



CITY COUNCIL REGULAR MEETING

Monday, August 11, 2025 at 6:30 PM

City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

MINUTES

STATE OF TEXAS §
COUNTY OF CALHOUN §
CITY OF PORT LAVACA §

On this the 11th day of August 2025, the City Council of the City of Port Lavaca, Texas, convened in a regular session at 6:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following members in attendance:

I. ROLL CALL

Jack Whitlow	Mayor
Daniel Aguirre	Councilman, District 1
Tim Dent	Councilman, District 2
Allen Tippet	Councilman, District 3
Rosie G. Padron	Councilwoman, District 4, Mayor Pro Tem
Rose Bland-Stewart	Councilwoman, District 5
Justin Burke	Councilman, District 6

And with the following absent: None

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

II. CALL TO ORDER

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

III. INVOCATION

- Councilwoman District 5 Bland-Stewart gave the invocation.

IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

V. PRESENTATION(S) BY THE MAYOR

VI. COMMENTS FROM THE PUBLIC - *Limited to 3 minutes per individual unless permission to speak longer is received in advance. You may make public comments as you would at a meeting on Zoom by logging on with your computer and/or smart phone as described in the zoom invitation below or on Facebook Live through the comment section, which will be monitored and answered. As appropriate.*

- Mayor asked for comments from the public and there were none -OR- the following citizens spoke:
 - Irene Paiz De La Cruz, 2291 FM 1679, Port Lavaca, Ashley Field concession stand and question of who owns the park
 - Felicia Harbal, 114 Del Mar Dr. Port Lavaca, Damaged Storm Drain damaging her home and property and also commented on the Dog Park

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

- A. Minutes of July 07, 2025 Special Meeting and Workshop Session
- B. Minutes of July 07, 2025 Workshop Session (Supplemental Agenda)
- C. Minutes of July 14, 2025 Regular Meeting
- D. Minutes of July 14, 2025 Regular Meeting (Supplemental Agenda)
- E. Minutes of July 21, 2025 Special Meeting and Workshop Session
- F. Minutes of July 28, 2025 Workshop Session
- G. Review of Credit Card Statement
- H. Receive Monthly Financial Highlight Report
- I. Review Quarterly Investment Report (April 01, 2025 thru June 30, 2025)
- J. Consider Certification of Additional Sales and Use Tax
- K. Receive Employee Training Review Acknowledgment report ending 07.31.2025
- L. Receive Victoria Economic Development Corporation (VEDC) Monthly Report
- M. Ratify Participation in the New National Opioids Settlement: Purdue Estate
- N. Ratify City Harbor Lease Tracts 3,4,5,6,12 (799 LF of dockage to Miller's Seafood Co., Inc.

Councilman Dent requested consent agenda item "N" City Harbor Lease Tracts 3,4,5,6,12 (799 LF of dockage to Miller's Seafood Co., Inc, be pulled for discussion.

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 all consent agenda items, with the exception of item "N" City Harbor Lease Tracts 3,4,5,6,12 (799 LF of dockage to Miller's Seafood Co., Inc, as listed.

Seconded by Councilman District 3 Tippit

Voting Yea:

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

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 consent agenda item “N” City Harbor Lease Tracts 3,4,5,6,12 (799 LF of dockage to Miller’s Seafood Co., Inc, as listed.

Seconded by Councilman District 3 Tippit

Voting Yea:

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

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

1. **Conduct Public Hearing in accordance with the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, Section 12-291 - Notice (a) and (b), for the following properties listed:**
 - a) **115 Bowie Street**
 - b) **419 S. Nueces Street**
 - c) **1106 Marcus Navarro**

Mayor opened Public Hearing at 6:52 p.m.

Mayor closed Public Hearing at 7:11 p.m.

No action necessary and none taken.

