CITY COUNCIL REGULAR MEETING

Monday, May 10, 2021 at 6:30 PM
Electronically through Zoom

MINUTES

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

On this the 10th day of May, 2021, 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:

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

And with the following absent:

Ken Barr	Councilman, District 6

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

I. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 6:38 p.m. and presided.

II. INVOCATION

- Former Councilman Floyd Felder gave the invocation.

III. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

IV. MAYOR'S PROCLAMATIONS

1. May is Motorcycle Awareness Month
2. National Police Week is May 9 – May 15, 2021 "Respect. Honor. Remember."
3. Public Works Week is May 16 – May 22, 2021 "Stronger Together"

V. **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 commented:
  - Tanya French – Port Lavaca Events Committee on "Rock Festival" scheduled for Saturday, May 15, 2021 beginning at 5:00 p.m. at the Bayfront Peninsula Park

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

A. Minutes of April 12, 2021 Regular Meeting
B. Receive monthly Financial Highlight Report
C. Payment of Invoices Exceeding $1,500
D. Port Commission Lease: Big Bear Shrimp & Seafood LLC - 2 Year Option to extend

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

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

1. Administer Oaths of Office and issue Certificates of Election to newly elected officials to the Port Lavaca City Council to-wit: Tim Dent, District 2 and Ken Barr, District 6 to serve a new term of three (3) years.

City Secretary Grant administered the Statement of Elected Official, Oath of Office and Certificate of Election signed by the Mayor, to the following newly elected official, Tim Dent, representing City Council, Single Member District Two (2). She noted that Ken Barr, representing City Council, Single Member District Six (6) was absent; therefore, would be administered both Oaths and Certificate of Election, at a later date.

No action necessary and none taken.

2. Consider election of Mayor Pro Tem by Council Members in accordance with Section 3.04 of the City of Port Lavaca Home Rule Charter.

Section 3.04 of the City of Port Lavaca Home Rule Charter:
"The Mayor Pro Tem shall be selected by the Council at the first regular meeting after each General Election, or upon a vacancy in the office of Mayor Pro Tem, from among the members of the Council and shall perform all duties of the Mayor in the Mayor's absence or disability, but shall vote as a Council Member".

Mayor Whitlow advised the floor was open for nominations.

Motion made by Councilman District 1 Smith

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

THAT, in accordance with Section 3.04 of the City of Port Lavaca Home Rule Charter, Councilwoman Rosie Padron be elected to the office of Mayor Pro Tem and shall perform all duties of the Mayor in the Mayor's absence or disability, but shall vote as a Council Member, effective immediately.

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.

3. Consider Resolution No. R-051021-1 of the City of Port Lavaca, Texas finding that AEP Texas Inc.'s application to amend its Distribution Cost Recovery Factors (DCRF) to increase distribution rates within the city should be denied; authorizing participation with the cities served by AEP Texas; authorizing hiring of legal counsel; finding that the city's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel.

Motion made by Councilman District 2 Dent

WHEREAS, the City of Port Lavaca, Texas ("City") is an electric utility customer of AEP Texas Inc. ("AEP" or "Company"), and a regulatory authority with an interest in the rates and charges of AEP; and

WHEREAS, the City is a member of the Cities Served by AEP ("Cities"), a membership of similarly situated cities served by AEP that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in AEP's service area; and

WHEREAS, on or about April 6, 2021 AEP filed with the City an Application to Amend its Distribution Cost Recovery Factor ("DCRF"), PUC Docket No. 51984, seeking to increase electric distribution rates by approximately $39.87 million (an approximately $2.60 increase to the average residential customer's bill from the rates just approved in the Company's rate case); and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

WHEREAS, Cities are coordinating its review of AEP's DCRF filing with designated attorneys and consultants to resolve issues in the Company's application; and

WHEREAS, Cities members and attorneys recommend that members deny the DCRF.

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

Section 1. That the City is authorized to participate with Cities in PUC Docket No. 51984.

