavaca to establish a Combined Dispatch Center with Calhoun County for all City dispatch services.

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

The City Council of the City of Port Lavaca, Texas hereby declares its intent to become a participant in the Calhoun County Dispatch Center, along with Calhoun County and other supporting entities, and to negotiate in good faith and enter into an Interlocal Agreement with Calhoun County for shared provisions of such services.

Seconded by Councilman District 5 Ward

Voting Yea:

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

3. **Consider Second and Final Reading of an Ordinance (G-5-23) of the City of Port Lavaca for the purpose of adopting the 2023 Downtown Waterfront Master Plan for the City of Port Lavaca. Presenter is Derrick Smith**

Motion made by Councilman District 3 Tippit

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

THAT, in accordance with recommendation of staff, Council hereby adopts Ordinance (# G-5-23) of the City of Port Lavaca for the purpose of adopting the 2023 Downtown Waterfront Master Plan for the City of Port Lavaca, on this it's second and final reading.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

4. **Consider First Reading of an Ordinance (G-6-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article II Building Trade Codes, Sec. 12-20 Building Trade Codes – Adopted, Sec. 12-21 Same – Additions, deletions and changes; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Derrick Smith**

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 Ordinance (G-6-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article II Building Trade Codes, Sec. 12-20 Building Trade Codes – Adopted, Sec. 12-21 Same – Additions, deletions and changes, on this it's first reading.

Seconded by Councilman District 6 Barr

Voting Yea:

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

5. **Consider Change Order from CivilCorp Engineering for the Community Development Block Grant (CDBG) Southside Phase 2 Project, in the amount of \$44,700.00. Presenter is Wayne Shaffer**

Director of Utilities Shaffer advised Council that on Nueces Street, between Center and MLK, staff originally surveyed a 6" sewer line between a found manhole at Center Street and a found manhole at roughly Station 3+40. As Lester Contracting, Inc. began working on installing the arch pipe on Nueces Street, up from MLK, they discovered an additional 6" sewer line and manhole on the south side of the street. There are two 6" sewer lines on either side of the existing 18" storm line in the street down Nueces Street. Staff did not know about the other sewer line because the manhole on the upstream side near Sta 3+40 was covered in asphalt and of course we weren't anticipating there being two sewer lines down the same street. It appears that there are two sewer lines due to the sewer line being roughly at the same elevation as the storm sewer line at least for part of the way down Nueces. Since the services couldn't be laid across the storm line, they installed two sewer lines to serve houses on either side of the street. Mr. Rand Janak, PE, CFM, with CivilCorp Engineering, stated that the newly discovered sewer line conflicts with the new arch pipe being installed down Nueces Street; therefore, must shift out the sewer line.

There is a Change Order from CivilCorp Engineering for the Community Development Block Grant (CDBG) Southside Phase 2 Project, in the amount of \$44,700.00. Lester Contracting, Inc. will furnish and install a 6" SDR26 sewer pipe, reconnect existing sewer services, connect 6" line to existing manhole and furnish and install 6" end of line cleanout. The sewer line needs to be relocated in order to address drainage issues. As this is an unforeseen circumstance, the funding will need to come out of fund reserves.

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 the Change Order from CivilCorp Engineering for the Community Development Block Grant (CDBG) Southside Phase 2 Project, with work is to be performed by Lester Contracting, Inc., in the amount of \$44,700.00.

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

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

6. **Consider award of bid for the Cascade Breathing System for the Fire Department. Presenter is Joe Reyes**

Fire Chief Reyes advised Council that \$81,681.00 was budgeted in the General Fund for the Fire Department to purchase a Breathing Air Compressor Fill Station.

On July 5, 2023, only one bid was received and upon evaluation, the items bid exceeded our minimum specifications with a total bid in the amount of \$75,117.15, which was a saving from budget of \$6,563.85.

Staff recommends awarding the bid to Morton Morrow, Inc., in the amount of \$75,117.15 for the purchase of a Breathing Air Compressor Fill Station.

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 awards the bid for the Cascade Breathing System for the Fire Department, to Morton Morrow, Inc., in the amount of \$75,117.15.

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

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

7. **Consider approval of Final Amount to be reimbursed to Developer Ho Enterprises, LLC per the Ad Valorem Tax Rebate Agreement dated July 11, 2018. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the City of Port Lavaca entered into a 380 Economic Development Ad Valorem Tax Rebate Agreement with Ho Enterprises, LLC on July 11, 2018. This agreement involves the development of Claret Crossing, which is located behind LaSalle's Landing off of Village Road.

A Notice of Substantially Complete Construction of the water, sewer and storm sewer infrastructure was issued on November 9, 2020. With the completion of the construction of the public Park amenities, we have recently been working with Ho Enterprises to gather the documentation of the actual out-of-pocket expenses that the developer incurred to develop the property in accordance with the Agreement.

Staff recommends approving the total dollar amount of \$3,196,622.37 as being the final amount to be reimbursed to the developer per the Ad Valorem Tax Rebate Agreement dated July 11, 2018.

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 Final Amount to be reimbursed to Developer Ho Enterprises, LLC per the Ad Valorem Tax Rebate Agreement dated July 11, 2018, in the amount of \$3,196,622.37.

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

8. **Consider Resolution No. R-071023-2 Establishing a Memorandum of Understanding (MOU) between the Texas State University and the City of Port Lavaca, Texas. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that she was introduced to this program by Calhoun County Coastal & Marine Resources Extension Agent, R.J. Shelly. The Clean Coast Texas program is a collaborative effort to assist local governments with strategies to improve water quality and stormwater management.

Services they offer that we are looking at taking advantage of include a GIFT and/or CHARM workshop as part of Education and Community Events, assisting us with potential green stormwater infrastructure projects such as pervious parking surfaces, helping us identify grant sources, and providing free Stormwater Drainage Inlet Markers that we can install on all the new inlets being installed on the southside in addition to other areas.

There is no commitment of City dollars required to execute this Memorandum of Understanding (MOU). Our partner in this MOU is the Texas State University, home of the Meadows Center for Water and the Environment, who is handling Project Management of this Collaborative. Staff recommends Council execute this Memorandum of Understanding with the Texas State University per Resolution No. R-071023-2.

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 Resolution No. R-071023-2 Establishing a Memorandum of Understanding (MOU) between the Texas State University and the City of Port Lavaca, Texas.

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

Seconded by Councilman District 3 Tippit

Voting Yea:

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

9. **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 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 Council would retire into closed session at 7:32 p.m.

10. **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 7:53 p.m.

No action necessary and none taken.

IX. ADJOURNMENT

Mayor asked for motion to adjourn.

Motion made by Councilman District 6 Barr

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

Meeting adjourned at 7:54 p.m.

These minutes were approved on August 14, 2023.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary