



CITY COUNCIL REGULAR MEETING

Monday, August 12, 2024 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 12th day of August 2024, 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 |
| 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 6:30 p.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

- 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 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 the following citizen spoke:
 - Phyllis Boone, 805 S. Colorado Street, Port Lavaca, TX; Hurricane Preparedness information.

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

- A. Minutes of July 09, 2024 Special Meeting (July 08, 2024 Regular Meeting cancelled due to Tropical Storm Beryl)**
- B. Minutes of July 29, 2024 Workshop Meeting**
- C. Review of Credit Card Statement**
- D. Receive Monthly Financial Highlight Report**
- E. Receive certification of additional sales and use tax to pay debt services**

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 all consent agenda items as listed.

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 Burke

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

1. **Conduct Public Hearing for update on properties previously declared substandard on April 08, 2024:**
 - (a) **617 S. Ann St.**
 - (b) **506 S. Virginia**
 - (c) **306 W. Martin Luther King**
 - (d) **227 Tommy Dr.**

Mayor opened public hearing at 7:18 p.m.

Mayor closed the public hearing at 7:45 p.m.

No action necessary and none taken.

2. **Consider and take action on property previously declared substandard, following Public Hearings held on April 08, 2024 and July 08, 2024. Presenter is Derrick Smith**

**(Author’s Note: (July 08, 2024 Regular Meeting was cancelled due to Tropical Storm Beryl). Fire Chief Reyes and City Attorney Odefey presented this agenda item in Development Services Director Smith’s absence.*

According to Development Services Director Smith’s memo:

On April 08, 2024, City Council took action to declare each of the four (4) properties listed below as substandard and allowed the property owners/heirs ninety (90) days to fix or update. The following is an update for these cases, now one hundred twenty-six (126) days after declaration.

(a) 617 S. Ann Street (Case #107)

Staff has been in touch with the landowner. The mobile home does not belong to the landowner and she stated that she did not realize she was responsible for the mobile home on her property, but was going to look into getting it removed, but there has been no change in the condition of this mobile home structure. All public notices have been issued and the owner of the mobile home has not been located. Staff is requesting Council give authorization to proceed with demolition and placing a lien on the property.

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 finds that the following property listed, 617 S. Ann Street, located in the City of Port Lavaca, Texas, was **previously declared substandard**, following Public Hearings held on April 08, 2024 and August 12, 2024.

BE IT FURTHER RESOLVED, THAT the property owners/heirs will be allowed sixty (60) days after notification, to move or demolish; and if not, the city may proceed with demolition and place a lien on the property.

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 Burke

(b) 506 S. Virginia Street (Case 109)

Staff is in communication with the owner. The Owner is planning to restore the structure.

He is currently in the process of procuring contractors to replace the roof, siding and windows, with plans to begin the renovations in the Fall of 2024. Staff is recommending to allow 6 months to execute a written renovation agreement and obtain a building permit for the renovation.

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, 506 S. Virginia Street, located in the City of Port Lavaca, Texas, was **previously declared substandard**, following Public Hearings held on April 08, 2024 and August 12, 2024.

BE IT FURTHER RESOLVED, THAT the property owners/heirs will be allowed six (6) months to obtain a building permit for the renovation; and if not, the city may proceed with demolition and place a lien on the property.

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 Burke

(c) 306 Martin Luther King, Case #110

Staff is in communication with the property owner. The Owner has secured new siding and some building materials and is planning to replace some of the siding and make other improvements to the structure. The property is being mowed and there has been some work done on the building since the substandard declaration on April 08, 2024. Staff recommends Council allow 6 months to obtain a building permit and complete improvements to the building structure such that it is no longer substandard.

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, 306 Martin Luther King, located in the City of Port Lavaca, Texas, was **previously declared substandard**, following Public Hearings held on April 08, 2024 and August 12, 2024.

BE IT FURTHER RESOLVED, THAT the property owners/heirs will be allowed six (6) months to obtain a building permit and satisfy Code Enforcement’s request, and come back to Council for consideration, if necessary.

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 Burke

(d) 227 Tommy Drive, Case #111

There have been no improvements made to this property since the April 08, 2024 declaration, nor since April 2022, which the property was first noticed by Code Enforcement. Despite numerous efforts to locate and communicate with heirs to this property, staff has had no communication. All required notices have been made and staff is requesting Council authorization to proceed with demolition and placing 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, 227 Tommy Drive, located in the City of Port Lavaca, Texas, was **previously declared substandard**, following Public Hearings held on April 08, 2024 and August 12, 2024.

BE IT FURTHER RESOLVED, THAT the city is authorized to proceed with demolition via contractors and associated fees paid by the city will be placed as a lien on the property.

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, Councilman District 5 Ward, Councilman District 6 Burke

3. **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) **116 Cheeves Ave**
- (b) **225 Cheeves Ave**
- (c) **227 Cheeves Ave**
- (d) **505 Bonorden Street**
- (e) **515 N. Nueces Street**
- (f) **502 N. Benavides Street**

Mayor opened public hearing at 7:54 p.m.

Mayor closed the public hearing at 8:19 p.m.

No action necessary and none taken.

Mayor announced Council would go into Recess at 8:20 p.m.

Mayor announced Council was back from Recess at 8:30 p.m.

1. **Consider and take action to declare property to be substandard and required action following declaration, following a Public Hearing held on July 08, 2024. Presenter is Derrick Smith**

**(Author’s Note: (July 08, 2024 Regular Meeting was cancelled due to Tropical Storm Beryl). Fire Chief Reyes and City Attorney Odefey presented this agenda item in Development Services Director Smith’s absence.*

According to Development Services Director Smith’s memo:

(a) 116 Cheeves Ave

Staff is recommending Council declare this property 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 place a lien on the property.

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 finds that the following property listed, 116 Cheeves Ave., 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 12, 2024:

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 place a lien on the property.

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 Burke

(b) 225 Cheeves Ave

(c) 227 Cheeves Ave

The property owner provided a written statement on July 03, 2024 that he would have both mobile homes removed from the property by December 31, 2024.

Motion made by Councilman District 6 Burke

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 properties listed, 225 Cheeves and 227 Cheeves Ave., 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 12, 2024:

BE IT FURTHER RESOLVED, THAT these properties are hereby declared substandard and will allow the property owner six (6) months to remove structures and if not, then Council authorizes staff to proceed with demolition and place a lien on the properties.

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 Burke

(d) 505 Bonorden Street

Staff is recommending Council declare this property substandard and 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.

Notification is to be sent in the Spanish language.

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, 505 Bonorden 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 12, 2024:

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 place a lien on the property.

BE IT ALSO RESOLVED, THAT this notification will be sent in the **Spanish** language.

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, Councilman District 5 Ward, Councilman District 6 Burke

(e) 515 N. Nueces Street

The property Owner has been in contact with both Code Enforcement and the City Manager's office. Staff is recommending Council declare this property substandard and 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.

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 finds that the following property listed, 515 N. 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 12, 2024:

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 this property will again go before Council for further consideration.

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 Burke

(f) 502 N. Benavides Street

The property Owner has been in contact with Code Enforcement and has stated their intention to renovate the property. Staff is recommending Council declare this property substandard and 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.

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 finds that the following property listed, 502 N. Benavides 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 12, 2024:

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 place a lien on the property.

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 Burke

5. **Receive updated report from the Victoria Economic Development Corporation (VEDC).
Presenter is Jonas Titus**

Mr. Jonas Titus presented Council with a report from the Victoria Economic Development Corporation (VEDC).

No action necessary and none taken.

6. **Consider request of Our Lady of the Gulf Catholic Church (OLGULF) Altar Society, for closure of Benavides Street between Leona and Austin Streets for their annual fund-raising Thanksgiving Meal Drive-Thru on Sunday, November 03, 2024 from 9:00 a.m. to 2:00 p.m.
Presenter is Anne Marie Odefey**

City Attorney Odefey advised Council that Our Lady of the Gulf Catholic Church (OLGULF) Altar Society was requesting closure of Benavides Street between Leona and Austin Streets for their annual fund-raising Thanksgiving Meal Drive-Thru on Sunday, November 03, 2024 from 9:00 a.m. to 2:00 p.m.

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 request of Our Lady of the Gulf Catholic Church (OLGULF) Altar Society, for closure of Benavides Street between Leona and Austin Streets for their annual fund-raising Thanksgiving Meal Drive-Thru on Sunday, November 03, 2024 from 9:00 a.m. to 2:00 p.m.

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 Burke

7. **Consider Memo of Understanding (MOU) between the City of Port Lavaca and County of Calhoun for Combined Dispatch. Presenter is Jody Weaver**

**(Author's Note: City Attorney Odefey presented this agenda item in Interim City Manager Weaver's absence absence).*

According to Interim City Manager Weaver's memo:

On July 10, 2023, the City Council adopted a resolution to negotiate in good faith and enter into an Interlocal Agreement with Calhoun County to participate in a combined Calhoun County Dispatch Center.

In the proposed Interlocal Agreement, the City commits to pay to the County the sum of the total salary for 4 (four) dispatchers per the County's adopted salary schedule and the County commits to hiring the existing four (4) City dispatchers or give them the first right of refusal for hire.

The City is guaranteed two (2) positions on the governing board of the Dispatch Advisory Board to reflect Police and Fire.

The Combined Dispatch shall provide after-hours dispatch of non-emergency calls in the City for sewer, water, animal control and Police Administrative callouts.

The agreement expires on December 31, 2025 and provides for three (3) annual renewals, as written.

The monetary commitment for 2025 (due on January 1) will be $4 \times \$75,000 = \$300,000$. This is the same dollar amount that was proposed in early discussions with the County regarding a Combined Dispatch Center.

Commissioner David Hall and Judge Richard Meyer were in attendance at the Council meeting to help answer any questions.

Calhoun County Judge Richard Meyer, Commissioner David Hall and Director of Emergency Communications Patrick Schubert were in attendance to help answer any questions.

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 the recommendation of staff, Council hereby approves Memo of Understanding (MOU) between the City of Port Lavaca and County of Calhoun for Combined Dispatch, a copy which is in the office of the City Secretary, in its entirety.

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, Councilman District 5 Ward, Councilman District 6 Burke

8. **Consider Resolution No. R-081224-1 of the City Council of Port Lavaca, Texas, authorizing the submission of a Community Development Block Grant – Mitigation-Resilient Communities Program Project Application to the General Land Office; and authorizing the Mayor to act as the City’s Executive Officer and Authorized Representative in all matters pertaining to the City’s participation in the Community Development & Revitalization Program. Presenter is Jody Weaver**

**(Author’s Note: Public Works Director Shaffer presented this agenda item in Interim City Manager Weaver’s absence).*

Motion made by Councilman District 5 Ward

WHEREAS, the City Council of Port Lavaca desires to develop a thriving, viable community, strengthen infrastructure, provide a suitable living environment, and expand economic opportunities, principally for persons of low-to-moderate income; and

WHEREAS, certain conditions exist which represent a threat to public health and safety; and

WHEREAS, it is necessary and in the best interest of the City to apply for funding under the Community Development Block Grant Mitigation Program, Resilient Communities.

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

- Section 1. Has a Community Development Block Grant Program application is hereby authorized to be filed with the Texas General Land Office for funding consideration under the Community Development Block Grant – Mitigation-Resilient Communities; and
- Section 2. That the application be for the CDBG-MIT Resilient Communities Application program to carry out Planning Activities; and
- Section 3. That the grant amount be up to the maximum allowed by the CDBG-MIT-RCP; and
- Section 4. That the City Council directs and designates the Mayor as the Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and participation in the Community Development & Revitalization Grant Program.

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, Councilman District 5 Ward, Councilman District 6 Burke

9. **Consider amendments to the City of Port Lavaca HR and Workplace Policies as follows:**
Presenter is Jody Weaver

- **Chapter 4: Leaves of Absence Sec. 4.03 Holiday Leave**
- **Chapter 5: Compensation Sec. 5.11 Timekeeping Policy**
- **Chapter 6: Work Environment and Workplace Safety; Sec. 6.11 Emergency Disaster Policy**

**(Author's Note: Interim Finance Director Hogan presented this agenda item in Interim City Manager Weaver's absence).*

Topic: Holiday Leave

After close consideration of all current city holidays, staff is proposing to change the Birthday Holiday to a Floating Holiday that is eligible to use within the calendar year rather than "within 60 days" as it is currently stated. This will provide the employees with more flexibility in scheduling since it will extend to the full calendar year and be an added benefit by giving them a choice on what day they decide to schedule.

Topic: Timekeeping Policy

In FY2024 the City of Port Lavaca started implementing an automated timekeeping system called Timeclock Plus which is used to automate the time and attendance of the employees. This system is beneficial in the efficiency and effectiveness of the payroll process. The recommended timekeeping policy will outline information pertaining to the recording and tracking of hours worked, and the responsibilities of the employee and supervisor.

With this new system we can keep better records of time worked, accruals, and essentially cut the payroll process time in half by eliminating manual timesheets. Other features of this system include the ability to set Geofences, create specific automated rules according to FLSA laws and regulations, and the ability to track specific job codes (Training, Festival, Emergency, Etc.).

Topic: Emergency Policy

We are proposing an emergency policy which outlines the procedures during a city declared disaster. The procedures reflected in this policy will include definitions of the types of emergencies, the responsibilities of city employees during an emergency, and specific compensation based on various scenarios.

As of now the "Hurricane Compensation Policy" that we adopted on September 20, 2020 is not adequate according to FEMA standards. After attending the TDEM T-600 (Texas Disaster Accounting 101) training in March the City was given specific criteria on how FEMA determines eligibility of reimbursement based off the entity's policies already in place. Our current policy includes language making compensation subject to federal funding or disaster declaration, which is not permissible for an emergency policy. The purpose of this proposed policy is to be non-discretionary and applied uniformly to all employees.

Staff recommends approval of amendments to the HR Workplace & Policies, a copy which is in the office of Human Resources, in their entirety.

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 amendments to the City of Port Lavaca HR and Workplace Policies listed below, as written and presented:

- Chapter 4: Leaves of Absence Sec. 4.03 Holiday Leave
- Chapter 5: Compensation Sec. 5.11 Timekeeping Policy
- Chapter 6: Work Environment and Workplace Safety; Sec. 6.11 Emergency Disaster Policy

BE IT FURTHER RESOLVED, THAT Council also authorizes **an additional Holiday**, to be determined by the Interim City Manager.

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 Burke

10. **Consider Second and Final reading of an Ordinance (G-6-24) of the City of Port Lavaca amending the Code of Ordinances, to Chapter 12, Article IV- Building and Building Regulations Sec. 12-287 - Definition; unfit condition declared; minimum standards for use and occupancy, (d),(11); and providing an effective date. Presenter is Derrick Smith**

**(Author’s Note: City Attorney Odefey presented this agenda item in Development Services Director Smith’s absence).*

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 the recommendation of staff, Council hereby approves Second and Final reading of an Ordinance (G-6-24) of the City of Port Lavaca amending the Code of Ordinances, to Chapter 12, Article IV- Building and Building Regulations Sec. 12-287 - Definition; unfit condition declared; minimum standards for use and occupancy, (d),(11); and providing an effective date.

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, Councilman District 5 Ward, Councilman District 6 Burke

- 11. **Consider First reading of an Ordinance (G-7-24) of the City of Port Lavaca amending the basic Traffic Control Devices Ordinance G-6-86, Section 3, by adding Stop Signs in Lynnhaven Subdivision; Repeal Clause; and providing an effective date. Presenter is Colin Rangnow**

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 the recommendation of staff, Council hereby approves First reading of an Ordinance (G-7-24) of the City of Port Lavaca amending the basic Traffic Control Devices Ordinance G-6-86, Section 3, by adding Stop Signs in Lynnhaven Subdivision; Repeal Clause; and providing an effective date.

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 Burke

- 12. **Consider recommendation of selection committee to select a consultant to prepare a Master Parks Plan and Authorize the City Manager to negotiate a professional services contract for City Council approval. Presenter is Jody Weaver**

**(Author’s Note: Public Works Director Shaffer presented this agenda item in Interim City Manager Weaver’s absence).*

According to Interim City Manager Weaver’s memo:

Included in the objectives for the 2023-24 Fiscal year was to Prepare a Master Parks Plan in order to be eligible to apply for large Texas Parks and Wildlife grants.

We recently advertised a Request for Qualifications from consultants interested in providing this professional service.

Statements of Qualifications were received as shown on the attached scoring sheet summary: Kendig Keast Collaborative (Sugarland), LJA Planning & Landscape Architecture (Houston), and Vista Planning & Design/Twistleaf (West Lake Hills, Texas).

The Parks Board appointed the following individuals to score the received submittals: Mac Sistrunk, Greg Falcon, Dina Smith, Bill Reagan and Director of Public Works, Wayne Shaffer.

The overall scores were as follows: LJA received a score of 89.0; Kendig Keast was 88.6 and Vista was 73.8.

Staff recommends selecting LJA Planning & Architecture and authorizing the Interim City Manager to negotiate a contract to provide a Master Parks Plan, which will be brought back to Council for final approval.

It should be noted that LJA is the same firm that last year prepared the City’s Downtown Waterfront Masterplan and we are working with them on the proposed new Gateway signs and landscaping at the Bauer.

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 the recommendation of the Selection Committee, Council hereby approves LJA Planning & Architecture as a Consultant to prepare a Master Parks Plan.

BE IT FURTHER RESOLVED, THAT the Interim City Manager is hereby authorized to negotiate a contract to provide a Master Parks Plan and take back to City Council for final approval.

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

13. **Consider professional Engineering Services Agreement with CivilCorp for the Smith Road Sidewalk and Bike Lane project. Presenter is Jody Weaver**

**(Author’s Note: Public Works Director Shaffer presented this agenda item in Interim City Manager Weaver’s absence).*

According to Interim City Manager Weaver’s memo:

Included in the 2023-24 Fiscal Year Capital Improvement Plan was to construct a sidewalk and bike lanes on Smith Road for a budgeted cost of \$275,000.

Staff waiting to initiate this project until after verifying that these funds would not be needed to supplement the Independence Drive project should the bids have come in much higher. This was not the case, so we are prepared to move ahead with this project.

Attached please find a conceptual site plan of the project scope and a proposed Professional Services Agreement from CivilCorp to prepare design, bid documents and contract phase inspections. Page 8 of the contract provides a breakdown of the proposed \$50,600 fee.

The conceptual site plan shows a 5 ft wide sidewalk on the north side of Smith Road from El Camino Real to across from Bay Vista and then to restripe all of Smith Road to provide bike lanes on both sides from SH 35 to Bay Vista.

- Because of the limited width available and utilities, the sidewalk will most likely be right behind the curb.
- We will be eliminating the turn lane into El Camino Real as you travel from the north – this is not essential and is not utilized much – i.e. this turn isn't any more prevalent coming from the north than turning into any of the other streets.
- We can't eliminate the turn lane at SH 35, so we probably will need to provide some widening to accommodate a bike lane on the south side at SH 35.

CivilCorp's preliminary cost estimate is \$200,000 for the sidewalk, striping and mobilization. At this point we are not sure what all may be involved with adding the bike lane where Smith Road meets SH 35, but such work could be added as an Alternate bid item.

Staff recommends approval of the Professional Service Contract with CivilCorp in the amount of \$50,600 for the Smith Road sidewalk and bike lane 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 the recommendation of staff, Council hereby authorizes award of a professional Engineering Services Agreement with CivilCorp for the Smith Road Sidewalk and Bike Lane project, in the amount of \$50,600.00.

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, Councilman District 5 Ward, Councilman District 6 Burke

14. **Consider Interlocal Agreement between the City of Port Lavaca and Texas Municipal League (TML) for Cyber Liability Coverage and Data Breach Response. Presenter is Brittney Hogan**

Interim Finance Director Hogan advised Council that effective September 30, 2024, Texas Municipal League (TML) Risk Pool is requiring all risk pool participants to "opt in" for continued Cyber Liability coverage by completing a Cyber Liability & Data Breach Response Interlocal Agreement. Cybercriminal activity has become impossible to predict and more common in the past decade, which is why the TML Risk pool has now created a separate cyber fund. This cyber fund will ensure the cities protection against such cyber threats.

The basic coverage we receive from the TML risk pool includes breach response, network business interruption, cyber extortion, data recovery costs, and fraud protection. As a member of the TML Risk Pool the City must continue to take steps to protect ourselves by continuing to implement our current cyber policies and training to help prevent any unwanted cyber threats.

Staff recommends City Council approve the Cyber Liability & Data Breach interlocal agreement to qualify for Cyber coverage for FY 2024-2025.

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 the recommendation of staff, Council hereby approves Interlocal Agreement between the City of Port Lavaca and Texas Municipal League (TML) for Cyber Liability Coverage and Data Breach Response for the new 2024-2025 annual contribution of Core + in the amount of \$1,250.00.

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

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 Burke

15. **Consider First reading of an Ordinance (G-8-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes, GBRA Fees; and providing an effective date. Presenter is Jody Weaver**

**(Author's Note: Interim Finance Director Hogan presented this agenda item in Interim City Manager Weaver's absence).*

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 the recommendation of staff, Council hereby approves First reading of an Ordinance (G-8-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes, GBRA Fees; and providing an effective date.

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, Councilman District 5 Ward, Councilman District 6 Burke

IX. ADJOURNMENT

Mayor asked for motion to adjourn.

Motion made by Councilman District 3 Tippit

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 Burke

Meeting adjourned at 9:09 p.m.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary