



CITY COUNCIL REGULAR MEETING

Monday, April 14, 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 14th day of April 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 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 6:36 p.m. and presided.

III. INVOCATION

- Councilman Ward gave the invocation.

IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

V. PRESENTATION(S)

- Proclamations by the Mayor
 - April 2025 is Child Abuse Awareness Month - The Harbor
 - April 2025 is Sexual Assault Awareness Month – The Harbor

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 citizens spoke:
 - Larry Nichols, 1 Westmont, Port Lavaca, TX Calhoun County Historical Commission, presented signage to the City indicating the City of Port Lavaca was established in 1840 and was incorporated in 1911;
 - Maria Walton, The Harbor Children's Alliance and Victim Center, month of April being about Child Abuse Awareness Month;
 - Jennifer Hahn, The Harbor Children's Alliance and Victim Center, month of April also being about Sexual Assault Awareness Month;
 - Felicia Harral, Calhoun County Rotary President, announced some Rotary Events

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

- A. Minutes of March 10, 2025 Regular Meeting**
- B. Minutes of March 27, 2025 Special Meeting and Workshop Session**
- C. Review of Credit Card Statement**
- D. Receive Monthly Financial Highlight Report**
- E. Receive Capital Improvement Projects Progress Report 01.01.2025 to 03.31.2025**
- F. Receive Development Services Permits Report 01.01.2025 to 03.31.2025**
- G. Receive Development Services Code Enforce Report 01.01.2025 to 03.31.2025**
- H. Receive Victoria Economic Development Corporation (VEDC) Monthly Report**

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 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

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 August 12, 2024**
 - (a) 505 Bonorden**
 - (b) 515 N. Nueces**

(c) 502 N. Benavides

Mayor opened public hearing at 6:59 p.m.

Mayor closed the public hearing at 7:22 p.m.

No action necessary and none taken.

2. **Consider and take action on property previously declared substandard, following Public Hearings held on August 12, 2024 and April 14, 2025:**

(a) 505 Bonorden**(b) 515 N. Nueces****(c) 502 N. Benavides****(a) 505 Bonorden**

- **First Public Hearing Date: August 12, 2024**
- **City Council Motion:**

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.

- **Update:**

No plans have been submitted to the department. The property owner secured the structure after the public hearing. Councilwoman Padron contacted the Code Enforcement Office on multiple occasions and stated that the property owner had been in touch with her. He had stated that a plan and timeline of events will be provided to our office. To date, he has failed to do so.

As shown in the pictures, the exterior walls are not protected and on the verge of collapse. Due to improper support, the roof has continued to deflect.

The owners of the property, Pedro Solis Mendoza, Juan Roberto Sanchez, and Sylvia Sanchez sent a letter to 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, Council hereby dismisses action on this property, 505 Bonorden Street.

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

Voting Nay:

Councilman District 6 Burke

(b) 515 N. Nueces

- **First Public Hearing Date: August 12, 2024**
- **City Council Motion:**

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.

- **Update:**

515 N. Nueces has submitted a plan with development services and the structure is mostly secured. However, none of the plan has been executed and the condition of the house has degraded severely as pictured the water heater has collapsed out of the building. The home is in a severe state of sinking into the ground.

The owner of the property, Sylvia Arevalo, was in attendance.

Motion made by Councilman District 3 Tippit

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

THAT, Council hereby dismisses action on this property, 515 N. Nueces Street.

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) 502 N. Benavides

- **First Public Hearing Date: August 12, 2024**
- **City Council Motion:**

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.

- **Update:**

502 N. Benavides complied by submitting a plan with the development services department. I did order the property owner to secure the property immediately. To date, he has failed to comply.

On March 27, 2025, a foundation application was submitted. However, due to nonpayment, the permit has not been issued.

The front wall coverings on the second floor have continued collapse. It appears that even more of the wall coverings are about to fall off. Furthermore, they have failed to comply with the submitted plan.

The owners of the property, Dennis Chavana and his sister Bertha E. Chavana were in attendance.

Motion made by Councilman District 3 Tippit

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

THAT, Council hereby dismisses action on this property, 502 N. Benavides Street.

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) 126 Haviland

Mayor opened public hearing at 7:32 p.m.

Mayor closed the public hearing at 7:39 p.m.

No action necessary and none taken.

4. **Consider and take action to declare property to be substandard and required action following declaration, following a Public Hearing held on April 14, 2025:**
(a) 126 Haviland

(a) 126 Haviland

- **First Notice of Violation: January 19, 2025**
- **Second Notice of Violation: February 22, 2025**

Staff has tried unsuccessfully to reach out to the property owner.

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 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 orders demolition to this property, 126 Haviland.

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

5. **Consider a Variance to Ordinance Chapter 26, Manufactured Housing and Recreational Vehicles for a manufactured home to be placed on a residential lot that is not in a manufactured housing park; the property is described as Lot 2, Block 61 (521 S. Nueces Street). Presenter is Derrick Smith**

Development Services Director Smith advised Council that that in accordance with Chapter 26.4(2)(c) of City of Port Lavaca Code of Ordinances, HUD-Code manufactured housing shall be installed only in a manufactured housing park, manufactured housing subdivisions or other property approved by the building official as described in the remainder of this subsection. A HUD-Code manufactured home will be permitted to be installed on any lot on which a manufactured home was situated in the past 180 days.

Mr. Benjamin had made a similar request on a different property in June of 2024. The request was approved by the Planning Board and City Council. However, he was not able to come to an agreement with the owners of the property. Jacob Benjamin is requesting a variance to place a manufactured home on 521 S. Nueces Street. Mr. Benjamin's variance request is due to medical necessity. Mr. Benjamin has purchased a new manufactured home and will be leasing the property. Included is a note from his primary care provider that states that he should live within three (3) minutes response rate by EMS or to get to the hospital.

According to the tax role, the current property owner is William H. Clay (Estate) c/o Raymond C. Clay, Jr.

Due to the fact that both boards had approved Mr. Benjamin's previous request at another location, staff is recommending that council approve this request. However, staff is requesting that Mr. Benjamin be granted a Specific Use Permit for the sole and singular use. Staff Recommendation is approval contingent on granting a Specific Use Permit for the sole and singular use.

Motion made by Councilman District 1 Aguirre

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

THAT, in accordance with recommendation of staff, Council hereby approves a Variance to Ordinance Chapter 26, Manufactured Housing and Recreational Vehicles for a manufactured home to be placed on a residential lot that is not in a manufactured housing park; the property is described as Lot 2, Block 61 (521 S. Nueces Street), contingent on granting a Specific Use Permit for the sole and singular use.

BE IT FURTHER RESOLVED, THAT the form must be approved by the City Attorney and the Landowner must sign the form.

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

6. **Consider recommendation of the Planning Board of a replat of Lots 1-16, 53-54, 57-58, 63-66 and 75-76 of Claret Crossing, Section 1 Subdivision. Presenter is Derrick Smith**

Development Services Director Smith advised Council that The purpose of the request is to remove the duplex stipulation to allow for single-family homes. The property is designated as “High Density Residential” in the Future Land Use Plan

The Planning Board approves the replat as it complies with the Future Land Use Plan and staff concurs.

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 the Planning Board and staff, Council hereby approves a replat of Lots 1-16, 53-54, 57-58, 63-66 and 75-76 of Claret Crossing, Section 1 Subdivision.

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

7. **Consider awarding demolition contract to Axis for Randle Street properties. Presenter is Derrick Smith**

Development Services Director Smith advised Council that on March 21, 2025, staff opened bids for the garage apartment and driveway located at 304 Randle Street and the dwelling located at 310 Randle Street. These two properties were recently purchased by the city. The bids were requested separately. The following bids were received:

Contractor	304 Randle St.	Days	310 Randle St.	Days	Total Bid
Axis Demolition, LLC	\$18,500.00	30	\$8,200.00	30	\$26,700.00
Wilson Construction	\$11,025.00	10	\$15,840.00	15	\$26,865.00

After reviewing the bids, I reached back to the contractors and requested a quote if awarded both properties together. The contractors provided the following adjustments:

Contractor	304 Randle St.	310 Randle St.	Total Bid
Axis Demolition, LLC	\$17,500.00	\$8,000.00	\$25,500.00
Wilson Construction	\$10,475.00	\$15,340.00	\$25,815.00

Axis Demolition, LLC has the lower bid by a difference of \$315.00. Therefore, staff recommends awarding the bid to be awarded to Axis Demolition, LLC.

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 award of a demolition contract to Axis Demolition, LLC, for 304 Randle Street and 310 Randle Street properties, in the amount of \$25,500.00.

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

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

8. **Consider request for use of City Hall on Saturday, July 12, 2025 for the purpose of hosting a Kid's Market Event during the hours of 10:00 a.m. to 2:00 p.m. Presenter is Tania French**

Tania French, Events Coordinator advised Council that The Kid's Market is a community event that aims to support and encourage youth entrepreneurship by providing young individuals a platform to sell their handmade products, crafts, and services. The event is designed to foster creativity, financial literacy, and business skills in a fun and supportive environment.

She believes City Hall is the ideal location for this market for the following key reasons:

- 1) Facility Size: The City Hall space is well-suited to the market needs: not too large and not too small, offering a comfortable and manageable environment for both participants and visitors.
- 2) Civic Exposure: Hosting the market at City Hall will introduce children to a key part of our local government. This not only adds a sense of importance and legitimacy to their efforts, but also fosters early engagement with civic awareness and pride.

- 3) City Support: Hosting this event at City Hall demonstrates a city commitment to empowering and investing in the next generation of Port Lavaca's business and community leaders.

If approved, coordination will take place with the city staff to ensure facility use aligns with City policies and procedures.

Motion made by Councilman District 5 Ward

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

THAT, Council hereby approves request for use of City Hall on Saturday, July 12, 2025 for the purpose of hosting a Kid's Market Event during the hours of 10:00 a.m. to 2:00 p.m.

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

9. Consider approval of the Professional Engineering Services Agreement of Civil Corp for Street and Drainage Improvements in Western Heights Subdivision. Presenter is Wayne Shaffer

Public Works Director Shaffer reminded Council that the adopted FY 2024-25 Capital Improvement Plan included Western Heights Subdivision Street, Water, and Drainage Improvements Project:

- Border Street from SH 35 to George Street
- Central Ave from SH 35 to Border Street
- Warehouse Street from Central Ave to George Street

The proposed engineering contract from Civil Corp to perform the Engineering and Construction Administration for this project is in the amount of \$207,000.00.

Available funds:

• Undesignated funds from 2024 Series Bonds:	\$ 1,219,600.00
• Current undesignated interest from 2022 Series Bonds:	\$ 48,500.00
• Current undesignated interest from 2024 Series Bonds	\$ 688,900.00
• 2024-25 CIP dollars for Western Heights:	\$ 190,000.00
Total:	<u>\$ 2,147,000.00</u>

The project cost estimate for the stated scope (with 15% contingency and including engineering) is \$2.8M. This includes new curb and gutter, 6" lime treated sub-base, 10" limestone base, 1.5" Hot-mix, 5 ft sidewalk on one side, drainage improvements and needed 6" waterline replacement.

We continue to receive interest on the bond funds and anticipate having adequate funds by the time we are ready to award a construction contract.

In accordance with the adopted 2024-2025 Capital Improvement Plan, staff recommends Council approve the Engineering contract between Civil Corps and the City of Port Lavaca for the Western Heights Street and Drainage Improvement Project, in the amount of \$207,000.00.

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 the recommendation of staff, Council hereby approves the Professional Engineering Services Agreement of Civil Corp for Street, Water and Drainage Improvements in Western Heights Subdivision, in the amount of \$207,000.00.

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

10. **Consider ratifying Hazard Mitigation Grant Program application submitted on April 14, 2025 to apply for a backup generator for the Bauer for use as a Seasonal Relief Center. Presenter is Jody Weaver**

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 ratifying Hazard Mitigation Grant Program application submitted on April 14, 2025 to apply for a backup generator for the Bauer for use as a Seasonal Relief Center.

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

11. **Consider declaring surplus miscellaneous items located on property acquired by City of Port Lavaca at 310 Randle Street, and authorize City Manager to dispose of items in a commercially reasonable manner. Presenter is Jody Weaver**

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 declares authorize surplus miscellaneous items located on property acquired by City of Port Lavaca at 310 Randle Street, and authorize City Manager to dispose of items in a commercially reasonable manner.

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

12. **Consider Resolution No. R-041425-1 to appoint a local Fair Housing Coordinator. Presenter is Jody Weaver**

Motion made by Councilman District 5 Ward

WHEREAS, the Fair Housing Act, enacted on April 11, 1968, enshrined into federal law the goal of eliminating racial segregation and ending housing discrimination in the United States; and

WHEREAS, the Fair Housing Act prohibits discrimination in housing based on race, color, religion, sex, age, disability, familial status, or national origin, and commits recipients of federal funding to affirmatively further fair housing in their communities; and

WHEREAS, the City of Port Lavaca has previously proclaimed April as Fair Housing Month; and

WHEREAS, to further its commitment to the mission and intent of Congress to provide fair and equal housing opportunities for all, the City appoints the City Manager as the City's Fair Housing Coordinator and the City's Capital Projects & Grant Coordinator as the City's Alternate Fair Housing Coordinator.

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

THAT, WE, do hereby appoint the City Manager as the City's Fair Housing Coordinator and the City's Capital Projects & Grant Coordinator as the City's Alternate Fair Housing Coordinator.

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

13. **Consider Resolution No. R-041425-2 to prepare and submit a CEPRA Cycle 14 Grant application for Preliminary Design, Permitting, and Final Design Engineering for the Lighthouse Beach Restoration Project, committing \$158,000.00 General Fund dollars as 40% matching funds. Presenter is Jody Weaver**

Motion made by Councilman District 2 Dent

WHEREAS, the City of Port Lavaca is a coastal community sitting on the shores of Lavaca Bay, a northwestern extension of the Matagorda Bay ecosystem and is committed to the long-term protection and enhancement of our coastal and natural resources; and

WHEREAS, the Texas General Land Office (GLO) administers the Coastal Erosion Planning Response Act (CEPRA) Program in Texas to provide state legislature appropriated grant funds to worthy coastal jurisdictions through the review of submitted project goal summary applications and subsequent award of project grant funds; and

WHEREAS, Lighthouse Beach is a City park constructed in the 1990's which is located northwest of downtown Port Lavaca on the western shoreline of Lavaca Bay that has experienced significant erosion of both the beach and the adjacent marsh and

WHEREAS, the City of Port Lavaca received GLO CEPRA Cycle 13 funding to perform a feasibility study and develop an engineered solution to accomplish the following: 1) nourish the recreational beach to reduce erosion, 2) protect and enhance the wetlands, 3) improve the performance of existing structures, along with a secondary benefit to modify sediment transport pathways to prevent future erosion and resulting deposition within the boat ramp basin; and

WHEREAS, the feasibility study scored favorably a project that includes a 765 LF artificial reef breakwater to protect the marsh from future erosion and three 175 ft long offshore breakwaters to protect the beach area; and

WHEREAS, in recognition of the critical importance of Port Lavaca's coastal natural resources to all residents and visitors to the Texas coast, the potential availability to leverage local dollars with State and Federal funds, the societal benefits to current and future generations of Texans, the City of Port Lavaca City Council considers it fitting and proper to commit local dollars as required match funds toward for the implementation of these critical shoreline protection projects and provide public access to the same.

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

THAT, the City Council hereby approves and supports the submission of one (1) CEPRA Cycle 14 grant application to solicit funding for the following essential project and hereby also commits to establish and maintain public access to said shorelines:

- 1) Lighthouse Beach Restoration Project Preliminary Design, Permitting, and Final (95%) Design Engineering, with a commitment of \$158,000.00 of local match dollars.
- 2) The City Manager is hereby authorized to execute any and all applications and contract forms as necessary, dedicate/secure the required cash match, and coordinate staff's efforts to submit the approved Project Goal Summary grant applications to the General Land Office.

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

14. **Consider Resolution No. R-041425-3 recognizing the Cottages on Independence alignment with the City's Community Revitalization goals and support of the project. Presenter is Jody Weaver**

Motion made by Councilman District 2 Dent

WHEREAS, the City of Port Lavaca recognizes the critical importance of revitalizing our community and improving the quality of life for our residents; and

WHEREAS, the City has adopted a Comprehensive Plan which outlines strategies for addressing key challenges and achieving long-term growth and sustainability; and

WHEREAS, the proposed housing project "Cottages on Independence", situated at 337 Independence Drive in the City of Port Lavaca, is a key component of the City's revitalization plan and will provide quality affordable housing in Port Lavaca.

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

THAT, the City Council of Port Lavaca recognizes the importance of the "Cottages on Independence" project and its alignment with the City's community revitalization goals and hereby expressly supports the Federal Home Bank of Dallas application and looks forward to the successful completion of the project.

BE IT FURTHER RESOLVED that the City Council encourages all stakeholders, including developers, community members, and city staff, to work collaboratively to ensure that the project delivers on its promise of revitalizing our community and improving the quality of life for all residents.

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 Resolution No. R-041425-4 approving the Municipal Maintenance Agreement between the Texas Department of Transportation (TxDOT) and the City of Port Lavaca, Calhoun County, Texas. Presenter is Jody Weaver**

Motion made by Councilman District 3 Tippit

WHEREAS, an Agreement is made between the State of Texas and the City of Port Lavaca, Calhoun County, Texas; and

WHEREAS, this agreement is for the maintenance, control, supervision and regulation of certain State Highways and/or portions of State Highways in the City of Port Lavaca; and

WHEREAS, providing for the execution of said agreement and declaring an emergency; and

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

SECTION 1. THAT, the Mayor is hereby authorized to execute said agreement on behalf of the City of Port Lavaca, Calhoun County, Texas, and to transmit the same to the State of Texas for appropriate action.

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

16. **Consider Second and Final reading of an Ordinance (S-1-25) 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. Presenter is Brittney Hogan**

Motion made by Councilman District 6 Burke

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

THAT, Council hereby approves Second and Final reading of an Ordinance (S-1-25) 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 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

17. **Consider Second and Final reading of an Ordinance (G-1-25) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes; Chapter 32 Parks and Recreation; Bauer Community Center Rental Rates; and providing an effective date. Presenter is Jody Weaver**

Motion made by Councilman District 6 Burke

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

THAT, Council hereby approves Second and Final reading of an Ordinance (G-1-25) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes; Chapter 32 Parks and Recreation; Bauer Community Center Rental Rates.

Seconded by Councilman District 5 Ward

Voting Yea:

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

Voting Nay:

Councilman District 3 Tippit

18. **Consider Second and Final reading of an Ordinance (G-2-25) of the City of Port Lavaca amending the ordinance Codified and Described in the City of Port Lavaca's Code of Ordinances as Chapter 50 – Utilities, Article II. - Water, Division 2. – Water Service, Sec. 50-46 – Leak on Customer's side of meter; Providing for purpose of Ordinance; Providing penalties for violations; Providing for severability; Providing a repealing clause; and Providing an effective date. Presenter is Brittney Hogan**

Motion made by Councilman District 3 Tippit

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

THAT, Council hereby approves Second and Final reading of an Ordinance (G-2-25) of the City of Port Lavaca amending the ordinance Codified and Described in the City of Port Lavaca's Code of Ordinances as Chapter 50 – Utilities, Article II. - Water, Division 2. – Water Service, Sec. 50-46 – Leak on Customer's side of meter.

