CITY COUNCIL REGULAR MEETING

Monday, June 14, 2021 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 June, 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
Jim Ward	Councilman, District 5
Ken Barr	Councilman, District 6

And with the following absent:

Rosie G. Padron	Councilwoman, District 4, Mayor Pro Tem

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

- Councilman Ward gave the invocation.

III. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

IV. MAYOR'S PROCLAMATIONS

1. Juneteenth Proclamation

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 there were none:

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

A. <u>Minutes of May 10, 2021 Regular Meeting</u>
B. <u>Minutes of May 24, 2021 Special and Workshop</u>
C. <u>Payment of Invoices Exceeding $1,500</u>
D. <u>Receive monthly Financial Highlight Report</u>

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 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, Councilman District 5 Ward, Councilman District 6 Barr.

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

1. **<u>Call annual corporate meeting to order for Port Lavaca Channel & Dock Company and consider and take any action deemed necessary for adoption of unanimous written consent. Presenter is Mayor Whitlow</u>**

Mayor Whitlow called the annual corporate meeting to order at 6:47 p.m. for Port Lavaca Channel and Dock Company. City Attorney Odefey advised Council that the slate of Corporate Officers and Registered Agent of Port Lavaca Channel and Dock Company, owned by the City of Port Lavaca would remain the same.

Mayor Whitlow adjourned the annual corporate meeting to order at 6:49 p.m.

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 City Attorney, Council hereby accepts all activity taken by the corporation and accepts the slate of Corporate Officers and Registered Agent of Port Lavaca Channel and Dock Company, owned by the City of Port Lavaca as follows:

	President	Jack Whitlow,	Mayor
	Secretary	Mandy Grant,	City Secretary
	Director	Jerry Smith,	Council Member D1
	Director	Tim Dent,	Council Member D2
	Director	Allen Tippit,	Council Member D3
	Director	Rosie Padron,	Council Member D4
	Director	Jim Ward,	Council Member D5
	Director	Ken Barr,	Council Member D6
	Registered Agent	Anne Marie Odefey	City Attorney

Seconded by Councilman District 1 Smith

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr.

2. **Call annual corporate meeting to order for Clement Cove Harbor Company and consider and take any action deemed necessary for adoption of unanimous written consent. Presenter is Mayor Whitlow**

Mayor Whitlow called the annual corporate meeting to order at 6:49 p.m. for Clement Cove Harbor Company. City Attorney Odefey advised Council that the slate of Corporate Officers and Registered Agent of Clement Cove Harbor Company, owned by the City of Port Lavaca would remain the same.

Mayor Whitlow adjourned the annual corporate meeting to order at 6:51 p.m.

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 City Attorney, Council hereby accepts all activity taken by the corporation and accepts the slate of Corporate Officers and Registered Agent of Clement Cove Harbor Company, owned by the City of Port Lavaca as follows:

	President	Jack Whitlow,	Mayor
	Secretary	Mandy Grant,	City Secretary
	Director	Jerry Smith,	Council Member D1
	Director	Tim Dent,	Council Member D2

	Director	Allen Tippit,	Council Member D3
	Director	Rosie Padron,	Council Member D4
	Director	Jim Ward,	Council Member D5
	Director	Ken Barr,	Council Member D6
	Registered Agent	Anne Marie Odefey	City Attorney

Seconded by Councilman District 3 Tippit

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr.

3. **Receive 2022 proposed Budget from the Calhoun County Appraisal District (CCAD) as required by Sec. 6.06 (A) of the Texas Property Tax Code to the Governing bodies of the Taxing Units within. Presenter is Jesse W. Hubbell**

Council Members received a 2022 proposed budget report of the Calhoun County Appraisal District (CCAD) from Jesse Hubbell, Chief Appraiser.

No action necessary and none taken.

4. **Receive updated activity report from Allied Waste Services of Texas/Republic Service of Corpus Christi (AW) regarding solid waste collection and disposal services performed within the city. Presenter is Mike Reeves**

City Council received a PowerPoint presentation from Mike Reeves of Allied Waste Services of Texas/Republic Service of Corpus Christi (AW) regarding solid waste collection and disposal services performed within the city.

No action necessary and none taken.