Section 2. That subject to the right to terminate employment at any time, the City of hereby authorizes the hiring of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

Section 3. That the rates proposed by AEP to be recovered through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

Section 4. That the Company shall continue to charge its existing rates to customers within the City.

Section 5. That the City's reasonable rate case expenses shall be reimbursed in full by AEP within 30 days of presentation of an invoice to AEP.

Section 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

Section 7. That a copy of this Resolution shall be sent to Leila Melhem, American Electric Power Service Corporation, 400 West 15th Street, Suite 1520, Austin, Texas 78701 and to Thomas Brocato, General Counsel to the Cities, at Lloyd Gosselink Rochelle & Townsend, 816 Congress Ave., Suite 1900, Austin, Texas 78701.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron.

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.

4. <u>Consider request of Yolanda Resendiz (565 Bayou Drive, Port Lavaca, Texas) for a Parade Permit with Police Escort for a Quinceañera procession with horses from Our Lady of the Gulf Catholic Church to the Bauer Community Center on Saturday, May 22, 2021 commencing at 2:00 p.m.</u>

Mr. Mark Daigle (495 N. Maxwell Lane – Port Lavaca, Texas) was in attendance and addressed Council in support of this request. Police Chief Rangnow advised Council that Yolanda Resendiz of 565 Bayou Dr. in Port Lavaca, Texas has requested a Parade Permit and Police Escort for a Quinceañera procession, accompanied by several horses, on May 22, 2021 at 2:00 pm. He said Ms. Resendiz is aware a permit fee of $25.00 will be required and with the condition they also must provide a cleanup crew to follow behind and pick up any animal excrement. He said staff recommends approval of request.

The procession will start at OLG Catholic Church (415 W Austin) and terminate at the Bauer Community Center (2300 TX-35). He said the parade route will consist as follows:

- Start: OLG Catholic Church (415 W Austin)
- East on West Austin/FM 238
- North on S. Commerce/FM 238
- North on Broadway/FM 238
- End: Bauer Community Center (2300 TX-35)

Motion made by Councilman District 1 Smith

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

THAT Council hereby approves the request of Ms. Yolanda Resendiz to purchase a City Parade Permit for a Quince Nera procession, with condition outlined above, from Our Lady of the Gulf Catholic Church to the Bauer Community Center on Saturday, May 22, 2021 commencing at 2:00 p.m. and the Police Department will assist with traffic control.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron.

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.

5. <u>Consider appointment and/or re-appointment of representative(s) to the Golden Crescent Regional Planning Commission (GCRPC) General Assembly and Board of Directors.</u>

Interim City Manager Weaver advised Council that the City's membership in the Golden Crescent Regional Planning Commission (GCRPC), provides the opportunity to annually appoint and nominate a member of City Council for the following:

The General Assembly, GCRPC's policy body, meets annually and is a one-year term.
Each City will select 2 Council Members;
New Term will be from 09-01-2021 thru 08-31-2022.

The Board of Directors: GCRPC's governance body, meets monthly and is a two-year term.
Choose one of the representatives chosen for the General Assembly above, as the GCPRC Board of Directors' representative.
New Term will be from 09-01-2021 thru 08-31-2023.

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 nominates Councilwoman Rosie Padron and Councilman Allen Tippit to the General Assembly of the Golden Crescent Regional Planning Committee (GCRPC) representing the City of Port Lavaca, for a one-year term, beginning September 01, 2021 through August 31, 2022.

BE IT FURTHER RESOLVED THAT, Council hereby nominates Councilman Allen Tippit to the Board of Directors of the Golden Crescent Regional Planning Committee (GCRPC) for a two-year term, beginning September 01, 2021 through August 31, 2023.

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.

6. Consider Second and Final Reading of an Ordinance (G-3-21) amending the ordinance codified and described in the City of Port Lavaca Code of Ordinances as Part II, Appendix A – Fees, Rates and Charges (Chapter 32 - Parks and Recreation, Chapter 38 - Solid Waste, CH 54 – Waterways); and providing an effective date.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with recommendation of staff, Council hereby approves Ordinance G-3-21 on this second and final reading.

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.

7. Consider permitting the Cemetery Association to fence in their property across City Rights-of-Way.

Interim City Manager Weaver advised Council that Mickey Thomas, President of the Port Lavaca Cemetery Association is requesting permission from the City of Port Lavaca to fence across the rights-of-way of S. Juanita, S. Trinity, and Chestnut Streets, in order to fence the boundary of the property owned by the Port Lavaca Cemetery Association. She said a minimum 16 feet gate access will be provided at the north end of Juanita Street for the City to access the right-of-way and the utilities which are located within this right-of-way. City Attorney Odefey advised this action would not be permanent and could always be modified if the need arose.

Motion made by Councilman District 1 Smith

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 grants permission to the Port Lavaca Cemetery Association to fence across the rights-of-way of S. Juanita, S. Trinity, and Chestnut Streets, in order to fence the boundary of the property owned by the Port Lavaca Cemetery Association.

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.

8. Consider Russell Marine, LLC's Change Order No. 1 to the Lighthouse Beach Fishing Pier project to add the demolition of the remaining old causeway pier in Lavaca Bay and also consider a budget amendment in the amount of $42,500 to handle this expenditure.

Interim City Manager Weaver advised Council that she had received a proposal from Russell Marine, LLC. to remove and haul off what still remains of the original causeway fishing pier out in Lavaca Bay. She said this proposal is to demolish the approximate 1,000 linear feet of old pier that is still standing isolated in Lavaca Bay for a lump sum of $42,500. She said this is not a budgeted item and recommends that Council approve a budget amendment to transfer General Fund Reserve dollars into the Parks Department to handle this expenditure.

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 Russell Marine, LLC's Change Order No. 1 to the Lighthouse Beach Fishing Pier project to add the demolition of the remaining old causeway pier in Lavaca Bay, in the amount of $42,500.00.

BE IT ALSO RESOLVED that Council hereby approves a budget amendment to transfer General Fund Reserve dollars into the Parks Department to handle this expenditure.

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.

9. Consider request from the Public Works Department to declare City property as Surplus (the old UV disinfection system at the WWTP) and authorize staff to dispose same either by donation to another City or by auction.

Interim City Manager Weaver advised Council that the Public Works Department has upgraded the Ultra Violet (UV) Disinfection System at the Wastewater Treatment Plant (WWTP). She said the Public Works Department would like to declare this equipment surplus and also asks for authorization for staff to dispose same either by donation to another City or by auction.

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 and declares the old Ultra Violet (UV) Disinfection System at the Wastewater Treatment Plant (WWTP) as surplus and authorizes staff to dispose same either by donation to another City or by auction.

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.

10. Consider recommendation of the Planning Board for a Recreational Vehicle (RV) Park to be located north of Austin and west on Alcoa Drive within the city limits of Port Lavaca. The property identification number is 90212. The legal description for this parcel is A0137 SAMUEL SHUPE, TRACT PT 52, ACRES 6.96, Port Lavaca, Texas.

Development Services Director Carpenter advised Council that Mr. Hermina Silva and his brother-in-law, Mr. Adalberto Ordonez, were wanting to buy some property for construction of a Recreational Vehicle (RV) Park. She said this property is located adjacent to the southeast corner of the approved designated area for Manufactured Home Parks and RV Parks on the Future Land Use Map. She said this location has a west contiguous property line of an existing manufactured home park. She said the Planning Board, at the May 3, 2021 meeting, had approved staff recommendation for a Recreational Vehicle (RV) Park to be located north of Austin and west on Alcoa Drive within the city limits of Port Lavaca.

After a lengthy discussion among council members, the consensus was to not take any action at this time.

No action necessary and none taken.

11. Consider recommendation of the Port Commission to approve Urban Engineer's Task Order #25 for Upper Dock at City Harbor.