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

19. **Consider adoption of Title VI Nondiscrimination Plan. Presenter is Jody Weaver**

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 adopts a Title VI Nondiscrimination Plan.

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

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

Mayor announced Council would go into Recess at 8:43 p.m.

Mayor announced Council was back from Recess at 8:51 p.m.

20. **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 deliberate commercial or financial information that was received from a business prospect that seeks to locate, stay, or expand in or near the territory of the Governmental Body, and with which the Governmental Body is conducting Economic Development Negotiations, in accordance with Title 5, Chapter 551, Section 551.087 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 [Interim City Manager]). Presenter is Mayor Whitlow**

Mayor Whitlow announced that Council would retire into closed session at 8:51 p.m.

21. **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 10:22 p.m.

- Action taken on Economic Development Negotiations:

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 and amendment to Chapter 380 Economic Development Agreement between City and PVS PL Hanuman, LLC, a Developer (per City Ordinance #S-2-13 adopted on 02.13.2023 and Resolution No. R-021323-3), as follows;

- Changing the estimated dollar amount of the reimbursement in Section 2.02 from \$50,000.00 to \$100,000.00;
- Adding reference in Section 2.03 to the Special Warranty Deed filed of record as Document #2023-00295 of the Official Records of Calhoun County, Texas, in lieu of attaching a Exhibit "B";
- Changing the term of the agreement in Section 3.01(b) from March 1, 2030 to March 1, 2035.
- Section 4.02 was amended to read as follows:
Statutory Activities: From the date of completion of construction through the termination of the Agreement, the Developer shall provide, on a quarterly basis and in conjunction with the Hotel Occupancy Tax Notice, documentation necessary to establish, as a matter of law, that the Developer has conducted advertising has engaged in Activities described in Section 351.101(a)(2),(3),(4),(5) and/or (9) of the Texas Tax Code. Further Developer shall promote tourism and the hotel and convention industry in Port Lavaca, Texas. Such activities shall include the use of marketing materials and personnel to market the hotel outside
- Exhibit "A" Certificate of Compliance was amended to read as follows:

CERTIFICATE OF COMPLIANCE

Pursuant to that certain Chapter 380 Economic Development Agreement (the "Agreement") between the undersigned Developer and the City of Port Lavaca (the "City"), Developer hereby certifies to the City that at the time of delivery of the Hotel Occupancy Tax Notice which accompanies this Certificate of Compliance, the Developer is in compliance in all material respects with each of its obligations under the Agreement.

Attached to this Certificate as Attachment "A" is documentation of the following activities conducted by the Developer within the calendar quarter immediately preceding delivery of this Certificate as required by Section 4.02 of the Agreement:

- 1) The furnishing of facilities, personnel, and materials for the registration of delegates or registrants of a local convention;
- 2) Advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;
- 3) The encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms;

- 4) Historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums;
- 5) Signage directing the public to sights and attractions that are visited frequently by hotel guests in the municipality;

Developer acknowledges and agrees that the reimbursement shall be up to 50% of documented activities provided as part of this certification.

Dated: _____ Developer: _____

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, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Burke

Voting Nay:

Councilman District 3 Tippit

- Action taken on Personnel Matters, Interim City Manager, Title 5, Section 551.074

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 authorizes a three percent (3%) salary increase for Interim City Manager Weaver, beginning next pay period.

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 Councilwoman District 4 (Mayor Pro Tem) Padron

Seconded by Councilman District 3 Tippit

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

Meeting adjourned at 10:29 p.m.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary