



## CITY COUNCIL SPECIAL/WORKSHOP MEETING

Monday, October 25, 2021 at 5:30 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 25<sup>th</sup> day of October, 2021, the City Council of the City of Port Lavaca, Texas, convened in a special and workshop session at 5:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following members in attendance:

#### I. ROLL CALL

|                 |                                         |
|-----------------|-----------------------------------------|
| Jack Whitlow    | Mayor                                   |
| Jerry Smith     | Councilman, District 1                  |
| Tim Dent        | Councilman, District 2                  |
| Allen Tippit    | Councilman, District 3                  |
| Rosie G. Padron | Councilwoman, District 4, Mayor Pro Tem |
| Jim Ward        | Councilman, District 5                  |

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:

### CITY COUNCIL SPECIAL MEETING

#### II. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 5:37 P.M. and presided with the following announcement:

#### III. COMMENTS FROM THE PUBLIC – *Comments will be limited to three (3) Minutes per individual unless permission to speak longer is received in advance.*

- Mayor asked for comments from the public and there were none.

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

**1. Consider award of a Maintenance Mowing Contract for Fiscal Year 2021-2022. Presenter is Wayne Shaffer**

Interim City Manager Weaver and Public Works Director Shaffer advised Council that staff began advertising for bids for Maintenance Mowing of various areas on September 29th and received 3 bids on October 14th. The bid tabulation is as follows:

|                         |             |             |                 |
|-------------------------|-------------|-------------|-----------------|
| P&W Tree Trimming       | Van Vleck   | \$26,400.00 | Single Contract |
| Marvelous Gardens       | Port Lavaca | \$38,320.00 | Single Contract |
| Mauer Shredding Service | Port Lavaca | \$59,080.00 | Single Contract |

The scope of these various areas are as follows:

- Clement Cove upland x 20 times
- 0.5 City lot at corner of Brookhollow and Holiday Lane x 20 times
- 0.8 City lot at corner of Newlin and Commerce x 20 times
- Area between railroad tracks and curb on Main St south of SH 35 for 2600 LF +/- x 20 times
- NE intersection of Half League and Main St. x 20 times
- City Park x 36 times
- George Adams Park x 36 times

The low bidder is P&W Tree Trimming of Van Vleck with a total bid with a single contract of \$26,400.00.

Note: In FY 2020-2021, we spent about \$58,000.00 on the contract with Marvelous Gardens for Median Maintenance Mowing that was executed December 1, 2018. This contract has one more year, expiring on November 30, 2022. With the increase in budgeted funds this year, I have increased the mowing frequency of the median to 10x vs the previous 8x per year. The details of the Marvelous Gardens contracted services are as follows:

- Median mowing 10 x \$4,515.00 = \$45,150.00
- Median Crossings 20 x 570.00 = \$11,400.00
- SH 35 ROW Triangle across from City Park= \$95.00 x 20 = \$1,900.00
- Travis Street media (where palm trees are)= \$75.00 x 20 = \$1,500.00
- NE corner of SH 35 ROW (Welcome sign)= \$75.00 x 20 = \$1,500.00
- SW corner of SH 35 ROW= \$125.00 x 20 = \$2,500.00
- Trash pick-up \$35.00/manhour = \$10,000.00 estimate for the year
- Total estimate for year FY 2021-2022 = \$73,950.00 (approx. \$16,000.00 increase)

**FINANCIAL IMPACT:** The FY 2021-2022 budget adds \$50,000.00 in streets for Contract Mowing and \$50,000.00 in Parks for Maintenance Mowing. With the award of this contract to P&W, the annual cost to Parks is \$7,400.00 and to Streets is \$19,000.00. Add the additional to Streets in the Marvelous Gardens Contract, that is a total additional of \$35,000.00 to streets.

**RECOMMENDATION:** Authorize the City Manager to execute a one-year contract with P&W Tree Trimming in the amount of \$26,400.00 in accordance with the bid documents, pending receipt of satisfactory insurance certificate for Workman's Compensation and Liability insurance.

Note additional individual contracts may be issued from this procurement if needed by the Parks and Streets to keep up with other mowing of ditches and other areas throughout the year.

For 2022-2023 fiscal year, the entire scope will be included in a bid package next year as the Marvelous Gardens contract will expire on November 30, 2022.

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 the City manager to execute a one-year contract with P&W Tree Trimming, in the amount of \$26,400.00 in accordance with the bid documents, pending receipt of satisfactory insurance certificate for Workman's Compensation and Liability Insurance.

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

2. **Review bids, discuss, consider, and possibly adopt Resolution No. R-102521-1 committing City Funds towards the construction cost of the Street & Drainage Improvement Project for the Community Development Block Grant – Disaster Recovery (CDBG-DR) Contract No. 20-065-071-C198 Hurricane Harvey. Presenter is Jody Weaver**

Motion made by Councilman District 1 Smith

WHEREAS, the City Council of the City of Port Lavaca desires to develop a viable community, including descent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

WHEREAS, certain conditions exist related to the damages to the City's street and drainage systems that occurred during Hurricane Harvey, which represent a threat to public health and safety; and

WHEREAS, it is necessary to include local funds in order to complete the scope of work for the street and drainage improvements in the project area.

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

1. That the City commits up to \$1,060,880.05 from its General Fund towards the construction cost of the street and drainage improvement project for the CDBG-DR Contract No. 20-065-071-C198.
2. That the local funds committed to the CDBG-DR grant will be used in accordance with all applicable federal, state, local and programmatic requirements, including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.

Seconded by Councilman District 2 Dent

Voting Yea

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

**3. Consider award of the construction bid for the twelve-inch Waterline Phase 1 Project. Presenter is Wayne Shaffer**

Public Works Director advised Council the current separation of the two (2) elevated storage tanks creates a water age issue. Through engineering and water modeling it was decided that connecting both storage tanks would reduce water age and therefore reduce TTHM formation. However, after receiving bids that exceeded the budget amount, we spoke with Susan Spore from AECOM and are hesitant to award the project until after finalization of the water/wastewater report they are working on. Finally, we believe that it would be better suited to reject the bid and rebid with a different scope, mainly splitting the project into three (3) phases instead of two (2).

The original budget is \$500,000.00 with \$58,500.00 encumbered for engineering leaving \$441,500.00 for project. The base bid amount was \$764,439.49 which equates to \$322,939.49 over the budgeted amount. This is due in large part to material price increases.

Ultimately, once project is approved and completed it will improve water quality for our community.

Staff recommends rejecting the bid and wait for the water/wastewater plans from AECOM to be finalized before revisiting the job scope and rebidding in the future.

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 the recommendation of staff, Council hereby rejects all bids for the twelve-inch Waterline Phase 1 Project.

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

**4. Consider approval of an agreement between the City of Port Lavaca and Ferguson Water Works for the purchase of new "AMI" water meters via the government financing in the amount of \$2,283,372.00. Presenter is Susan Lang**

Finance Director Lang advised Council that in 2014, the City embarked on a meter change out program to replace it's manual-read brass positive displacement meters with an automated reading system which utilized composite (plastic) positive displacement meters offered through Sensus. The complete change over and roll-out was accomplished in 2016 which afforded savings in labor costs and accuracy in meter reads. The composite meters had a ten (10) year life with full factory replacement warranty at five (5) years.

A positive displacement meter functions by spinning as the water travels through the chamber and registers the usage on either a dial (manual read) or a digital display (automated & manual read). Throughout the last several years, meters that failed to register usage at occupied structures were turned in for warranty but were denied due to sand or debris as the culprit causing the malfunctioning of the meter. Additionally, we began experiencing issues with the automatic readings communicating with the manufacturer's software. We were told that this was probably the reason we were having so many "zero" reads in our system. It was suggested that the City upgrade to a different software platform to solve this problem. During this time, the City experienced the malware attack, and had to go through recovery efforts. Once the new software was finally installed, it became obvious that the software communication was not the problem, but a wide-spread meter malfunction due to sand and sediment produced from the City's surface water source.

A few months ago, we determined approximately 1,500 meters of the approximately 4,500 active accounts (or 33%) were malfunctioning or broken. Currently, we are estimating 2,156 out of 4,613 active accounts (47%) are malfunctioning and/or not communicating with our system. Utilizing our billing system audit reports and focusing on zero reads only, we have determined the following:

|  | Zone  | Total Active Meters | Zero Consumption | 9 + Months Of Zero Readings |  |
|--|-------|---------------------|------------------|-----------------------------|--|
|  | 1     | 1900                | 943 (50%)        | 681 (72%)                   |  |
|  | 2     | 1270                | 264 (21%)        | 114 (43%)                   |  |
|  | 3     | 1443                | 720 (21%)        | 306 (43%)                   |  |
|  | Total | 4613                | 1,927 (72%)      | 1,101 (57%)                 |  |

As you can see, we have reached a critical situation, in that almost one-half of our water meters are malfunctioning.

Original discussions focused upon repair and replacement of the malfunctioning meters with the manufacturer's representative, but after discussions with our City personnel, it became painfully obvious that the replacement with the same style meter would not work with our particular water.

The costly and time consuming "repair" process would also lead us back to the beginning, with an incorrect meter for our particular water application. Some of the original estimates for replacement (utilizing 1,500 meters) averaged \$420,000.00 for replacement or \$256,000.00 for repair, both utilizing out-side assistance.

Once we realized the positive displacement meters were the main source of our issue, we focused our attention on an alternative meter that would not only meet our specific application specifications but would also enhance our customer service experience by allowing the users to see their usage in near real-time.

We concluded that a solid-state meter with no moving parts to jam by the sand and sediment in our water would be the ideal meter for our application. The meter is also extremely accurate under low flow as well as high flow situations.

City staff interviewed three (3) manufacturers and their representatives to determine who might be the best partner to meet our needs and determined that Ferguson Waterworks was the best fit. Because we participate in interlocal cooperative purchasing agreements, prices have been pre-bid and awarded. Staff received estimates from all three manufacturers as follows:

|                       |                |
|-----------------------|----------------|
| AV Water Technologies | \$2,033,934.00 |
| SET/MIG               | \$2,158,432.00 |
| Ferguson Water Works  | \$2,000,000.00 |

After adding an allowance for contingencies for water line and valve replacements and the Customer Portal software, the final Ferguson quote amounted to \$2,283,372.00. Additionally, the staff is looking at the "big picture" and feels that Ferguson Waterworks will be able to provide integrated technology by utilizing they Sentryx Water Intelligence Platform which will provide scalable digital services to bundle metering, pressure monitoring and leak detection all on a safe and secure platform which will enhance and monitor security to protect the City's utilities and homeowner's data.

In order to finance the expense, the City received a quotation from Government Capital, whom the City has utilized in the past, and recommends a five-year financing term, with the first payment due one year from signing, at a rate of 2.29% with \$513,473.65 annual payments for five (5) years.

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 awarding the water meter replacement contract through The Interlocal Purchasing System (TIPS) to Ferguson Water Works, as presented above by staff.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the agreement with Ferguson Water Works and Government Capital for the financing of the meter change out.

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

**5. Consider amendment to the City of Port Lavaca HR and Workplace Policies by adding to Chapter 4 Leave of Absence, a “Section 4.13 Quarantine Leave for Fire Fighters and Peace Officers” as required by 87<sup>th</sup> Legislature H.B. 2073 and the Texas Local Government Code Section 180.008. Presenter is Jody Weaver**

Interim City Manager advised Council that on June 15, 2021, HB 2073 was passed and requires cities to provide paid leave for a specific group of employees who are ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty. This rule is cited in the Texas Local Government Code Section 180.008.

Staff was made aware of this new law at the TML Annual Conference and have drafted the attached policy to comply with this law. Texas Municipal League (TML) explained that in the absence of any evidence to the contrary, the presumption is that if a Fire Fighter or a Peace Officer contracts COVID it was due to exposure on the job and therefore qualify for this quarantine pay.

With adoption of this policy, we will need to reimburse sick/vacation days back to the eligible Fire Fighters and Peace Officers. At this time, we have identified one (1) Fire Fighter and are reviewing the attendance records of the Police Department.

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 amendment to the City of Port Lavaca HR and Workplace Policies by adding to Chapter 4 Leave of Absence, a “Section 4.13 Quarantine Leave for Fire Fighters and Peace Officers” as required by 87<sup>th</sup> Legislature H.B. 2073 and the Texas Local Government Code Section 180.008.

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

**V. ADJOURN SPECIAL MEETING**

Mayor asked for motion to adjourn.

Motion made by Councilman District 5 Ward

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

Special Meeting adjourned at 618 p.m.

## **CITY COUNCIL WORKSHOP**

### **VI. CALL TO ORDER**

### **VII. COMMENTS FROM THE PUBLIC**

(Limited to 3 minutes per individual unless permission to speak longer is received in advance)

### **VIII. ITEMS FOR DISCUSSION – (Council will discuss the following items)**

1. **Discuss the proposed Long Range Planning docket for ordinance updates and revisions for 2022. Presenter is Jessica Carpenter**

Council discussed this workshop item.

No action was taken.

2. **Discuss the code of ordinance updates, revisions and additions for Chapter 12, Chapter 26, Chapter 34, Chapter 36, and the newly proposed chapter for the 2015 International Property Maintenance Code. Presenter is Jessica Carpenter**

Council discussed this workshop item.

No action was taken.

3. **Discuss candidates to represent each of the 5 Council districts to be considered for the Economic Development Vision Committee. Presenter is Jessica Carpenter**

Council discussed this workshop item.

No action was taken.

### **IX. ADJOURN WORKSHOP**

Mayor asked for motion to adjourn.

Motion made by Councilman District 5 Ward

Seconded by Councilman District 2 Dent

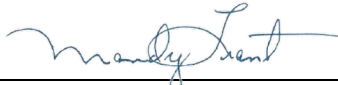


Voting Yea

Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward

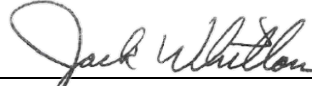
Workshop adjourned at 7:28 p.m.

These minutes were approved on November 08, 2021.



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Mandy Grant, City Secretary



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Jack Whitlow, Mayor