Interim City Manager Weaver advised Council that the FEMA Damage, Description and Dimension (DDD) document identified an area of the 20 ft wide upper dock of City Harbor (142' long) as eligible for 90% reimbursement due to damage caused by Hurricane Harvey. At the February Port Commission meeting, the Port Commissioners authorized Urban Engineering to prepare a Task Order for this work. She said Urban Engineering has submitted Task Order No. 25 for this scope of work for $18,000.

Weaver said the scope will include demolition and cleanup of and around the old concrete retaining wall at the east end of the dock. FEMA should reimburse 90% of the prorated share of the engineering that covers the 142' x 20' fill and concrete slab replacement. Texas will pay 75% of the 10% match.

Staff joins the Port Commission in recommending an award of this Task Order to Urban Engineering in the amount of $18,000.00.. The work will be charged to Hurricane Harvey Fund 175, but those funds not reimbursed will be charged to the Port Revenue fund.

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 the Port Commission and staff, Council hereby approves Task Order No. 25 to Urban Engineering for the Engineering Services for repairs to the City Harbor Docks Project, Upper Dock including the ramp, for a fee of $18,000.00.

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.

12. Consider entering into a new Professional Services Agreement between the City of Port Lavaca and Bureau Veritas North America, Inc.

Development Services Director Carpenter advised Council that the intent for a new contract with Bureau Veritas North America, Inc. (BV) for a new Standard Professional Services Agreement contract will allow for the City to utilize the expanded "options" of services Bureau Veritas provides. She said there is not an upfront incurred cost to this new contract. She said it is the same fee-based contract as the prior contracts between Bureau Veritas and the City and there will not be any change to the current fee schedule pertaining to plan review, permits and MuniCode with this new contract. City Attorney Odefey has studied the new contract and except for a few suggested changes, advised the contract could be approved.

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 City Attorney and Staff, Council hereby approves and authorizes the City Attorney to make any changes deemed necessary before entering into a new contract with Bureau Veritas North America, Inc. (BV.

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

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.

13. <u>Consider awarding a FEMA Hazard Mitigation Grant construction contract for Generators and Quick Connects at various locations.</u>

Interim City Manager Weaver reminded Council that the city was awarded a Hazard Mitigation Grant after Hurricane Harvey to install back-up generators at the Wastewater Treatment Plant (WWTP) and a few lift stations. She said the Federal dollars awarded are $640,867.50, requiring a 25% match or $213,622.50. G&W Engineers was awarded an engineering contract for $64,500.00. At the February 8, 2021 Council meeting, a contract for the generators at the Wastewater Treatment Plant and Main Lift Station for $265,484.00 was awarded to Dausin Electric Company.

Weaver said bids were received on Tuesday, May 4, 2021 for the following additional scope:
Back-up power generators at the Brookhollow Lift Station, the Lynnhaven Lift Station, the Ann Street Lift Station, the Vela Lift Station and the George Street Public Works Building. She said the project includes adding quick connects at other lift stations in town. The bid tabulation is as follows:

Constar Construction	$ 620,000.00
S & R Electric	No Bid
Material Producer Construction Services, LLC	$ 404,361.95
Dausin Electric Company	$ 616,990.00
Mercer Controls, Inc.	$ 514,469.00
McDonald Municipal & Industrial (a Division of C.F. McDonald Electric, Inc.)	$ 432,618.00

Recommendation:
Staff concurs with G&W and recommends that Council award a construction contract in the amount of $404,361.95 to Material Producer Construction Services, LLC and waive the typographical error technicality found in the written unit price of Bid item 22. (The overall total bid is correct).

Note: The final portion of the project is to purchase 2 portable standby generators that can be moved from lift station to lift station as may be needed. This will be going out for bids very soon.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with recommendation of staff, Council hereby awards a FEMA Hazard Mitigation Grant Construction Contract #HMGP DR-4332-0341, for Generators and Quick Connects at various Locations Project, to Material Producer Construction Services, LLC in the amount of $404,361.95 and waive the typographical error technicality found in the written unit price of Bid item 22 (the overall total bid is correct), a copy which is on file 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 effect such agreement.

