



CITY COUNCIL REGULAR MEETING

Monday, November 13, 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 13th day of November, 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 6:34 p.m. and presided.

III. INVOCATION

- Councilman Ward gave the invocation.

IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

V. PRESENTATION(S)

- There were no presentations.

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 citizens spoke.
 - Jason Boyd introduced himself to the Council and advised he was back in town and would be running for Sheriff.

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

- A. Minutes of October 09, 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. Ratify Port Commission lease for Spiretek, LLC for Nautical Landings Suite 2
- F. Ratify closure of street for the OLG Catholic Church's Thanksgiving Meal Drive-Thru on Sunday, November 05, 2023

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 Second and Final 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 the Council that the proposed ordinance is to add additional Traffic Control Signage (Stop Signs) in the La Salle landing subdivision. He said nothing had changed in the ordinance since the first reading. 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 @ Rauven 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 @ Rauven Drive (signage placed on the northside of Aimable St.)

Motion made by Councilman District 5 Ward

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-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 listed above, to said ordinance in said Section 3; Repealing Clause; and providing an effective date.

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 approval of Hahn Equipment Co., Inc., a sole source vendor, making repairs to the Main Lift station pump in the amount of \$29,690.42. Presenter is Wayne Shaffer**

Public Works Director Shaffer advised the Council that on September 19, 2023, Hahn Equipment Co., Inc., a sole provider vendor, was solicited to pull and derag pumps at Main Lift Station. When they pulled pump 1, it was discovered that the motor was locked up. Upon subsequent inspection and teardown, water was discovered in the oil. Further inspection determined that the bearings, rotor shaft, and stator were damaged as well. Given the status of this Station as an end-of-line station, these pumps see continuous operation. Subsequently, pump failures of this magnitude, while rare, do happen when debris such as rags and other "flushable items" clog impellers and volutes.

Hahn Equipment Company, Inc., located at 5636 Kansas in Houston, Texas is the only authorized Flygt distributor for the sale of Flygt pumps in SE Texas, which includes the City of Port Lavaca Texas. This not only includes the Flygt pumps but also Flygt authorized parts and service. Their staff is properly trained to provide the best possible service available. These terms of Hahn Equipment distribution contract with Flygt, a Xylem brand, are an ongoing partnership that has lasted for more than 40 years and is a continuing agreement.

Not repairing this pump could result in excessive sanitary sewer overflows and Texas Commission on Environmental Quality (TCEQ) violations and/or fines.

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 Hahn Equipment Co., Inc., a sole source vendor, making repairs to the Main Lift station pump in the amount of \$29,690.42.

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

3. **Consider approval of the Final Pay Request and Release of Retainage for the Community Development Block Grant – Disaster Relief (CDBG-DR) Phase 1 project. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that Pay Request #11 for the Community Development Block Grant – Disaster Relief (CDBG-DR) Phase 1 Project (S. Lavaca Street and S. Juanita Street Benefit Area) is the Final request and consists of the release of retainage being \$104,662.97. She presented a copy of the Certificate of Construction Completion dated November 01, 2023.

The Final Contract amount is \$2,093,259.05, which reflects a savings of \$74,941.00 from the original contract amount. The savings were due generally due to the reconciliation of as-built quantities and the elimination of the block sod and hydro mulch seeding.

All final paperwork has been submitted to Grantworks with the exception of the Final As-Built drawings which will be submitted to CivilCorp and Grantworks on Monday, November 13, 2023.

Very recently, after the final inspection, several areas were discovered as having small to large cracks forming in the hot-mix. This was brought up to CivilCorp who inspected the cracking and offered the following:

It is CivilCorp's opinion that the cracking was not a base failure but was due to varying moisture and resultant volume changes in the subgrade most likely due to the extended period of extreme heat and drought we experienced over this past summer. It seems that many areas in south Texas are experiencing this same issue.

CivilCorp's recommendation is to crack-seal by placing sand in the larger cracks (1/2" or wider) prior to sealing. This work would be performed in accordance with TxDOT Spec 712. The estimated cost of repair is \$9,000.00 which Lester Contracting, Inc. has offered to share this cost 50/50 with the City.

This repair work would not be warranty work and would be performed outside of the grant project, with the cost to the City being less than \$5,000.00.

Motion made by Councilman District 1 Aguirre

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 approval of the Final Pay Request and Release of Retainage, from Lester Contracting, Inc., for the Community Development Block Grant – Disaster Relief (CDBG-DR) Phase 1 project, in the amount of \$104,662.97.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute all instruments necessary to affect 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 declaring City property as Surplus, being 3 vehicles from the Public Works Department and 3 vehicles from the Fire Department and authorize Interim City Manager to dispose of such in a reasonable manner. Presenter is Jody Weaver**

Interim City Manager Weaver advised the Council that Public Works Department would like to declare three fleet vehicles (Units 253NVH, 24HHP4, and 253NVM) as surplus. These vehicles have been replaced with new vehicles per the Enterprise Agreement authorized in 2021. Notably, Calhoun County Precinct 2 is interested in the purchase of said vehicles.

Unit: 253NVH VIN: 3GCPNCEC0HG217691 Mileage: 47,929
Year/Make/Model: 2017 Chevrolet Silverado 1500 WT 4x2 Crew Cab 5.75 ft. box 143.5 in. WB
Fair Market Value as calculated by Enterprise (i.e. what we could expect at auction) - \$9,500.

Unit: 24HHP4 VIN: 1GB5CZCG4DZ221259 Mileage: 49,908
Year/Make/Model: 2013 Chevrolet Silverado 3500HD Work Truck 4x2 Extended Cab
Fair Market Value as calculated by Enterprise (i.e. what we could expect at auction) - \$ 10,500.

Unit: 253NVM VIN: 1GCNCPEXXCZ128953 Mileage: 120,907
Year/Make/Model: 2012 Chevrolet Silverado 1500 Work Truck 4x2 Regular Cab 6.6 ft.
Fair Market Value as calculated by Enterprise (i.e. what we could expect at auction) - \$2,000.

The Fire Department would like to declare three fleet vehicles (Units 24HHNC, 24HHPB, and 24HHP8) as surplus. These vehicles have been replaced with new vehicles per the Enterprise Agreement authorized in 2021. Notably, Calhoun County Independent School District is interested in the purchase of said vehicles.

Unit: 24HHNC VIN: IFT8W3BEA13098 Mileage: 26,115
 Year/Make/Model: 2011 Ford F-350 XL 4x4 SD Crew Cab Styleside 55 ft.
 Fair Market Value as calculated by Enterprise (i.e. what we could expect at auction) - \$6,500.

Unit: 24HHPB VIN: 1GCRCPEH2FZ364253 Mileage: 41,698
 Year/Make/Model: 2015 Chevrolet Silverado 1500 WT 4x2 DBLR Cab 6.6 ft. box 143.5 in. WB
 Fair Market Value as calculated by Enterprise (i.e. what we could expect at auction) –\$6,700.

Unit: 24HHP8 VIN: 1FTNF205X9EA35690 Mileage: 56,709
 Year/Make/Model: 2009 Ford F-250 XL 4x2 SD Regular Cab 8 ft. box 137 in. WB SRW
 Fair Market Value as calculated by Enterprise (i.e. what we could expect at auction) - \$1,000.

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 declares City property as Surplus, 3 vehicles (Units 253NVH, 24HHP4, and 253NVM) from the Public Works Department and 3 vehicles (Units 24HHNC, 24HHPB, and 24HHP8) from the Fire Department, as presented above.

BE IT FURTHER RESOLVED that the Interim City Manager is hereby authorized to dispose of such in a reasonable manner.

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 recommendation of the Port Commission to award construction contract to Lester Contracting, Inc. for the replacement of the Corporation Ditch Drainage culvert at the Harbor of Refuge. Presenter is Jody Weaver**

Interim City Manager advised Council that there is new information since the last Council meeting where this item was passed until the November regular meeting:

At the Port Commission meeting on October 17, 2023, the Port Commission voted 5 to 1 to recommend to Council to award a construction contract to Lester Contracting for this culvert replacement project. (Much of the discussion that led to this vote revolved around the many delays we have seen in getting access to awarded grant funds in the past and the added construction, engineering and administration costs involved with grants).

On October 20, 2023, the application for the use of our Community Development Block Grant – Mitigation (CDBG-MIT) allocation was submitted and did include replacing this culvert in the scope of the Corporation Ditch improvements.

On October 24, 2023, we did receive communication from Union Pacific that they take no exceptions to the use of the 12 ga. Helical pipe; therefore, we would be able to award the Alternate Bid No. 1 resulting in a contract amount of \$639,850.00.

Financial Impact:

As a reminder, Helena has offered to pay \$50,000.00 with no reimbursement or up to 25% of the construction cost to be reimbursed by the City over about 10+/- years.

To restate the dollars involved with the 12 ga helical lock seam:
Considering Helena's offer of 25% of \$639,850.00 = \$159,962.50
So, \$639,850.00 - \$300,000.00 budgeted in General Fund - \$159,962.50 = \$179,887.50 additional General Fund dollars needed now.

If we accepted just the \$50,000.00 now, then we would need an additional \$289,850.00.

The adopted 2023-2024 Fiscal Year (FY) budget provides \$1,958,995.00 of remaining General Fund balance for Capital Improvement Projects (CIP) and \$61,733.00 of remaining Port Revenue Fund balance for capital projects.

Recommendation:

The Port Commission has recommended that the Council award a construction contract to Lester Contracting, Inc., in the amount of \$639,850.00, for this culvert replacement project.

Motion made by Councilman District 1 Aguirre

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 awards construction contract to Lester Contracting, Inc. for the replacement of the Corporation Ditch Drainage culvert at the Harbor of Refuge, in the amount of \$639,850.00, contingent upon Helena agreeing to pay any costs in excess of the City's budgeted \$300,000.00.

BE IT FURTHER RESOLVED that Lester Contracting has agreed to extend this contract for 2 weeks, allowing time for the City and Helena to come to a financial agreement as to the responsibilities of each entity to fulfill this contracted project.

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

- 5. **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

Mayor Whitlow announced that the Council would retire into closed session at 7:12 p.m.

6. **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 7:45 p.m.

Action taken (see motion under agenda #5).

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

The meeting was adjourned at 7:50 p.m.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary