



## CITY COUNCIL REGULAR MEETING

Monday, March 08, 2021 at 6:30 PM

Electronically through Zoom

### MINUTES

#### COVID-19 MEETING PROCEDURE

*Public notice is hereby given that due to covid-19 concerns and in accordance with the governor's orders and recommendations, the city of Port Lavaca, Texas, city council meeting is closed to the public. Instead, the city council will be utilizing "Zoom Meeting and Facebook live transmission" on The City of Port Lavaca's Facebook page beginning at the time listed above.*

#### VIRTUAL MEETING INFORMATION

Join Zoom Meeting

<https://us02web.zoom.us/j/87671747347?pwd=aEtQVWhOQWlVWHphOGhhbUtGMVFPQT09>

Meeting ID: 876 7174 7347

Passcode: 251294

One Tap Mobile

+13462487799,,82438373082#,,,0#,,699521# US (Houston)

Dial by Your Location

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STATE OF TEXAS §

COUNTY OF CALHOUN §

CITY OF PORT LAVACA §

On this the 8<sup>th</sup> day of March, 2021, 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:

Jack Whitlow

Jerry Smith

Tim Dent

Allen Tippit

Rosie G. Padron

Jim Ward

Ken Barr

Mayor

Councilman, District 1

Councilman, District 2

Councilman, District 3

Councilwoman, District 4, Mayor Pro Tem

Councilman, District 5

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:

**I. CALL TO ORDER**

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

**II. INVOCATION**

- Councilman Ward gave the invocation.

**III. PLEDGE OF ALLEGIANCE**

- Mayor Whitlow – Pledge of Allegiance.

**IV. 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 there were none.

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

- A. Minutes of February 08, 2021 Regular Meeting
- B. Minutes of February 22, 2021 Special and Workshop
- C. Payment of Invoices Exceeding \$1,500

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:

Motion made by Councilman District 5 Ward, Seconded by Councilman District 6 Barr.

Voting Yea:

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

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

1. **Conduct Second Public Hearing on the need to continue a Juvenile Curfew Ordinance, Codified as Chapter 30, Offenses, Article II of the Code of Ordinances of the City of Port Lavaca, Texas.**

Mayor Whitlow announced that the public hearing was now open at 6:39 p.m.

Police Chief Rangnow advised Council he believed the juvenile curfew to be an effective tool that should be continued. He said renewal process requires two public hearings and two ordinance readings.

After calling for comments and receiving none, Mayor Whitlow announced the hearing was now closed at 6:42 p.m.

No action necessary and none taken.

2. **Consider Second and Final Reading of an Ordinance (G-1-21) of the City of Port Lavaca, Texas establishing a Juvenile Curfew within the corporate limits of the City of Port Lavaca; also described in the Code of Ordinances as Chapter 30, Offenses, Article II, Juvenile Curfew; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefore providing severability; and providing an effective date.**

Police Chief Rangnow advised Council he had consulted with City Attorney Odefey, Court Prosecutor Wall and Court Judge Perez and they had all reached a consensus that "Section VIII. Community Service" be removed in its entirety. He said there was no problem with the rest of the ordinance being left as written. Staff recommends approving this ordinance with the changes presented.

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

THAT, in accordance with recommendation of staff, Council approves Ordinance No. G-1-21 establishing a Juvenile Curfew within the city limits on this the second and final reading with the removal of "Section VIII. Community Service" in its entirety.

Motion made by Councilman District 6 Barr, Seconded by Councilman District 5 Ward

Voting Yea:

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

3. **Receive notification from Allied Waste Services of Texas/Republic Service of Corpus Christi (AW) regarding 3% annual rate increase per Third Amendment to the Solid Waste Collection and Disposal Contract with the City of Port Lavaca, effective March 1, 2021.**

Interim City Manager Weaver advised Council that Mike Reeves, Manager of Municipal Sales for Republic Services, was in attendance to speak about this item request. Mr. Reeves said that in accordance with Section 10 of the Solid Waste Collection and Disposal Contract between BFI Waste Services of Texas, LP d/b/a Republic Services of Corpus Christi and the City of Port Lavaca, Republic submitted a comparative statement reflecting a three percent (3%) increase in the Base Residential Rate. The current Base Residential Contract Rate is \$17.02 and applying the above fixed rate of three percent (3%) to the new Base Rate will be \$17.53 (.51¢ increase) effective March 01, 2021. Reeves said the commercial rates will also increase by the same percentage and is reflected in the Commercial Rate Matrix: a copy in its entirety, is on file in the office of the City Secretary.