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.

14. Consider construction contract award for 2021 Sidewalk Capital Improvement Project (CIP) on Bauer Street.

Interim City Manager Weaver advised Council there is $100,000.00 budgeted for a new sidewalk on Bauer Street in the 2020-21 budget. She said the scope of the Base Bid includes a new 5 ft sidewalk from Oren Drive to Suncrest. Since much of this sidewalk is directly behind the curb and gutter, 183 linear feet is included to be replaced in conjunction with the new sidewalk. Due to a couple of steep driveways in the block between Suncrest and Avalon streets, there is no sidewalk planned in this block under this contract. A sidewalk will be constructed in front of the curb in this block at some point in the future.

Weaver said the Alternate Bids include sidewalk from Avalon to Austin Street. A large length of walk in this block has been omitted at this time due to a multi-family development planned for construction in the near future.

We advertised for bids and had 4 firms as plan holders; however, 2 bids were received and the bid tabulation is as follows:

Staff Concrete	$ 73,986.67
Lester Contracting	$ 90,003.50

Financial Impact: As you recall earlier, we spent $8,225.00 of these funds to work with CCISD in replacing some sidewalk along Jackson Street, leaving $91,775.00 in the budget. The apparent Low Bidder, Staff Concrete with a greatest amount bid of $73,986.67 is within budget.

Staff recommends Council award a construction contract to Staff Concrete in the amount of $73,986.67. With this award there is $17,788.00 left in the sidewalk budget which can be used for smaller sidewalk improvements around town.

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 awards construction contract for the 2021 Sidewalk Capital Improvement Project (CIP) on Bauer Street Project to Staff Concrete, for the base bid plus Alternate #1 and Alternate #2, in the total sum of $73,986.67, a copy which is on file in the office of the City Secretary, in its entirety.

for 2021 Sidewalk Capital Improvement Project (CIP) on Bauer Street

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

Seconded by Councilman District 2 Dent.

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.

15. Consider recommendation of the Port Commission for Amendment No. 1 to the Ground Lease Agreement for Wild Reef Seafood (Tracts 7, 8 and 11 at City Harbor).

Interim City Manager Weaver advised Council that Mr. John Tesvich, dba Wild Reef Seafood, LLC wants to increase traffic in the store by offering to sell off-premises beer and wine. She said that in order to allow Mr. Tesvish to move forward with this plan, the definition of "Permitted Use" in the Ground Lease Agreement must be amended and the Port Commission was in agreement to those changes.

Weaver said the current "Permitted Use" reads as follows:

> *" … the operation of Tenant's seafood business, including loadings and unloading of seafood boats, storage of seafood and shall include the full retail sale of seafood products."*

The suggested amendment would add the following text to the above definition, after "products":

> *"…, convenience store items and off-premises beer and wine, as permitted by the Texas Alcoholic Beverage Commission (TABC).*

Several Council Members had a concern of beverages being in glass containers in that area. Consensus was that the Port Commission make regulations restricting alcoholic beverages be in a container other than glass.

Motion made by Councilman District 1 Smith

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 Mr. John Tesvich, dba Wild Reef Seafood, LLC selling beer and wine off-premises, in accordance with permitted approval by the Texas Alcoholic Beverage Commission (TABC) and subject to amendment of "Permitted Use" in lease that Port Commission will make regulations restricting that alcoholic beverages will be in a container other than glass.

Mr. John Tesvich, dba Wild Reef Seafood, LLC to sell off-premises beer and wine. She said that in order to allow Mr. Tesvish to move forward with this plan, the definition of "Permitted Use" in the Ground Lease Agreement must be amended and the Port Commission was in agreement to those changes.

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.

Voting Nay:
Councilman District 5 Ward.

16. <u>Consider award of engineering contract to AECOM with Task Orders for Water Systems Planning and Lynn's Bayou Wastewater Treatment Plant Expansion.</u>

Interim City Manager Weaver advised Council that at the April Council meeting, AECOM was selected as the engineering firm to negotiate with for a Professional Services Agreement in response to the Request for Qualifications (RFQ) sent out in December regarding Water Supply Planning and needed upgrades to the Wastewater Treatment Plant. She said AECOM has spent the last month reviewing information that staff provided and had a team on site for a day touring the wastewater treatment plant and discussing the city's water supply concerns.

Weaver said AECOM submitted a Master Design Engineering Services Agreement, which City Attorney Odefey has reviewed. Weaver said that with this approved agreement, individual cost proposals will become Task Orders on this Master Agreement.

AECOM has been working on a cost proposal for two initial task orders being:
1) City's Water Supply Feasibility Study
2) City's Wastewater Treatment Plant Expansion

Weaver said AECOM initially came back with a cost proposal of $150,000.00; however, after some adjustments, the proposal presented identifies a "Not to Exceed Amount of $120,855.00" for the defined scope without further authorization.

Financial Impact: The 2020-2021 fiscal year (FY) Capital Improvement Plan (CIP) includes $3,229,000.00 of Water Improvements and $1,009,500.00 of Wastewater improvements. Of this,

$1,500,000.00 was budgeted for a new Ground Storage Tank/High Service Pump Station. Engineering has not even been awarded for this. There is also $710,000.00 budgeted for the Broadway/Live Oak waterline work. She reminded Council that engineering was authorized to get started because easement acquisition was involved, but staff said the project would be brought back to Council for approval to bid. Urban Engineering has been focused on the 12-inch waterline project. On the wastewater side, the 2020-2021 FY CIP budget includes $500,000.00 for a new Brooks Lift Station.

Staff is proposing to reallocate budgeted funds from the Broadway/Live Oak Waterline Project and the Brooks Lift Station Project to pay for these 2 Task Orders. Requests to move forward with either the Broadway /Live Oak Waterline Project bid or the Brooks Lift Station design will not occur until the financial audit is complete and we can clearly show there are adequate funds for these projects after spending the needed funds for these engineering studies.

Staff recommends Council approve an award of the Master Design Engineering Agreement to AECOM and approve Task Orders 1 and 2 as outlined in Exhibit A dated May 5, 2021, for an amount not to exceed $120,855.00 for the stated scope without further authorization.

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 awards engineering contract to AECOM and also approve Task Orders #1 and #2, for Water Systems Planning and Lynn's Bayou Wastewater Treatment Plant Expansion, in the amount not to exceed $120,855.00, a copy which is on file 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 effect such agreement.

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.

17. Announcement by the Mayor that City Council will retire into closed session to discuss personnel matters in accordance with Title 5, Section 551.074 of the Texas Government Code (to discuss appointment, employment, evaluation, responsibilities and duties, reassignment, discipline or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employer [Port Commission/Board Member(s)]).

Mayor Whitlow announced that Council would retire into closed session at 8:35 p.m.

18. Return to Open Session and take any action deemed necessary with regard to matters in closed session.

Mayor Whitlow announced that Council was back in open session at 9:45 p.m. and there would be no action taken with regard to matters in closed session.

19. <u>Consider appointment and/or re-appointment of member(s) to the Port Commission Board to fill a vacancy and serve a term of two (2) years.</u>

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 to expand the Port Commission Board from five (5) members to seven (7) members, in accordance with the City Charter and therefore appoint new applicants Mike Kovarek and Jim O'Neil to serve a 2-year term.

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.

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 tables re-appointment of member(s) to the Port Commission Board to fill a vacancy and serve a term of two (2) years.

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.

VIII. ADJOURNMENT

Mayor asked for motion to adjourn.

Motion made by Councilman District 2 Dent, 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.

Meeting adjourned at 9:51 p.m.

These minutes were approved on June 14, 2021.

ATTEST:

Mandy Grant, City Secretary

Jack Whitlow, Mayor