



## CITY COUNCIL REGULAR MEETING

Monday, July 11, 2022 at 6:30 PM

City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

### MINUTES

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

On this the 11<sup>th</sup> day of July, 2022, the City Council of the City of Port Lavaca, Texas, convened in a regular session at 6:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following members in attendance:

#### I. ROLL CALL

Jack Whitlow	Mayor
Jerry Smith	Councilman, District 1
Tim Dent	Councilman, District 2
Allen Tippet	Councilman, District 3
Rosie G. Padron	Councilwoman, District 4, Mayor Pro Tem
Jim Ward	Councilman, District 5
Ken Barr	Councilman, District 6

And with the following absent: None

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

#### II. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 6:31 p.m. and presided.

#### III. INVOCATION

- Councilman Ward gave the invocation.

#### IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

#### V. PRESENTATION(S)

**VI. COMMENTS FROM THE PUBLIC** - *Limited to 3 minutes per individual unless permission to speak longer is received in advance. You may make public comments as you would at a meeting on Zoom by logging on with your computer and/or smart phone as described in the zoom invitation below or on Facebook Live through the comment section, which will be monitored and answered. As appropriate.*

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

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

- A. Minutes of June 13, 2022 Regular Meeting
- B. Minutes of June 27, 2022 Special and Workshop
- C. Review of the Credit Card Statement
- D. Receive monthly Financial Highlight Report
- E. Receive Investment Report for Quarter ending June 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 recommendation of staff, Council hereby approves all consent agenda items as listed:

Seconded by Councilman District 6 Barr

Voting Yea:

Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

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

1. Consider cancellation of the order approved by City Council on March 28, 2022 for the purchase of a 2022 Air Burner, Model S220E from Air Burners, Inc., Palm City, FL, in the amount of \$160,591.61 per GSA quote reference # S220E032210. Presenter is Jody Weaver

Interim City Manager Weaver reminded Council that staff has been working toward a long-range alternative to storing and chipping brush at the Harbor of Refuge for some time. As reported in March, staff has been working with the County on plans to develop a “one-stop-shop” at the County's Precinct 2 recycle center for citizens of the City and County to bring their solid waste, including brush for disposal and recycling. Understanding that there was over a 6-month lead time, in March Council authorized to place an order for an air burner at a cost of \$160,591.61 that would be located at the County's recycle center for burning brush. Staff was told that they could cancel the order within 4 weeks of its scheduled delivery without any cost or penalty to the City.

Recently a new opportunity has presented itself that would negate the need for an air burner for at least 5 years. Kevin Riggs and Ben Boone with Alcoa approached staff with interest in hauling the chips and using them on their bauxite piles for dust control, etc. To verify that these chips will serve the purpose they have in mind, Alcoa has recently hauled away all of the chips that we have been storing at the Harbor of Refuge, over 7,000 cubic yards. Alcoa was satisfied with the chips and is offering the following agreement for consideration:

For the following time period of June 2022 to June 2027 (5-year window and then review if activities will be continued).

- Alcoa would like to work with the City of Port Lavaca and provide a mechanism for wood mulch removal.
- Alcoa will haul chipped wood mulch from the City of Port Lavaca (two locations: Harbor of Refuge Site and future County recycle center off of Hwy 87) at Alcoa's expense and at no charge to the City of Port Lavaca.
- The mulch removal can be performed on an as needed basis with the expectation that the frequency will be on an annual basis.
- Alcoa will coordinate with the City of Port Lavaca prior to annual chipping to arrange transport of the mulch; Alcoa agrees to haul the mulch within 3 months of the annual chipping operation.
- Alcoa can only accept the material if it is free of plastics and trash.

Alcoa is sourcing mulch from surrounding cities for the same beneficial reuse application and same operational expectation.

In light of this beneficial reuse opportunity, staff is recommending cancelling the order for the air burner at this time. Staff has confirmed with Air Burners, Inc. that there will be no cost to the City if the order is cancelled at this time. They have many customers in line for this type of burner. By working with Alcoa on the beneficial reuse of these chips, the city will no longer need to bring 3-phase power to the Hwy 87 site at a cost of \$100,000.00.

The County is still interested in collaborating with staff on the "one-stop-shop" bulk/brush/recycling. Staff is recommending that following the annual chipping in a couple of months, that Republic does as part of their contract (that Alcoa will haul off within 3 months after that), that the city continue to utilize the Harbor of Refuge site to collect brush for at least one more year. During this time staff will work with the County to fine-tune details of an agreement and make necessary site improvements to utilize their land to store and chip brush. If at any time in the future this arrangement with Alcoa is no longer mutually beneficial, the city can reconsider the option to purchase an Air burner to burn the brush.

Motion made by Councilman District 6 Barr

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

THAT, in accordance with recommendation of staff, Council hereby approves cancellation of the order approved by City Council on March 28, 2022, for the purchase of a 2022 Air Burner, Model S220E from Air Burners, Inc., Palm City, FL, in the amount of \$160,591.61 per GSA quote reference # S220E032210.

Seconded by Councilman District 5 Ward

Voting Yea:

Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

2. **Consider Second and Final Reading of an Ordinance (G-5-22) 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 12 – Buildings and Building Regulations, Sec. 12-22(e) Mechanical Contractors – Registration Fee) and providing an effective date. 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 recommendation of staff, Council hereby approves the Second and Final Reading of an Ordinance (G-5-22) 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 12 – Buildings and Building Regulations, Sec. 12-22(e) Mechanical Contractors – Registration Fee).

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

3. **Consider Budget Amendment No. GF-008 for 2021-2022 Fiscal Year and authorizing the Purchase of Materials for the Reconstruction of Seadrift Street. Presenter is Susan Lang**

Finance Director Lang advised Council that the City has the opportunity to partner with Calhoun County Precinct No. 1 and 2 for the reconstruction of Seadrift Street from the Bus Barn to FM 1090, where the County will utilize their labor and equipment, and the City will only need to purchase the materials. The Public Works Department has solicited bids for the various materials and quantities necessary to furnish to the County at a total cost of \$77,409.00.

Three separate solicitations for road base materials of Limestone, PB4, and Flyash were requested from Midtex Materials, Vulcan Materials and Quality Hot Mix. The PB4 was the only material that was firmly quoted by two vendors, another vendor refused to quote. All three items were available and at the least cost from Midtex Materials for a total cost of \$60,855.00.

Additionally, the City solicited quotations for primer oil and RC250 for the same road project partnership with the County. Only quotations received were from Martin Asphalt and Cleveland Asphalt. Martin Asphalt provided the lowest price and availability at a total cost of \$16,554.00. This is above the normal scope provided in the repair and maintenance budget for the Street Department. Additionally, due to a budget mishap, funds of \$200,000.00 were not re-appropriated during the 2022 fiscal year budget process for major capital street projects, which would have covered this cost.

Furthermore, it is no longer necessary to purchase the Air Curtain Burner as previously approved, therefore, we recommend the reversal of Budget Amendment GF-005 in order to accurately reflect the remaining unreserved fund balance available for this request. Accepting this opportunity to work with the County on this project under our MOU agreement will require the City to fund \$77,409.00 for materials, which was not budgeted. Staff recommends approval of Budget Amendment number GF-008 for the reconstruction of Seadrift Street and authorizing the City Manager to execute purchase orders to Midtex Materials for \$60,855.00 and Martin Asphalt in the amount of \$16,554.00.

Motion made by Councilman District 6 Barr

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

THAT, in accordance with recommendation of staff, Council hereby approves Budget Amendment No. GF-008 for the reconstruction of Seadrift Street and authorizing the Interim City Manager to execute purchase orders to Midtex Materials for \$60,855.00 and Martin Asphalt in the amount of \$16,554.00, as presented.

Seconded by Councilman District 5 Ward

Voting Yea:

Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

4. **Consider Resolution No. R-071122-1 of the City of Port Lavaca Transferring Ownership of Fire Truck to the City of Point Comfort, Texas. Presenter is Joe Reyes**

Motion made by Councilman District 5 Ward

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

THAT, the City declares the 2002 Ford F550 rescue truck as surplus property and the City Manager is authorized to sign all documents to transfer ownership to the City of Point Comfort, Texas, for use in its mutual aid "AS IS" AND "WITH ALL FAULTS" including any potential inspections and approvals it may need to get for use of the vehicle.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Councilman Dent pointed out that the resolution should be amended to reflect that the donation was being made to the Point Comfort Volunteer Fire Department and not to the City of Point Comfort, Texas.

Councilman Ward amended prior motion to the following:

Motion made by Councilman District 5 Ward

WHEREAS, on July 11, 2022, during a regular City Council meeting, the City Council of the City of Port Lavaca discussed and approved transferring ownership of the 2002 Ford F550 rescue truck to the Point Comfort Volunteer Fire Department for use in its mutual aid with the City of Port Lavaca; and

WHEREAS, it is noted that Calhoun County, Texas and the incorporated cities of Port Lavaca, Point Comfort and Seadrift are original parties of the Interjurisdictional Mutual Aid Agreement dated June 21, 2007; and

WHEREAS, in said Agreement, the parties have determined that it is in the best interest of themselves and their citizens to create a plan to foster communications and the sharing of resources, personnel and equipment; and

WHEREAS, the City of Port Lavaca has recently placed the 2002 Ford F550 rescue truck out of service due to inspections and approvals it would need for recertification and desires to designate the same as surplus; and

WHEREAS, the Point Comfort Volunteer Fire Department has expressed interest in the ownership of the 2002 Ford F550 rescue truck and would assume ownership “AS IS” AND “WITH ALL FAULTS” including any potential inspections and approvals it may need to get for use of the vehicle.

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

THAT, the City declares the 2002 Ford F550 rescue truck as surplus property and the City Manager is authorized to sign all documents to transfer ownership to the Point Comfort Volunteer Fire Department for use in its mutual aid “AS IS” AND “WITH ALL FAULTS” including any potential inspections and approvals it may need to get for use of the vehicle.

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

5. **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**

Mayor announced there would be no closed session.

6. **Return to Open Session and take any action deemed necessary with regard to matters in closed session. Presenter is Mayor Whitlow**

There was no closed session.

**IX. ADJOURNMENT**

Mayor asked for motion to adjourn.

Motion made by Councilman District 2 Dent, 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, Councilman District 6 Barr

Meeting adjourned at 6:43 p.m.

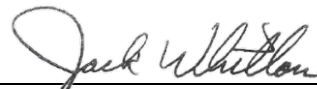
These minutes were approved on August 08, 2022.

ATTEST:



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Mandy Grant, City Secretary



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Jack Whitlow, Mayor