No action necessary and none taken.

**4. Review and Consider City of Port Lavaca's Annual Optional Homestead Tax Exemption within the Calhoun County Appraisal District for the 2021 Tax year.**

Interim City Manager Weaver advised Council that Jesse Hubbell, Chief Appraiser for the Calhoun County Appraisal District, had sent a letter with a chart showing the exemptions that were approved for the 2020 tax year. She said the City must notify the Calhoun County Appraisal District of any proposed changes for the 2021 tax year by March 31, 2021.

To help decide whether to make any changes, the tax loss due to the existing exemptions are shown below. Note that the Homestead percentage and the over 65 Local Option \$10,000.00 are optional and decided by the City. The disabled veteran exemptions are state mandated.

Note: Value Loss – (VL)

|                                              |                                |              |
|----------------------------------------------|--------------------------------|--------------|
| Tax Loss due to 10% homestead exemption*:    | \$26,674,598.00 (VL) x 0.7944= | \$211,903.01 |
| <i>*or \$5,000, whichever is greater</i>     |                                |              |
| Tax Loss due to \$10,000 deduct for 65/over: | \$8,688,932.00 (VL) x 0.7944=  | \$69,024.88  |
| Tax Loss for all Disabled Veterans:          |                                | \$35,239.27  |

|       |  |                     |
|-------|--|---------------------|
| TOTAL |  | <u>\$316,167.16</u> |
|-------|--|---------------------|

Weaver said the City has the option of changing the percentage of the homestead exemption anywhere from zero to 20%; however, it cannot go above 20%. She said if Council wishes to make a change, a new resolution must be adopted. She reminded Council that 2020 was the first year the City offered the 10% homestead exemption.

For additional information:

|                                                            |              |
|------------------------------------------------------------|--------------|
| A 20% exemption would double the Tax loss to an estimated: | \$423,806.02 |
| A 15% exemption would double the Tax loss to an estimated: | \$317,854.51 |

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

THAT, Council hereby approves a ten percent (10%) optional Homestead Tax Exemption in City of Port Lavaca for the 2021 tax year.

BE IT FURTHER RESOLVED that the Council hereby approves \$10,000 optional 65 and Over Tax Exemption in City of Port Lavaca for the 2021 tax year (the Disabled Veteran Tax Exemptions are State-mandated).

Motion made by Councilman District 6 Barr, Seconded by Councilman District 5 Ward.

Voting Yea:

Councilman District 1 Smith, 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 certification of City Secretary that all candidates in the May 01, 2021 General Officers Election are unopposed.**

The following was presented to City Council (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 01, 2021 general city election.

*(Yo, Mandy Grant, certifico 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 1 de mayo de 2021).*

I further certify that no proposition is to appear on the ballot for the May 01, 2021 election, no person has made a declaration of write-in candidacy, and all of the following candidates are unopposed:

*(Certifico más lejos que no hay asunto aparecer en la balota para la elección del 1 de mayo de 2021, ninguna persona he hecho una declaración de candidatura inscrita, y todos los candidatos siguientes son sin oposición):*

| OFFICE (CARGO)                                                            | CANDIDATE (CANDIDATO) |
|---------------------------------------------------------------------------|-----------------------|
| Council Member, District 2<br><i>(Miembro de consejo, del distrito 2)</i> | Tim Dent              |
| Council Member, District 6<br><i>(Miembro de consejo, del distrito 6)</i> | Ken Barr              |

No action necessary and none taken.

**6. Consider adopting an order cancelling the May 01, 2021 General Officers Election, specifically the Council Members, Single District #2 and #6 and further declaring the unopposed candidates duly elected.**

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 01, 2021 in accordance with Section 2.053(a) of the Texas Election Code. The named candidates have been certified as unopposed and are hereby declared elected:

*(El consejo de la ciudad de Port Lavaca, Texas cancela por este medio la elección programar para ser sostenido el 1 de mayo de 2021 de acuerdo con la sección 2.053 (a) del código de la elección de Texas. Han certificado como sin oposición y por este medio se declaran a los candidatos nombrados elegidos):*

| CANDIDATE (CANDIDATO) | OFFICE (OFICINA)                                                          | TERM (TÉRMINO)    |
|-----------------------|---------------------------------------------------------------------------|-------------------|
| Tim Dent              | Council Member, District #2<br><i>(Miembro de Conejos, distractor #2)</i> | 3 years<br>3 Años |
| Ken Barr              | Council Member, District #6<br><i>(Mambo de cones, districts #6)</i>      | 3 years<br>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).*

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

THAT, the General Officers Election including any proposition scheduled to be held on May 01, 2021, is hereby cancelled, in accordance with Section 2.053(a) of the Texas Election Code. The named candidates have been certified as unopposed and are hereby elected as follows:

|          |                             |                                          |       |        |
|----------|-----------------------------|------------------------------------------|-------|--------|
| Tim Dent | Council Member, District #2 | <i>(Miembro de consejo, distrito #2)</i> | 3 yrs | 3 años |
| Ken Barr | Council Member, District #6 | <i>(Miembro de consejo, distrito #6)</i> | 3 yrs | 3 años |

Motion made by Councilman District 1 Smith, Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron.

Voting Yea:

Councilman District 1 Smith, 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 agreement between the City of Port Lavaca and the Calhoun County YMCA for operation of the Municipal Swimming Pool from April 01, 2021 to September 30, 2021.**

Interim City Manager Weaver advised Council that staff is proposing to enter a contract with the YMCA to manage the City Pool for the period of April 01, 2021 to September 30, 2021. Michele Morales, Executive Director of the Calhoun County YMCA was also in attendance. The proposed contract is the same language as has been used in the past few years.

By way of a brief report on the operations in 2020:

- 1) The agreement states that the YMCA will give Port Lavaca residents priority in hiring decisions for lifeguards. Typically, the Y hires 14-16 lifeguards, but due to COVID they hired just 7 in 2020. All were Port Lavaca residents.
- 2) The Y passed all health and safety inspections in 2020.
- 3) Due to COVID, operations and available activities at the pool was very different.
  - No parties.
  - They had family swim on Tuesday and Thursday nights with limited use of only 45 community participants. Normally those nights bring in about 60-80 people for a \$2.00 fee. This is a Family swim only - it is not a drop off for kids. Families must swim together.
  - They did not offer water aerobics classes last year due to COVID. In normal times, that class is usually all senior citizens and can have over 65 participants on Tuesday and Thursday Evenings.
  - They also cancelled water walking, which is a free event to the community aerobics class which will have about 15-20 participants.

- They did not offer swim lessons last year either. Normally swim lesson has 15 kids in each session, but due to face-to-face contact those were not allowed.
  - The YMCA wants to expand the use of the Pool but last year that was not feasible due to COVID. They will monitor the situation this year and follow guidance provided by the YMCA with regard to COVID-19.
- 4) The Parks Department spent time and funds last year to reroof the building and make other improvements to the facility.

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 entering a contract with the Calhoun County YMCA of the Golden Crescent for the operation of the City Municipal Pool, a copy of which is on file in the office of the City Secretary, to be in effect from April 01, 2021 to September 30, 2021.

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

Motion made by Councilman District 5 Ward, Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron.

Voting Yea:

Councilman District 1 Smith, 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 recommendation of the Planning Board for approval of Final Plat of the Express Inn Subdivision.**

Development Services Director Carpenter advised Council to consider a final plat of the Express Inn Subdivision, located north of SH 35 and east of Village Road. She said the property identification for this site is 29097. The legal description for the proposed subdivision is 3.079-acres (134,125 sq. ft.), being a portion of the remainder of a called 19.322-acre tract of land conveyed to Port Lavaca Investors, LTD., recorded in volume 67, page 943 in official records of Calhoun County, Texas. She said this Final Plat request is compliant and will meet the City Code of Ordinances, Chapter 42 – Subdivisions and Plats, as presented.

Recommended conditions of approval are as follows:

- 1) Represent the 30-Foot Fire Lane - Emergency Access Easement on the face of the plat for recordation of the easement.
- 2) The fire department access road will need to have a width of 30 feet and be marked “**Fire Lane No Parking**”.
- 3) Ensure the Fire Department receives copies of any plans pertaining to sprinkler systems, fire alarms, and commercial kitchen suppression equipment.
- 4) Water service lines shall have TCEQ approved backflow prevention devices. Lift station specification guidelines can be collected at public works.
- 5) Comply with building permit processes upon plat approval and recordation.

The property has 2 existing easements along Highway 35 N dedicated to CPL and another for a mutual access to Whataburger. The plat includes 2 additional easements dedicated to the Fire Department at the east property line. These easements will be paved with a 20-foot concrete road to accommodate Fire Department vehicles.

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

THAT, in accordance with recommendation of the Planning Board and staff, Council hereby approves the Final Plat of the Express Inn Subdivision, as presented with recommended conditions above.

Motion made by Councilman District 2 Dent, Seconded by Councilman District 6 Barr.

Voting Yea:

Councilman District 1 Smith, 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 recommendation of the Planning Board for approval of Replat of part of Block 10 in Lynnhaven Addition, located on the west side of Houston Street.**

Development Services Director Carpenter advised Council to consider a replat of part of Block 10 in Lynnhaven Addition, located on the west side of Houston Street. The property identification for this site is 20065. The proposed legal description for the replat is, Part of Block 10 in Lynnhaven Addition to the city of Port Lavaca Recorded in Z/108 C.C.P.R Alejandro Esparza ½ League, Abstract No. 12 of Calhoun County, Texas. The total acreage for this replat is 0.78 acres. She said this Final Plat request is compliant and will meet the City Code of Ordinances, Chapter 42 – Subdivisions and Plats, as presented.

Recommended conditions of approval are as follows:

- 1) The sewer easement must be represented in the accurate location and dimensioned on the replat. Reference the recorded sewer easement information on the replat.
- 2) Comply with building permit processes upon replat approval and recordation.

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

THAT, in accordance with recommendation of the Planning Board and staff, Council hereby approves the Replat of part of Block 10 in Lynnhaven Addition, located on the west side of Houston Street, as presented with recommended conditions above.

Motion made by Councilman District 1 Smith, Seconded by Councilman District 3 Tippit.

Voting Yea:

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

10. **Consider First Reading of an Ordinance (G-2-21) of the City of Port Lavaca amending the Ordinance Codified and Described in the City of Port Lavaca Code of Ordinances as Chapter 12, Buildings and Building Regulations, Article II, Building Trade Codes, Section 12.20, Building Trade Codes-Adopted; Providing for Severability; Providing a Repealing Clause; and Providing an Effective Date.**

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 Ordinance No. G-2-21 on this the first reading.

Motion made by Councilman District 2 Dent, Seconded by Councilman District 5 Ward.

Voting Yea:

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

11. **Consider awarding a Street Striping project.**

Public Works Director Shaffer advised Council that several city streets are in need of restriping and presented the following list:

**Center Striping:**

- |                                                                                 |           |
|---------------------------------------------------------------------------------|-----------|
| • Seadrift Street from Main St. to Jackson Street                               | 1,840 Ft. |
| • Tilley Street with Stop bars at Half League and Virginia Street               | 2,933 Ft. |
| • Commerce Street from George Street to Newlin                                  | 2,160 Ft. |
| • Calhoun Street from Broadway Street to Massanet Street                        | 710 Ft.   |
| • Henry Barber Way with stop bars at Hwy 238 and Hwy 35                         | 5,458 Ft. |
| • Ash Street with stop bar at Virginia Street                                   | 1,131 Ft. |
| • Travis Street at Hwy 35 intersection on both sides with stop bars             | 1,650 Ft. |
| • West Wilson Street between 100 and 200 block with stop bar at Virginia Street | 890 Ft.   |

**Crosswalks:**

- Seadrift Street at Jackson Street
- Tangerine Street at Seadrift Street (Both entrances)
- Tilley Street at Half League
- Tilley Street at Trinity Street
- Tilley Street at Nueces Street
- 700 block North Nueces Street at Tilley Street
- 700 block North San Antonio Street at Tilley Street
- 700 block North Nueces Street at Tilley Street
- 700 block North Benavides Street at Tilley Street
- 700 block North Ann Street at Tilley Street
- Lighthouse Beach Road stop bar at Broadway Street
- Colorado Street on both sides of Virginia Street with stop bars at Virginia Street
- Guadalupe Street on both sides of Virginia Street with stop bars at Virginia Street

**Turning Lanes with appropriate arrows and wording:**

- Travis Street at Hwy 35 on both sides.
- West Wilson Street at Virginia Street
- Tiney Browning at Hwy 35
- Village Road at Hwy 35
- Half League at Hwy 35 on northbound side with stop bar

Shaffer said that the following quotes were obtained:

- Interstate Barricades Markings      \$ 33,790.00    San Antonio, Texas
- Clyde Kazmir Construction, Inc.      \$ 53,794.13    Edna, Texas

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 Street Striping Project, as presented, to Interstate Barricades Markings (San Antonio, Texas) in the amount of \$33,790.00.

Motion made by Councilman District 5 Ward, Seconded by Councilman District 2 Dent.

Voting Yea:

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

**12. Consider reviewing bids and consider award of construction contract for the New Parks Department Warehouse Building (Fire Insurance Proceeds).**

Public Works Director Shaffer advised Council the old warehouse had been destroyed by fire and the city had received fire insurance proceeds to assist in replacing the building. He said bids had been received for the construction of the new Parks Department Warehouse Building and they are as follows:

|               | <b>A&amp;A<br/>Constructors, Inc.</b> | <b>BLS<br/>Construction, Inc.</b> | <b>Rexco,<br/>Inc.</b> | <b>WP<br/>Construction<br/>***</b>                     |
|---------------|---------------------------------------|-----------------------------------|------------------------|--------------------------------------------------------|
| Bid Amount    | \$126,200.00                          | \$108,887.80                      | \$120,200.00           | \$115,150.00<br>***Amount minus<br>\$22,750 = \$94,400 |
| Calendar Days | 90                                    | 120                               | 90                     | 180                                                    |
| Addendum No.  | Yes / 1 & 2                           | Yes / 1 & 2                       | Yes / 1 & 2            | Yes / 1 & 2                                            |
| Bid Bond      | \$7,500.00<br>5.94%                   | \$5,444.39<br>5%                  | \$10,000.00<br>8.32%   | \$5,757.50<br>5%                                       |

**\*\*\*WP Construction:**

Overhead DOOR: Deduct \$22,750.00 for changing rolling steel doors with openers to sectional overhead doors with chain hoist:

|    |            |
|----|------------|
| \$ | 115,150.00 |
| \$ | 22,750.00  |
| \$ | 94,400.00  |

NOTE: The intention of the bid documents was to specify a sectional roll-up door with chain hoist. There was some confusion on the plans, so WP Construction has clarified their bid to reflect the difference in price between the two types of doors. Their bid for the scope of the bid documents is \$94,400.00. The Apparent Low Bidder is WP Construction of Inez, Texas. G&W Engineers has worked with them on a couple projects and gave them a very favorable review.

Staff recommends awarding the construction contract to WP Construction of Inez, Texas.

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 award of construction contract for the New Parks Department Warehouse Building, as presented, to WP Construction (Inez, Texas), in the amount of \$94,400.00 and 180 calendar days to complete from receipt of Notice to Proceed.

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

Motion made by Councilman District 5 Ward, Seconded by Councilman District 1 Smith.

Voting Yea:

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

**13. Consider Resolution No. R-030821-3 relating to the Opposition of Texas State Legislature (2021, 87th Regular Session) Bills to-wit: Senate Bill (SB 234) and House Bill (HB 749), by the City Council of the City of Port Lavaca on behalf of its residents.**

WHEREAS, SB 234 and HB 749 filed in the 87th Texas Legislature (2021) would prohibit local government funds from being used to join and support nonprofit associations that provide collective communication to state legislators; and

WHEREAS, most Texas local governments do not engage private lobbyists and only provide a minimal portion of membership dues to nonprofit associations for legislative communication; and

WHEREAS, "taxpayer-funded" lobbying by local governments account for less than 10 percent of total lobbying activity, while corporate and special interest lobbying interests make up 90 percent of total lobbying activity; and

WHEREAS, the State of Texas, the Texas Legislature, and state agencies actively employ large numbers of taxpayer-funded lobbyists to analyze and monitor the thousands of bills filed each legislative session and to advocate for its interests in Washington, yet these bills would deny local communities this same ability while continuing public support of state agency lobbying; and

WHEREAS, prohibiting Texas local governments from retaining experienced representation before federal and state legislative bodies and agencies would place our communities at a disadvantage in efforts to obtain and retain federal and state projects and military bases; and

WHEREAS, local government officials require the ability to express our positions and information through associations, form a unified voice on the issues important to our communities, and share the associated costs among all cities and other local governments; and

WHEREAS, it is a false claim that taxpayer-funded lobbying works against the interest of taxpayers. Indeed, a priority of local government and its "lobbying" effort is focused on ending the state and federal practice of passing unfunded mandates, which impose billions of dollars in increased taxes upon local property taxpayers annually; and

WHEREAS, smaller local governments especially need to be able to combine their resources through their associations to monitor the thousands of bills filed each legislative session and effectively present their unique issues to the state and federal government; and

WHEREAS, the prohibition in SB 234 and HB 749 would violate the basic principle of open and robust discussion and turn the halls of the Texas capitol into a one-sided conversation dominated by special interests.

NOW, THEREFORE, BE IT RESOLVED that the undersigned officials of the City of Port Lavaca do hereby express their opposition to SB 234 and HB 749 and its attempt to silence the combined voices of local government officials and local communities of this state.

Motion made by Councilman District 6 Barr, Seconded by Councilman District 1 Smith.

Voting Yea:

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

**14. Consider Resolution No. R-030821-1 of the City of Port Lavaca, Calhoun County, Texas proclaiming the month of April as Fair Housing Month.**

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.

Motion made by Councilman District 5 Ward, Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron.

Voting Yea:

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

**15. Consider Resolution No. R-030821-2 that authorizes submission of an application to the Texas Department of Agriculture for a 2021-2022 Texas Community Development Block Grant Program – Community Development Fund grant of up to \$350,000.00 and designates the City's authorized signatories for grant related activities.**

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 apply for funding under the Texas Community Development Block Grant Program.

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

That a Texas Community Development Block Grant Program application for the 2021-2022 Community Development Fund is hereby authorized to be filed on behalf of the City of Port Lavaca with the Texas Department of Agriculture.

That the City's application be placed in competition for funding under the 2021-2022 Community Development Fund.

That the application be up to \$350,000.00 of grant funds to provide wastewater system improvements.

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

The Mayor shall serve as the City's Chief Executive Officers and Authorized Representatives to execute this application and any subsequent contractual documents;

The Mayor and City Manager are authorized to execute environmental review documents between the Texas Department of Agriculture and the City; and

If this application is funded, the Mayor, Mayor Pro-Tern, City Manager, City Secretary, and City Finance Director are authorized to execute the Request for Payment Form documents and/or other forms required for requesting funds to reimburse project costs.

That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.

That it further be stated that the City of Port Lavaca is committing up to \$70,000 from its Public Utility Fund as a cash contribution toward the construction activities of the wastewater system improvements project.

Motion made by Councilman District 2 Dent, Seconded by Councilman District 1 Smith.

Voting Yea:

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

**16. Consider approval of temporary Financial Policy to allow adjustments of water bills with high consumption and approve waiver of permit fees for home repairs due to damages caused by winter storm.**

Interim City Manager Weaver advised Council of the following information:

GBRA pumped 6.1 Million gallons of water more to Port Lavaca in February than in the first 28 days of February last year. Looking at the pumping charts, nearly all this additional water can be attributed to the period of the freeze from Feb 15 thru Feb 21. We do not yet have the bill for February from GBRA, but we are estimating it will be \$10,000-\$15,000 more than what we would expect for a normal February.

I am proposing to establish a temporary financial policy whereby we will adjust any utility bill (residential or commercial) that results in a greater than Base Rate Bill due to excessive water use during the period from February 15 to February 21, 2021.

The proposed action plan is as follows:

Utility Billing will run an Abnormal Consumption Report (ACR) which will identify any water use above a customer's normal usage.

For each account identified in the ACR, Karen will look at their consumption during the period from February 15-February 21. Any identified excessive use during these days will not be included in the gallons billed.

This policy should result in no customer being billed for excessive water use caused by this extraordinary winter freeze disaster event. Beyond this proactive effort on the City's part, customer complaints about high or incorrect water bills will be handled as usual.

We recognize that the excessive water use resulting from this disaster event was not something generally in anyone's full control and therefore we do not wish to add any more financial burden to our water customers.

It is also recognized however, that adjusting these accounts will result in a loss of revenue to the Public Utility Fund, that would have been used to cover the cost to the City for this additional water. In order that the Public Utility Fund (PUF) is not negatively impacted by these actions, we are proposing to replace the lost revenue in the PUF by using funds from the available \$683,815 that the City received from the CARES ACT as reimbursement for eligible expenses. These reimbursement ~~dis~~ may now be used in any way as approved by Council. I am asking Council approval of this financial policy.

In addition, I am asking Council to waive all permit fees for residential repairs needed due to damage caused by this winter freeze disaster. As stated previously, minor repairs to residential water and sewer lines need only register their repair with the Permits Department, but this permit fee waiver would be in the event that a resident incurred damage to their home that required more extensive repairs.

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 temporary Financial Policy to allow adjustments of water bills with high consumption and approve waiver of permit fees for home repairs due to damages caused by winter storm.

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

Motion made by Councilman District 3 Tippit, Seconded by Councilman District 2 Dent.

Voting Yea:

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

**17. Consider extending parts of the Families First Coronavirus Response Act (FFCRA) related to COVID-19 Compensation Policy.**

Interim City Manager Weaver advised Council that until December 31, 2020, the Families First Coronavirus Response Act (FFCRA) required the City to provide paid sick leave for up to two weeks (80 hours) for employees that were unable to work because the employee was quarantined per Centers for Disease Control and Prevention (CDC) guidelines and/or experiencing COVID-19 symptoms. Weaver said that since the expiration of the FFCRA, there have been employees that have had COVID-19, it's symptoms or have had to quarantine for one reason or another to comply with CDC guidelines.

In all these cases, I am asking Council to consider all COVID related sick time given in 2020 over 80 hours and all that has occurred since January 1, 2021, as regular sick leave up until the point that the employee would have less than 48 hours of regular sick leave remaining available. This is one (1) work-week for most departments and four (4) twelve-hour (12-Hr) days for Police and Fire. Weaver requested Council to approve this policy and continue it through June 30, 2021.

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 extending parts of the Families First Coronavirus Response Act (FFCRA) related to COVID-19 Compensation Policy through June 30, 2021.

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

Motion made by Councilman District 3 Tippit, Seconded by Councilman District 5 Ward.

Voting Yea:

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

**18. 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).**

Mayor Whitlow announced that Council would retire into closed session at 7:55 p.m.

**19. Return to Open Session and take any action deemed necessary with regard to matters in closed session.**

Mayor Whitlow announced that Council was back in open session at 8:13 p.m. and there would be no action necessary with regard to matters in closed session.

**VII. ADJOURNMENT**

Mayor asked for motion to adjourn.

Motion made by Councilman District 5 Ward, Seconded by Councilman District 6 Barr.

Voting Yea:

Councilman District 1 Smith, 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 8:19 p.m.

ATTEST:

/s/Jack Whitlow, Mayor

/s/ Mandy Grant, City Secretary

## CERTIFICATION OF POSTING NOTICE

This is to Certify that the above foregoing notice of a Regular Meeting of the City Council of the City of Port Lavaca, Texas, to be held Monday, March 08, 2021 beginning at 6:30 p.m., was posted at City Hall, easily accessible to the Public, as of 5:00 p.m., Thursday, March 04, 2021.

/s/Mandy Grant, City Secretary

*The Port Lavaca City Hall and Council Chambers are wheelchair accessible. Access to the building is available at the primary north entrance facing Mahan Street. Special parking spaces are located in the Mahan Street parking area. In compliance with the Americans with Disabilities Act, the City of Port Lavaca will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact City Secretary Mandy Grant at (361) 552-9793 Ext. 230 for assistance.*