5. **Receive activity report on the Golden Crescent Regional Planning Commission (GCRPC) Regional Environmental Resources Advisory Committee (RERAC). Presenter is Tim Dent**

City Council received an activity report from Councilman Dent on the Golden Crescent Regional Planning Commission (GCRPC) Regional Environmental Resources Advisory Committee (RERAC).

No action necessary and none taken.

6. **Consider request to close Railroad Street between Virginia Street. and Colorado Street from 8:00 a.m. to 6:00 p.m. the third Saturday of the month beginning Saturday, July 19, 2021 for a Port Lavaca Market Days event. Presenter is Tania French**

Tania French, with the Port Lavaca Events Committee made request to City Council to close Railroad Street between Virginia Street and Colorado Street from 8:00 a.m. to 6:00 p.m. on the third Saturday of the month beginning Saturday, July 19, 2021 for a Port Lavaca Market Days event. She said this event was budgeted and the first time would not charge any fees.

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 approves the closure of Railroad Street between Virginia Street and Colorado Street from 8:00 a.m. to 6:00 p.m. on the third Saturday of the month beginning Saturday, July 19, 2021 for a Port Lavaca Market Days event.

Seconded by Councilman District 1 Smith

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr.

7. **Consider award of construction bid for two (2) portable generators for the lift stations by a FEMA Hazard Mitigation Grant. Presenter is Jody Weaver**

Interim City Manager Weaver reminded Council that the City had been 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 8th Council meeting, Dausin Electric Company was awarded a contract for the generators at the Wastewater treatment plant and Main Lift Station for $265,484.00. Last month Council awarded a contract in the amount of $404,361.95 for back-up power for 4 lift stations and the George Street Public Works Building.

Weaver said that on May 27 staff received bids for the final portion of the project, which is the purchase of 2 portable generators that can be moved between the smaller lift stations to pump down as needed. She said two (2) bids were received and bid tabulation is as follows:

1.	Romco Equipment Company	$ 89,000.00
2.	l. J. Power, Inc.	$117,348.00

Engineering and Construction Contracts	Expenses	Grant and Match	
G&W Engineers	$ 64,500.00	$ 640,867.50	Grant
Dausin Electric Company	$ 265,484.00	$ 213,622.50	25% Match
Material Producer Construction Svs	$ 404,361.95		
Romco Equipment Company	$ 89,000.00		
Total Expenses and Grant/Match	$ 823,345.95	$ 854.490.00	OK!

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 the Construction Contract for two (2) "portable generators for the lift stations by a FEMA Hazard Mitigation Grant" project to Romco Equipment Company in the amount of $89,000.00.

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

Seconded by Councilman District 6 Barr.

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr.

8. **Consider award of construction bid for the City Hall Men's Restroom Remodel Improvements Project. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council the initial phase to develop a Master Plan for improvements to City Hall involved Rawley McCoy Architects (RMA) taking field measurements and preparing a floorplan drawing of the existing City Hall facility for use as a planning tool and an accurate background drawing for future improvement projects. This cost was $7,440.00.

The priorities established to begin upgrades to the facility were the following:

1) Renovation to the Men' s restroom to include upgrades to finishes and accessibility.
2) Renovate both the north and south entrances to the building to provide a vestibule and ADA compliance.
3) Provide exterior upgrades including painting, and landscaping and glazing improvements to the west side of the building.
4) Other exterior upgrades to add landscaping and other aesthetics to the north and south entrances.

There had been about $66,500 unspent in the 2019/2020 City Hall Capital Improvement Projects (CIP) budget which was proposed to be carried over. An additional $50,000.00 is budgeted in the 2020/2021 budget as well as $20,000.00 for landscaping. It was the recommendation of RMA that the upgrade to the doors be performed in the same project as the item 3) exterior work and landscaping; therefore, staff moved forward with the top priority and will carry over funds and budget as necessary for the doors and exterior improvements for the 2021/2022 Fiscal Year.

Staff received five (5) bids and bid tabulation is as follows:

Absher Construction	$49,880.00	35 Calendar Days
A&A Constructors, Inc.	$50,000.00	60 Calendar Days
BLS Construction	$52,111.00	90 Calendar Days
Barefoot Construction	$52,360.00	60 Calendar Days
Roth Construction, Inc.	$65,317.00	90 Calendar Days

A copy of the "City of Port Lavaca City Hall Master Plan Phase I, Men's Restroom Renovations Project" construction plans is on file in the office of the City Secretary.

The project includes new cement wall board, tile, ceiling grid and tiles, exhaust fan, A/C and exhaust registers, plumbing fixtures, an occupancy sensor and the existing light fixtures shall be reinstalled.

Weaver said Rawley McCoy Architects (RMA) recommends awarding a construction contract to Absher Construction for $49,880.00 and staff concurs.

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 award of construction bid for the "City of Port Lavaca City Hall Master Plan Phase I, Men's Restroom Renovations Project" to Absher Construction, for a fee of $49,880.00 and 35 days to complete from receipt of order to proceed.

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, Councilman District 5 Ward, Councilman District 6 Barr.

9. **Consider award of bid for the 2021 Seal Coat Program. Presenter is Wayne Shaffer**

Public Works Director Shaffer advised Council that two (2) bids were received for the 2021 Street Sealcoat Program and they are as follows:

Bidder	Base Bid	Alternate	Total Bid	Calendar Days
Sylva Construction, LLC.	$ 97,468.44	$37,743.68	$135,212.12	15 Calendar Days
CK Newberry, LLC.	$109,310.00	$42,931.20	$152,241.60	30 Calendar Days

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 the recommendation of staff, Council hereby accepts the Bid of Sylva Construction, LLC, in the amount of $135,212.12 for the 2021 Street Sealcoat Program to be completed in 15 calendar days from receipt of Notice to Proceed.

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, Councilman District 5 Ward, Councilman District 6 Barr.

10. **Consider award of construction bid for the 2021 Capital Improvement Project (CIP) Ezzell Street Reconstruction. Presenter is Wayne Shaffer**

Public Works Director Shaffer and Interim City Manager Weaver advised Council that on June 8, 2021 CivilCorp and staff had reviewed two (2) bids for the 2021 Capital Improvement Project (CIP) Ezzell Street Reconstruction and they are as follows:

Lester Contracting, Inc.	$722,071.96
Brannon Paving Co., Ltd.	$798,898.62

By way of additional information to support the recommendation to this project, the CIP budgeted funds are as follows:

Streets	$	780,000.00	$	523,133.25
Water	$	125,000.00	$	73,348.71
Sewer	$	250,000.00	$	125,590.00
Total	$	1,155,000.00	$	722,071.96

Staff concurs with the recommendation of CivilCorp to award the construction bid for the 2021 Capital Improvement Project (CIP) Ezzell Street Reconstruction to the low bidder, Lester Contracting, Inc. in the amount of $722,071.96 with 180 calendar days allowed for completion, from date of receipt of Notice to Proceed.

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 award of Construction Bid for the 2021 Capital Improvement Program (CIP) “Ezzell Street Reconstruction Project” to Lester Contracting, LLC, in the amount of $722,071.96 with 180 calendar days allowed for completion, from date of receipt of Notice to Proceed..

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, Councilman District 5 Ward, Councilman District 6 Barr.

11. **Consider recommendation of the Planning Board for approval of a replat of Rau Subdivision, Block 1, Lots 3, 4, 5, 6, 7, 8, 9, and 10 of the Original Townsite of Port Lavaca, City of Port Lavaca, Calhoun County, Texas located on the southeast corner of Chester Street and Guadalupe Street (the property ID numbers are 18523, 18492, and 18546). Presenter is Jessica Carpenter**

Development Services Director Carpenter advised Council that the intent of this replat of lots 3, 4, 5, 6, 7, 8, 9, and 10, Block 1of the Original Townsite of Port Lavaca is to equally divide lot 4 and lot 9 into the adjacent lots. The property owner's Michael and Sharon Rau currently own lots 5, 6, 7, and 8 as identified as property identification number 18523. Property owner's David and Nancy Dahse currently own lots 3 and 10 as identified as property identification number 18546. The property owner's Mark and Willie Phillips own lots 4 and 9 as identified as property identification number 18492. The Phillips have agreed to sell lots 4 and 9 in equal parts to Rau and Dahse respectively. Therefore, a replat is required for Rau and Dahse and legally absorb the equal parts of lot 4 and lot 9 into their existing lots as described above.

Staff recommends conditions of approval as complying with building permit processes upon replat approval and recordation.

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 Planning Board and staff, Council hereby approves the Replat of Rau Subdivision, Block 1, Lots 3, 4, 5, 6, 7, 8, 9, and 10 of the Original Townsite of Port Lavaca, City of Port Lavaca, Calhoun County, Texas located on the southeast corner of Chester Street and Guadalupe Street (the property ID numbers are 18523, 18492, and 18546), as presented with recommended conditions above..

Seconded by Councilman District 5 Ward

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr.

12. **Consider amendment to the City's Compensation Plan for the 2020-2021 Fiscal Year by adding a full-time employee (Camp Host) for the Lighthouse Beach RV Park. Presenter is Wayne Shaffer**

Public Works Director Shaffer and Interim City Manager Weaver advised Council the City has at least $6M of assets situated beyond the Kiosk at Lighthouse Beach. In order to keep an eye on and protect these critical assets, Council needs to re-establish the Park Camp Host position, but this time as a full-time employee. This will require a budget amendment. This position will report to the Parks Superintendent and will come in at $15.00 per hour which is a crew leader's pay rate.

Staff recommendation is to amend the City's Compensation Plan to add a full-time employee (Camp Host) for the Lighthouse Beach Park.

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 the recommendation of staff, Council hereby approves amendment to the City's Compensation Plan for the 2020-2021 Fiscal Year by adding a full-time employee (Camp Host position) for the Lighthouse Beach RV Park, a memo describing this position's duties presented to Council is on file, in its entirety in the office of Human Resources.

Seconded by Councilman District 5 Ward

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr.

13. **Review report from CRG Texas regarding the Limited Phase II Environmental Site Assessment at Tracts 16, 17 and 17A (26.66 Acres) at the Harbor of Refuge and consider recommendation of the Port Commission to submit report to the Texas Commission on Environmental Quality (TCEQ). Presenter is Jody Weaver**

Interim City Manager Weaver reminded Council that on April 12, 2021, they accepted the recommendation of the Port Commission and engaged CRG Environmental to conduct a limited Phase II Environmental Site Assessment at Tracts 16, 17, and 17A at the Harbor of Refuge.

She said this Phase II included the installation of four (4) borings in areas identified in the previous expanded Phase I ESA and conversion of those borings to Temporary groundwater Monitoring Wells (TMWs), collection of soil and groundwater samples for laboratory chemical analysis, and preparation of a Phase II report. She said this effort was implemented to further evaluate minor exceedances of soil-to-groundwater transfer Protective Concentration Levels (PCLs) documented during the recent expanded Phase I ESA conducted on the property.

Staff received the report from CRG on May 21 and a copy of the report was reviewed by the Port Commission members and shared by email with Council. A copy of the email and the report from John Hogue of CRG Environmental, is on file in its entirety, in the office of the City Secretary.

Weaver said the options were discussed at the recent Port Commission meeting and based upon this information from John Hogue, her inclination is to recommend option 1, but she has asked Mr. Hogue for additional insight from him on the probable outcome of this option and also a cost "guesstimate" of what the city may be looking at if Texas Commission on Environmental Quality (TCEQ) does in fact decide to open a Texas Risk Reduction Program (TRRP) file.

The Port Commission recommended to move forward with option 1 and submit the report to TCEQ and start the process. The best-case scenario is that TCEQ accepts the report and agrees there is no need for further action. Weaver thought that because it is an old landfill, they will open a TRRP file and city will have to do more monitoring, but the end result would include a deed restriction to prohibit groundwater use.

I am hoping by Monday' s meeting I will have a bit more information to share from John Hogue about potential scenarios and costs if we go ahead and submit the report to TCEQ.

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 the Port Commission and staff, Council hereby approves submitting report from CRG Environmental, regarding the limited Phase II Environmental Site Assessment at Tracts 16, 17, and 17A (26.66 acres) at the Harbor of Refuge, to the Texas Commission on Environmental Quality (TCEQ).

Seconded by Councilman District 6 Barr.

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr.

VIII. ADJOURNMENT

Mayor asked for motion to adjourn.

Motion made by Councilman District 5 Ward, Seconded by Councilman District 6 Barr.

Voting Yea:
Councilman District 1 Smith, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr.

Meeting adjourned at 8:33 p.m.

These minutes were approved on July 12, 2021.

ATTEST:

Mandy Grant

Mandy Grant, City Secretary

Jack Whitlow

Jack Whitlow, Mayor