2. **Consider finding that the following properties listed, located in the City of Port Lavaca, Texas, are in violation of the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, following a Public Hearing held on August 11, 2025:**
 - a) **115 Bowie Street**
 - b) **419 S. Nueces Street**
 - c) **1106 Marcus Navarro**

(a) 115 Bowie Street

Development Services Director Smith advised Council that the property has been in poor condition for quite some time. The City has had to clean the back yard of this property and remove a fallen over shed in the process of maintaining the back yard on or around 07/01/2024 at the cost of \$924.59. This remains unpaid however, the grass has been fairly well maintained since. This Property hasn't had water since 07/16/2021.

Staff recommends giving the property owner 90 days to bring the property into compliance or city shall proceed with demolition and to place a lien on the property

Mr. Phoenix N. Henderson, Property Owner of 115 Bowie Street, was in attendance and addressed Council about this property.

Motion made by Councilwoman District 5 Bland-Stewart

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 finds that the following property listed, 115 Bowie Street, located in the City of Port Lavaca, Texas, is in violation of the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, following a Public Hearing held on August 11, 2025:

BE IT FURTHER RESOLVED, THAT this property is hereby declared substandard and will allow the property owner ninety (90) days to work with Development Services to arrive at a written renovation plan and if no such plan is executed, then Council authorizes staff to proceed with demolition and if necessary, place a lien on the property.

Seconded by Councilman District 6 Burke

Voting Yea:

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

(b) 419 S. Nueces Street

Development Services Director Smith advised Council that this property is unsecured and in an extreme state of disrepair. The property owner spoke with our department with intent to demolish and to date no improvements have been made. The last time he spoke with this department was January of 2025. This property has not had water since 2023.

Staff recommends giving the property owner 90 days to bring the property into compliance or city shall proceed with demolition and to place a lien on the property.

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 finds that the following property listed, 419 S. Nueces Street, located in the City of Port Lavaca, Texas, is in violation of the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, following a Public Hearing held on August 11, 2025:

BE IT FURTHER RESOLVED, THAT this property is hereby declared substandard and will allow the property owner thirty (30) days to bring the property into compliance, and if not, then Council authorizes staff to proceed with demolition and if necessary, place a lien on the property.

Seconded by Councilwoman District 5 Bland-Stewart

Voting Yea:

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

(c) 1106 Marcus Navarro Street

Development Services Director Smith advised Council that a letter was sent approximately 3 months ago and Code Enforcement has not received any sort of response from the property owner. This property owner has been in our office regarding this trailer and others several times in the last year. This trailer is extremely damaged, and the property is poorly maintained.

Staff recommends giving the property owner thirty (30) days to bring the property into compliance or city shall proceed with demolition and to place a lien on the property.

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

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 finds that the following property listed, 1106 Marcus Navarro Street, located in the City of Port Lavaca, Texas, is in violation of the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, following a Public Hearing held on August 11, 2025:

BE IT FURTHER RESOLVED, THAT this property is hereby declared substandard and will allow the property owner thirty (30) days to bring the property into compliance, and if not, then Council authorizes staff to proceed with demolition and if necessary, place a lien on the property.

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

3. **Receive Budget Report from Undine, LLC for the Port Lavaca Water Treatment Plant for the 2025-2026 Fiscal Year. Presenter is Jody Weaver**

Interim City Manager Weaver presented Council a Budget Report from Undine, LLC for the Port Lavaca Water Treatment Plant for the 2025-2026 Fiscal Year.

Interim City Manager Weaver advised Council that in accordance with the Water Supply Contract with Undine, no later than July 30 each year they are to prepare a preliminary annual budget with estimated costs of operation, maintenance and repair of the Plant for the next Fiscal Year.

I received the budget on July 29. The overall operating budget increased by 6.5% over the 2024-25 preliminary budget, however our share has increased from 66.67% to 80% now that Port O'Connor is not contracted with them for water. The contract reads "The Treatment Charge for the City shall equal to the Committed Volume of the City as a percentage of the total committed regulatory capacity of Treated Water for all Participants multiplied by the total revenue from the delivery of Treated Water to all participants to achieve the Agreed upon operating Margin on the Annual Plant Budget. " So currently the regulatory capacity of all participants equals our 4.0 MGD + 1.0MGD for the Calhoun County Rural Water, so our share is now 80%. This proposed budget would result in an increase of the Required Revenue of \$623,134 or about \$11.46 per customer per month.

I obviously challenged this nearly 30% increase. After careful thought, Undine has offered to reduce the percentage to 73.34% instead of 80%. This will result in a needed increase of \$6.95/customer per month.

I did share with Undine our ongoing concern about the level of Total Trihalomethanes in the treated water. She reported that they have a consultant working on a solution to reduce those levels and she will submit a written summary of their action plan to me soon

Motion made by Councilman District 2 Dent

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

THAT, Council hereby approves Budget Report from Undine, LLC for the Port Lavaca Water Treatment Plant for the 2025-2026 Fiscal Year.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

4. **Consider appointment/reappointment of member(s) to the Recreation and Parks Board to fill a vacancy and/or start a new term of two (2) years. Presenter is Wayne Shaffer**

Public Works Director Shaffer advised Council that the Recreation and Parks Board has a term that will expire in August 2025 for Mary Lou Tharling. She has requested to be reappointed to the Recreation and Parks Board by submitting a letter of interest. There are no term limits established and the full term is for a period of two (2) years.

Staff recommends reappointment of Mary Lou Tharling to the Recreation and Parks Board to serve a new term

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 reappointment of Mary Lou Tharling to the Recreation and Parks Board to serve a new two-year term.

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

5. **Consider appointment of new member to the Port Commission to complete Mike McGuire's two-year term until May 2027. Presenter is Jim Rudellat**

Harbor Master Rudellat reminded Council that they had reappointed Mike McGuire to the Port Commission at the regular scheduled council meeting on May 12, 2025 to serve until May 2027. Mr. McGuire has unfortunately passed away in July 2025. Louis Rubio has expressed a desire to be appointed to the Port Commission and serve out Mr. McGuire's term until May of 2027.

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 appointment of Louis Rubio to the Port Commission to serve out Mike McGuire's two-year term until May 2027.

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

6. **Consider appointment/reappointment of member(s) to the Planning Board to fill a vacancy and/or start a new term of two (2) years. Presenter is Derrick Smith**

Development Services Director Smith advised Council that Sheryl Cuellar's term with the Planning Board expired September 2025. Ms. Cuellar has expressed interest in another full-term appointment on the board. Ms. Cuellar brings valuable insights to the board and is well valued.

There are no term limits established and the full term is for a period of two (2) years.

Staff recommends reappointment of Sheryl Cuellar to the Planning Board to serve a new term.

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 reappointment of Sheryl Cuellar to the Planning Board to serve a new two-year term.

Seconded by Councilwoman District 5 Bland-Stewart

Voting Yea:

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

7. **Consider appointment of member(s) to the Building and Standards Commission to fill a vacancy and/or start a new term of two (2) years. Presenter is Derrick Smith**

Development Services Director Smith reminded Council that they had approved the creation of a Building and Standards Commission to address substandard buildings and properties. After approval of the commission, our office has received several citizens that are interested in being on the commission. I had looked at when the City of Victoria Building and Standards schedules their meetings and shared this with some of the interested citizens. We came to a consensus to mimic the same time and also agreed upon a date. The potential members agreed that the meeting should be every third Wednesday at 3:30 P.M.

As previously conducted by the council, the purpose of the hearings will be to assess compliance and abate violations of the City's Substandard Building Ordinance. The Commission may fine and order action to abate nuisance conditions and violations of the City's minimum property standards. The commission will make up of five members and up to eight alternates. The following citizens have requested to be on the commission:

1. Luis De La Garza
2. Annette Alonzo
3. Weston Burris
4. Jeff Downs
5. Steve Marwitz
6. Billy McAfee
7. Ken Barr
8. Larry Nichols (asked to be an alternate)

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 extending the Building and Standards Commission to nine (9) members, approves appointment of the following slate of names to the Building and Standards Commission to start a new two (2) year term.

1. Luis De La Garza
2. Annette Alonzo
3. Weston Burris
4. Jeff Downs
5. Steve Marwitz
6. Billy McAfee
7. Ken Barr
8. Larry Nichols
9. Thomas Garbe

Seconded by Councilman District 3 Tippit

Voting Yea:

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

8. **Consider request of the Events Committee for the Mayor to establish an Ad Hoc Committee to explore the feasibility and logistics of moving forward with “Miles by the Bay” Half-marathon and assign the Police Chief and the Public Works Director to this working group. Presenter is Tania French**

Events Coordinator Tania French advised Council that Andy Cardona and Daniel Leita have approached me with a proposal to host a half-marathon in Calhoun County on Saturday, March 21, 2026. Tentatively titled “Miles by the Bay,” the envisioned 13.1-mile route would begin at the Bayfront in Point Comfort and travel across the causeway, through Lighthouse Beach Park, various parts of Port Lavaca including Chocolate Bayou Park, and ultimately end back at Lighthouse Beach. The proposed course spans multiple jurisdictions, including the Cities of Port Lavaca and Point Comfort, Calhoun County, and requires TxDOT approval as the route involves four state-maintained roadways: Hwy. 35, Hwy. 87, FM 238, and FM 1090.

Given the complexity and early stage of this concept, my recommendation is to request conceptual approval from each jurisdiction to explore the logistics of this event further. Specifically, I am requesting City Council’s approval to work collaboratively with the following agencies to develop a traffic control and logistics plan:

- Port Lavaca Police Department
- Calhoun County Sheriff's Office
- Point Comfort Police Department
- Port Lavaca Public Works

As planning progresses, we anticipate involvement from:

- Port Lavaca Fire Department
- Calhoun County EMS

Andy and Daniel understand that the event will need to meet all insurance and liability requirements and are committed to working with each entity to ensure full compliance.

An event of this nature has the potential to bring positive visibility and overnight visitors to our area, with runners and their families expected to book local hotel accommodations the night before the early morning race.

At this time, I am asking Council to approve the formation of a working group to explore the feasibility and logistics of moving forward with "Miles by the Bay" Half-Marathon and assign the Port Lavaca Police Chief and Port Lavaca Public Works Director to this working group.

Once a proposed traffic control and operations plan is developed, it will be brought back to Council for formal consideration and approval. At that time, we may also request a waiver of facility use fees for the Bayfront Park Pavilion area.

This request to Council is the first step in the process, to be followed by similar requests to the Calhoun County Commissioner's Court and the Point Comfort City Council.

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 the Mayor to establish an Ad Hoc Committee to explore the feasibility and logistics of moving forward with "Miles by the Bay" Half-marathon to consist of the following members:

- 1) Police Chief and/or designee;
- 2) Public Works Director and/or designee;
- 3) Andy Cardona;
- 4) Daniel Leita; and
- 5) Tania French.

Seconded by Councilman District 3 Tippit

Voting Yea:

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

9. **Consider Contract Extension of Professional Administration and Engineering Services CDBG MIT Coastal Resiliency Infrastructure Grant Program, Contract No.22-087-001-D226. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the City of Port Lavaca is currently a sub-recipient of the Community Development Block Grant Mitigation (CDBG-MIT) Coastal Resiliency Program, which received funds in the amount of \$13,645,005.00, which will allow the City of Port Lavaca to construct breakwater/living shorelines and enhance the shorelines by creating marsh habitats and oyster reef-fish habitats.

Due to unforeseen circumstances, long awaiting the environmental permit, the initial contract with GLO has expired. After applying for the extension, the City was granted the extension of the contract until January 31, 2027.

Hence, consider contract amendment for professional administrative services, KSBR LLC, and professional engineering services, Mott MacDonald LLC, until the time the grant funding expires, which is January 31, 2027.

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 the recommendation of staff, Council hereby approves Contract Extension of Professional Administration and Engineering Services CDBG MIT Coastal Resiliency Infrastructure Grant Program, Contract No.22-087-001-D226, as presented.

BE IT FURTHER RESOLVED, THAT the Mayor is hereby authorized to execute all instruments necessary to affect such agreement.

Seconded by Councilman District 6 Burke

Voting Yea:

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

10. **Consider approval of Change Order No. 5, for the Water System Improvements Project, Certificate of Construction Completion and authorize release of Retainage and Final Payment. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the contract time on this project expired on April 28, 2025. As you recall Council approved Change Order No. 4 in February, which provided an additional 120 days to complete the project (for a total 538 days) to a completion date of April 28, 2025. A Walk-thru inspection was performed on April 29, but there was still a list of items lacking, including delivery of the motor operated valves, so a Substantial Completion Certificate could not be executed.

After a Final inspection on June 24, 2025, AECOM issued a Notice of Substantial Completion on June 25, 2025.

JTR Construction has submitted the following documents:

- A Request dated June 26 to extend the contract from April 28 to July 3.
- An email dated August 6 with more detail information regarding the delays encountered which resulted in a delay in completion.
- The Final Pay Request Affidavit of All Bills Paid
- Waiver and Lien Release upon Final Payment

AECOM has prepared the following documents:

- Construction Change Order No. 5 to extend the contract time to July 3, 2025 and reconcile the quantities in the project which provides a DEDUCTION in the contract amount of \$14,250.00.
- A Certificate of Construction Completion.

As part of Change Order No. 5, JTR Construction submitted a request to extend the contract to July 3rd. The project was actually considered Substantially complete on June 25, 2025. This is 57 days after April 28. The request provided no reason or justification for the additional time, but in discussions with Wayne and the project engineer it seemed that there were material deliveries beyond their control which contributed to the delay in completion. I therefore urged JTR to provide more detail reasons to back up their request for an extension, which I received on August 6 and is attached. With this correspondence, they also sent many emails from their supplier to show their consistent questioning and petitioning of their supplier for delivery of the motor operated valves.

The contract does provide for liquidated damages in the amount of \$300/day. ($\$300 \times 57 = \$17,100.00$).

However, after reviewing this correspondence and discussing it with the project engineer and Wayne, it is my recommendation to approve Change Order No. 5 as presented with the additional contract days and authorize the release of retainage and approve payment of the final invoice in the amount of \$429,538.80.

Motion made by Councilwoman District 5 Bland-Stewart

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 Change Order No. 5, for the Water System Improvements Project, Certificate of Construction Completion and authorize release of Retainage and Final Payment in the amount of \$429,538.80, as presented.

BE IT FURTHER RESOLVED, THAT the Mayor is hereby authorized to execute all instruments necessary to affect such agreement.

Seconded by Councilman District 3 Tippit

Voting Yea:

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

11. **Consider Resolution No. R-081125-1 of the City of Port Lavaca for adoption of the Federal Emergency Management Agency (FEMA) approved Calhoun County Multi-Jurisdictional Hazard Mitigation Plan (HMP). Presenter is Jody Weaver**

Motion made by Councilman District 2 Dent

WHEREAS, Calhoun County (County) has drafted the Calhoun County Multi-Jurisdictional Hazard Mitigation Plan (HMP) to prepare and mitigate against natural hazards and risks that can result in the loss of life, property, and damages in the community; and

WHEREAS, the Hazard Mitigation plan includes the surrounding jurisdictions of Point Comfort, Port Lavaca, and Seadrift; and

WHEREAS, the Federal Disaster Mitigation Act of 2000 and the Federal Emergency Management Agency (FEMA) require all communities to have an approved HMP in place to be eligible for federal funding for mitigation purposes; and it is mandatory to review and update the local Hazard Mitigation Plans every five years; and

WHEREAS, the City of Port Lavaca (City) has assessed the potential risks and hazards to its community and remains committed to ongoing planning efforts to create a sustainable community and reduce the long-term impacts of natural and man-made hazards; and

WHEREAS, along with other jurisdictions mentioned in the HMP, the City has reviewed and contributed to its updates, which outline a vision, goals, and objectives, assess risks from various hazards, and identify strategies and actions for risk reduction against community-threatening hazards; and

WHEREAS, the City and all other jurisdictions recently approved the updated HMP to submit it to FEMA for approval, and FEMA has officially approved the County's updated HMP; and

WHEREAS, the City seeks to adopt the FEMA-approved updated HMP plan, which is set to expire on June 29, 2030.

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

THAT, the updated HMP, along with any updates, is adopted in its entirety; and

- The City will pursue available funding opportunities for the implementation of the mitigation activities outlined therein. Upon receipt of such funding or other necessary resources, the City will seek to execute the actions contained within the mitigation strategies.

- The City delegates to the City Mayor the responsibility, authority, and means to inform all relevant parties of this action, ensure that the Hazard Mitigation Plan Update is reviewed at least annually, and present any necessary adjustments to the Commissioners Court for consideration.
- The City commits to undertaking any other actions deemed necessary to fulfill the objectives of the Hazard Mitigation Plan (HMP) and will report on progress as required by the Federal Emergency Management Agency (FEMA) and the Texas Division of Emergency Management (TDEM).

Seconded by Councilman District 6 Burke

Voting Yea:

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

12. **Consider Resolution No. R-081125-2 of the City of Port Lavaca adopting an update to the City of Port Lavaca's written Hazard Communication Program. Presenter is Jody Weaver**

Motion made by Councilman District 6 Burke

WHEREAS, the City of Port Lavaca is a Home Rule City in the State of Texas and is committed to providing a safe and healthy workplace for its employees; and

WHEREAS, the Texas Hazard Communication Act requires all public employers in Texas to provide their employees with information regarding hazardous chemicals to which employees may be exposed in their workplace; and

WHEREAS, the City of Port Lavaca finds it necessary to update portions of the City's Written Hazard Communication Program, in order to reflect current operations and stay in compliance with the law; and

WHEREAS, City staff has prepared such updated Written Hazard Communication Program document for Council review and approval.

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

THAT, it approves the update to the City of Port Lavaca Hazard Communication Program dated August 11, 2025 and directs that such program document be added to the City of Port Lavaca HR and Workplace Policies.

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

13. **Consider Resolution No. R-081125-3 of the City of Port Lavaca to support the Film Friendly Texas program and establish the City of Port Lavaca Film Friendly Guidelines. Presenter is Jody Weaver**

Motion made by Councilman District 2 Dent

WHEREAS, the Film Friendly Texas program, established in 2007 by the Texas Film Commission, promotes media production in Texas; and

WHEREAS, the program equips communities to accommodate media production and engage local businesses; and

WHEREAS, media production benefits local economies, creating jobs and boosting small businesses; and

WHEREAS, the Film Friendly Texas Program enhances relationships between media professionals and communities; and

WHEREAS, the Texas Film Commission efficiently connects opportunities to its certified communities; and

WHEREAS, the City of Port Lavaca desires to establish Film Friendly Guidelines in support of the Film Friendly Texas Program.

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

THAT, It endorses and supports the Film Friendly Texas Program for its economic and cultural contributions and establishes the City of Port Lavaca Film Friendly Guidelines.

SECTION 1. That the attached Exhibit "A" City of Port Lavaca Film Friendly Guidelines are hereby approved.

SECTION 2. This Resolution shall take effect immediately from and after its passage.

Seconded by Councilman District 3 Tippit

Voting Yea:

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

14. **Consider Second and Final reading of an Ordinance (G-8-25) of the City of Port Lavaca amending the basic Traffic Control Devices Ordinance G-6-86, Section 3, by adding traffic control signs in Brookhollow Subdivision; Repeal Clause and effective date. Presenter is Colin Rangnow**

Motion made by Councilman District 6 Burke

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

THAT, in accordance with the recommendation of staff, Council hereby approves Second and Final reading of an Ordinance (G-8-25) of the City of Port Lavaca amending the basic Traffic Control Devices Ordinance G-6-86, Section 3, by adding traffic control signs in Brookhollow Subdivision.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

15. **Consider First reading of an Ordinance (S-3-25) of the City of Port Lavaca for amendment(s) to the Base Ordinance S-2-24 for 2024-2025 fiscal year budget; providing for Budget Amendment(s); providing for severability, repealing all ordinances in conflict and establishing an effective date**

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 the recommendation of staff, Council hereby approves First reading of an Ordinance (S-3-25) of the City of Port Lavaca for amendment(s) to the Base Ordinance S-2-24 for 2024-2025 fiscal year budget; providing for Budget Amendment(s).

Seconded by Councilman District 6 Burke

Voting Yea:

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

16. **Consider First reading of an Ordinance (G-9-25) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Charges, Chapter 2 Administration; Chapter 8 Amusements and Entertainments, Sec. 8-28; Chapter 50, Sec. 50-67 Utilities - Water User Rates – GBRA, Residential and Commercial; Chapter 54 Waterways; and providing an effective date. Presenter is Jody Weaver**

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 the recommendation of staff, Council hereby approves First reading of an Ordinance (G-9-25) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes, Chapter 2 Administration; Chapter 8 Amusements and Entertainments, Sec. 8-28; Chapter 50, Sec. 50-67 Utilities - Water User Rates – GBRA, Residential and Commercial; Chapter 54 Waterways.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

Voting Nay:

Councilman District 6 Burke

17. **Consider First reading of an Ordinance (G-10-25) of the City of Port Lavaca amending the Ordinance codified and described in the City of Port Lavaca's Code of Ordinances as Chapter 54 Waterways; Establishing an Appendix "B" for the Tariff Circular 1-A; providing for purpose of ordinance, providing for severability; providing a repealing clause; and providing effective date. Presenter is Jody Weaver**

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 the recommendation of staff, Council hereby approves First reading of an Ordinance (G-10-25) of the City of Port Lavaca amending the Ordinance codified and described in the City of Port Lavaca's Code of Ordinances as Chapter 54 Waterways; Establishing an Appendix "B" for the Tariff Circular 1-A.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

18. **Consider First reading of an Ordinance (G-11-25) of the City of Port Lavaca amending the Ordinance codified and described in the City of Port Lavaca's Code of Ordinances as Chapter 12 Buildings and Building Regulations, Article VI Requirements for Owners of Residential Properties used as Short-Term Rentals; providing for purpose of ordinance, providing for severability; providing a repealing clause; and providing an effective date. Presenter is Derrick Smith**

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 the recommendation of staff, Council hereby approves First reading of an Ordinance (G-11-25) of the City of Port Lavaca amending the Ordinance codified and described in the City of Port Lavaca's Code of Ordinances as Chapter 12 Buildings and Building Regulations, Article VI Requirements for Owners of Residential Properties used as Short-Term Rentals, continent on the following change:

- **From this wording:**

Sec. 12-353.-Registration and Permit

(a) *Registration Required:* Prior to using a dwelling unit as a Short-Term Rental or advertising in any manner the availability of the dwelling unit for Short-Term Rental use, the operator must submit the following information on a form and in the manner prescribed by the Director:

- **To the following:**

Sec. 12-353.-Registration and Permit

(a) *Registration Required:* Prior to using a dwelling unit as a Short-Term Rental or advertising in any manner the availability of the dwelling unit for Short-Term Rental use, the operator must submit the following information on a form provided:

Seconded by Councilwoman District 5 Bland-Stewart

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 5 Bland-Stewart, Councilman District 6 Burke

Voting Nay:

Councilwoman District 4 (Mayor Pro Tem) Padron

Council retired to a break at 8:55 p.m.

Council returned from break at 9:03 p.m.

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

Mayor Whitlow announced that Council would retire into closed session at 9:03 p.m.

20. **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 9:18 p.m.

No action necessary and none taken.

IX. ADJOURNMENT

Mayor asked for motion to adjourn.

Motion made by Councilman District 2 Dent

Seconded by Councilman District 6 Burke

Voting Yea:

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

Meeting adjourned at 9:18 p.m.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary