



## CITY COUNCIL REGULAR MEETING

Monday, January 10, 2022 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 10<sup>th</sup> day of January, 2022, 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
Jerry Smith	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 6:34p.m. and presided.

#### III. INVOCATION

- Councilman Ward 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.

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

- A. Minutes of December 13, 2021 Regular Meeting**
- B. Minutes of December 20, 2021 Special Meeting**
- C. Payment of Invoices Exceeding \$1,500**
- D. Receive monthly Financial Highlight Report**
- E. Ratify Lease of Tracts 17 and 17Ar at the Harbor of Refuge to Encore Dredging, LLC**
- F. Ratify Resolution No. R-122021-1 of the City of Port Lavaca to adopt Redistricting Plan "A" Map based on the 2020 U.S. Census**

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 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

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

- Consider proposals from Republic to extend the current Solid Waste Collection Contract between BFI Waste Services of Texas, L.P. dba Republic Services of Corpus Christi and the City of Port Lavaca. Presenter is Mike Reeves**

Interim City Manager Weaver advised Council that the Republic Solid Waste Collection and Disposal contract expires on November 30, 2022 per the 2<sup>nd</sup> amendment to the Contract. Per the 3<sup>rd</sup> amendment, their contract fee automatically increases by 3% each year on February 1<sup>st</sup>, beginning in 2019. A 3% increase on February 1, 2022 would be 53 cents and another 3% increase on February 1 of 2023 would be another 54 cents (total \$1.07). The general consensus at the December 13, 2021 Council meeting seemed to be to extend the Republic contract.

Mr. Robert Bradley and Mr. Mike Reeves of Republic were in attendance and advised Council that the proposed following options were open for consideration between the City and Republic. These changes are for residential only and the pricing is subject to Area approval.

**Current Service:** \$17.53 per home, per month

- 2X per week waste collection
- 1X per month brush & bulky waste collection (5 cu yards)

**Option 1: 3 Year Extension (No price change)**

- 2X per week waste collection
- 1X month brush & bulky waste collection (5 cu yards)
- Waive residential CPI portion for 1 year (2022)

**Option 2: 5 Year Extension (No price change)**

- 2X per week waste collection
- 1X per month brush & bulky collection (5 cu yards)
- Waive residential CPI portion for 2 years (2022-2023)

**Option 3: 3 Year Extension Enhanced (\$3.00 increase)**

- 2X per week waste collection
- 1X per month brush & bulky collection (12 cu yards)
- Light construction included with bulk

**Option 4: 5 Year Extension Enhanced (\$2.00 increase)**

- 2X per week waste
- 1X per monthly brush & bulky (12 cu yard)
- Light construction included with bulk

*(Note: The minimum extension Republic will accept is 3 years. A vote for either a 3-year or a 5-year extension will stop the 3% increase from kicking in on February 1, per Amendment 3. Under a 4<sup>th</sup> amendment to the contract, future increases would still be a fixed amount, but most likely close to 3.5% or 4%).*

Motion made by Councilman District 6 Barr

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

THAT, Council hereby approves proposal from Republic to extend the current Solid Waste Collection Contract between BFI Waste Services of Texas, L.P. dba Republic Services of Corpus Christi and the City of Port Lavaca described as Option 4, for a five (5) Year Extension Enhanced (\$2.00 increase) including 2X per week waste, 1X per monthly brush & bulky (12 cu yard) and Light construction included with bulk.

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

Seconded by Councilman District 1 Smith

Voting Yea:

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

Voting Nay:

Councilman District 2 Dent, Councilman District 3 Tippit,

2. **Consider Second Amendment to the Consultant Services Agreement between the City of Port Lavaca and Muniservices, LLC for Sales Tax Compliance Review. Presenter is Susan Lang**

Finance Director Lang advised Council that MuniServices, LLC. provides a Sales Tax Compliance Review for the City. This review is designed to assist the City in preserving and enhancing its sales and use tax revenues by detecting, documenting and correcting sales tax misallocations. She said MuniServices, LLC. requests to extend the term of the current Agreement for an additional one-year period through February 07, 2023. Staff recommends Council approve request.

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 accepts and approves Amendment No. 2 to the Sales Tax Compliance Review Agreement between the City of Port Lavaca and MuniServices, LLC. to extend the term of the current Agreement for an additional one-year period through February 07, 2023.

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

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

3. **Consider Resolution No. R-011022-1E for establishing provisions for conduct for the City of Port Lavaca General Officers Election held on the uniform date of May 07, 2022 and authorize Mayor to issue Order of Election. Presenter is Mandy Grant**

Motion made by Councilman District 2 Dent

WHEREAS, in accordance with the City Charter of the City of Port Lavaca, the Texas Election Code and other applicable state and federal laws, the City Council of the City of Port Lavaca, Texas hereby finds that a general officers election should be held on Saturday, May 07, 2022.

WHEREAS, in addition to calling and ordering the general officers election, City Council finds it necessary and expedient to establish provisions for the conduct of such election:

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

SECTION 1. THAT, an election shall be held on Saturday, May 07, 2022, which is a uniform election date, in the City of Port Lavaca, Texas, which date is not less than forty-five (45) days from the date of the adoption of this resolution for the purpose of electing the following officers:

- One Mayor, At-Large Position, for a term of two (2) years; and
- One Council Member, Single District Four (4), for a term of 3 years; and
- One Council Member, Single District Five (5), for a term of 3 years; and

SECTION 2. THAT. the Qualifications for Office, per City Charter Article 4.02, are as follows:

- a) In addition to the requirements of state law, at the time of election to office, the Mayor and each member of Council shall be at least twenty one (21) years of age, shall be a United States citizen and qualified voter of the State of Texas, shall have resided in the City for not less than one (1) year immediately preceding the election filing deadline and, if elected from a district, shall have resided in the district from which elected for not less than six (6) months immediately preceding the election filing deadline.
- b) Candidates for office shall make a sworn application for a place on the ballot within the times prescribed by the Texas Election Code, and pay any filing fee established by ordinance. Applications shall designate the position sought and applications for council member shall include the district number, if applicable. It shall be the duty of the Office of the City Secretary of the City of Port Lavaca to place the name of all qualified candidates making timely application on the official ballot. Legal proof of length of residency in the City and/or district must be presented to the Office of the City Secretary upon filing for office.

SECTION 3. THAT, per City Charter, Article 4.03, the candidate receiving a majority of the votes cast for the office sought shall be elected to that office. In the event no candidate receives a majority of the votes cast at the regular election, then and in that event, a run-off election shall be held in accordance with Texas Election Law following procedures therein.

SECTION 4. THAT, the Office of the City Secretary of the City of Port Lavaca shall consist of the City Secretary and/or the Assistant City Secretary and shall perform all duties necessary to conduct the general officer's election.

SECTION 5. THAT, the Office of the City Secretary, is expressly authorized to obtain election supplies and equipment required by law and necessary to conduct such election.

SECTION 6. THAT, such election shall be conducted by the City of Port Lavaca, with Early Voting Days and the Election Day voting to be at the following polling place designated for each City election district:

<b><u>DISTRICT NUMBER</u></b>	<b><u>POLLING PLACE</u></b>
District One	City of Port Lavaca City Hall – Main Lobby 202 N. Virginia Street
District Two	City of Port Lavaca City Hall – Main Lobby 202 N. Virginia Street
District Three	City of Port Lavaca City Hall - Main Lobby 202 N. Virginia Street
District Four	City of Port Lavaca City Hall - Main Lobby 202 N. Virginia Street
District Five	City of Port Lavaca City Hall - Main Lobby 202 N. Virginia Street
District Six	City of Port Lavaca City Hall -Main Lobby 202 N. Virginia Street

SECTION 7. THAT, Early Voting Days shall be conducted during the following schedule:

Monday	April	25	from	8:00	a.m.	to	5:00	p.m.
<b>Tuesday</b>	<b>April</b>	<b>26</b>	<b>from</b>	<b>7:00</b>	<b>a.m.</b>	<b>to</b>	<b>7:00</b>	<b>p.m.</b>
Wednesday	April	27	from	8:00	a.m.	to	5:00	p.m.
<b>Thursday</b>	<b>April</b>	<b>28</b>	<b>from</b>	<b>7:00</b>	<b>a.m.</b>	<b>to</b>	<b>7:00</b>	<b>p.m.</b>
Friday	April	29	from	8:00	a.m.	to	5:00	p.m.
Monday	May	02	from	8:00	a.m.	to	5:00	p.m.
Tuesday	May	03	from	8:00	a.m.	to	5:00	p.m.

Early voting by personal appearance shall be conducted during the regular business hours of the Office of the City Secretary each week day from 8:00 a.m. until 5:00 p.m., except for the second and fourth days of the early voting period by personal appearance. On the second and fourth days of early voting by personal appearance, the Office of the City Secretary's regular business hours are hereby designated as 7:00 a.m. until 7:00 p.m.

SECTION 8. THAT, Election Day Voting shall be conducted during the following date and time:

<b>Saturday</b>	<b>May</b>	<b>07</b>	<b>from</b>	<b>7:00</b>	<b>a.m.</b>	<b>to</b>	<b>7:00</b>	<b>p.m.</b>
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SECTION 9. THAT, Notice of the election, including a Spanish translation thereof, shall be posted at City Hall and published in a local newspaper as provided by the Home Rule Charter of the City of Port Lavaca, the Texas Election Code and/or other state and federal law, and the Mayor, or his designee, is hereby authorized and directed to execute such Notice together with an Order calling such election.

SECTION 10. THAT, should any part, section, subsection, paragraph, sentence, clause or phrase contained in this resolution be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this resolution, but in all respects said remaining portion shall be and remain in full force and effect.

SECTION 11. THAT, this resolution shall be effective immediately upon adoption.

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

4. **Consider the second and final reading of an Ordinance (F-1-21) of the City of Port Lavaca, Texas granting to AEP Texas Inc., its Successors and Assigns, a non-exclusive Franchise to construct, maintain and operate lines and appurtenances and appliances for conducting electricity in, over, under, and through the streets, avenues, alleys and public places of the City of Port Lavaca, Texas. 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 recommendation of staff, Council hereby approves the second and final reading of an Ordinance (F-1-21) of the City of Port Lavaca, Texas granting to AEP Texas Inc., its Successors and Assigns, a non-exclusive Franchise to construct, maintain and operate lines and appurtenances and appliances for conducting electricity in, over, under, and through the streets, avenues, alleys and public places of the City of Port Lavaca, Texas.

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

5. **Consider Resolution No. R-011022-2 authorizing the submittal of a grant application with the Golden Crescent Regional Planning Commission for a "Regional Solid Waste Grant Program". Presenter is Jody Weaver**

Motion made by Councilman District 5 Ward

WHEREAS, the Golden Crescent Regional Planning Commission is directed by the Texas Commission on Environmental Quality to administer solid waste grant funds for implementation of the COG's adopted regional solid waste management plan; and

WHEREAS, City of Port Lavaca in the State of Texas is qualified to apply for grant funds under the Request for Applications.

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

1. That JoAnna P. Weaver, Interim City Manager, is authorized to request grant funding under the (Golden Crescent Regional Planning Commission) Request for Applications of the Regional Solid Waste Grants Program and act on behalf of City of Port Lavaca in all matters related to the grant application and any subsequent grant contract and grant project that may result.
2. That if the project is funded City of Port Lavaca will comply with the grant requirements of the (Golden Crescent Regional Planning Commission), Texas Commission on Environmental Quality and the State of Texas.
3. The grant funds and any grant-funded equipment or facilities will be used only for the purposes for which they are intended under the grant.
4. Activities will comply with and support the adopted regional and local solid waste management plans adopted for the geographical area in which the activities are performed.

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

6. **Consider approval of Task Order for CivilCorp for the “5<sup>th</sup> Street Drainage Improvement” Project. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the City had received a proposed Professional Services Agreement for CivilCorp to perform the engineering services associated with the 2021-2022 Capital Improvements Project(CIP) to prepare bid documents to construct the Alamo Heights 5th Street Drainage Outfall improvements project.

The proposal is consisting of the following:

\$31,500.00	Basic Services
\$4,000.00	Bidding Phase
\$7,000.00	Construction Phase services
\$6,000.00	Engineering survey for design
\$48,500.00	Total

If it is determined that additional utility easement width will be required, there will be additional land surveying fees to prepare easement documents.



The total budgeted funds for this project is \$300,000.00, although as we discussed after the budget was adopted, the engineering estimate to construct the project is approximately twice that. We have discussed previously that we have realized some savings and additional revenue, since the adoption of the 2021-2022 budget, which can be used to fund the additional \$300,000.00.

Recommendation: Staff recommends awarding a Professional Services Contract to CivilCorp, LLC in the amount of \$48,500.00 for this CIP project.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with recommendation of staff, Council hereby approves awarding a Professional Services Contract to CivilCorp, LLC to construct the Alamo Heights 5th Street Drainage Outfall improvements project, in the amount of \$48,500.00.

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

Seconded by Councilman District 6 Barr

Voting Yea:

Councilman District 1 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 recommendation from the Scoring Committee to select a Consultant for the Downtown Waterfront Master Plan. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that in the 2021-2022 fiscal year budget, \$50,000.00 had been budgeted in the Port Revenue Fund to hire a consultant to prepare a Masterplan, incorporating both the Waterfront and the Downtown area.

Staff sent Requests for Qualifications (RFQ) to the following firms on November 19, 2021; however, only five (5) firms responded with a Statement of Qualifications:

• LJA Engineering	Houston	TX	93.3 Average Score
• CSRS, Inc.	Lake Charles	LA	88.2 Average Score
• Mott McDonald	Corpus Christi	TX	87.8 Average Score
• AECOM	Houston/Dallas	TX	82.3 Average Score
• GIS (local office)	Galliano	LA	60.3 Average Score
• Kendigkeast	Sugarland	TX	No Response
• Jacobs Engineering	Corpus Christi	TX	No Response
• Gignac & Associates	Corpus Christi	TX	No Response
• Dannenbaum Engineering	Houston	TX	No Response
• Pacheco Koch Engineering	Austin	TX	No Response

The Downtown Waterfront Master Plan Consultant Selection Committee consists of the following:

- Jody Weaver, Interim City Manager
- Jessica Carpenter, Director of Development Services
- Susan Lang, Finance Director
- Tania French, Events Coordinator
- Tim Dent, City Councilman District 2
- James O'Neill, representing the Port Commission

The Selection Committee reviewed and scored each submission and met on Wednesday, January 5, 2022 to exchange their impressions of each submittal. The committee recommends the selection of LJA Engineering of Houston, TX to negotiate a Professional Services Agreement with.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with recommendation of the Downtown Waterfront Master Plan Consultant Selection Committee, Council hereby approves the selection of LJA Engineering of Houston, TX to negotiate a Professional Services Agreement with.

BE IT FURTHER RESOLVED that the Professional Services Agreement in question will be taken before City Council for approval at a future meeting.

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

8. **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**
- **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 [City Manager]). Presenter is Mayor Whitlow**

Mayor Whitlow announced that Council would retire into closed session at 7:22 p.m.

9. **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 8:01 p.m.

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, Council approves an increase of five percent (5%) to the current salary of Jody Weaver, Interim City Manager, effective February 08, 2022.

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

**IX. ADJOURNMENT**

Mayor asked for motion to adjourn.

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

Meeting adjourned at 8:04 p.m.

These minutes were approved on February 14, 2022.

ATTEST:

\_\_\_\_\_  
Jack Whitlow, Mayor

\_\_\_\_\_  
Mandy Grant, City Secretary