



CITY COUNCIL REGULAR MEETING

Monday, April 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 11th day of April, 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 Tippit	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 6:37 p.m. and presided.

III. INVOCATION

- Reverend Paul Hernandez gave the invocation.

IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

V. PRESENTATION(S) BY THE MAYOR

- Proclamations by the Mayor
 - May 30, 2022 will be proclaimed as “American Legion Day”

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

- Mayor asked for comments from the public and the following spoke:
 - Luis De La Garza, 101 Blackstone Place., Port Lavaca, TX, commented on problems with “Flushable Wipes” in sewer line system.

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

- A. Minutes of March 14, 2022 Regular Meeting**
- B. Minutes of March 28, 2022 Special and Workshop**
- C. Review of the Credit Card Statement**
- D. Receive monthly Financial Highlight Report**

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 all consent agenda items as listed:

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

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

1. **Consider request of the American Legion Post #167 for use of the Bayfront Pavilion for a Memorial and Flag Retirement Ceremony on Monday, Memorial Day, May 30, 2022 from 8:00 a.m. to 1:00 p.m. and waiver of any fees in connection to this event (Greg Falcon, Jerry McClendon, Lupe Flores, Jack Mageluzzo). Presenter is Jack Mageluzzo**

Mr. Lupe Flores, American Legion Post #167 member, presented this request to Council in the absence of Mr. Jack Mageluzzo, who was unable to attend the meeting. Mr. Greg Falcon and Mr. Jerry McClendon were also in attendance. The request is for the use of the Bayfront Pavilion for a Memorial and Flag Retirement Ceremony on Monday, Memorial Day, May 30, 2022 from 8:00 a.m. to 1:00 p.m. and waiver of any fees in connection to this event.

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 request of the American Legion Post #167 for use of the Bayfront Pavilion for a Memorial and Flag Retirement Ceremony on Monday, Memorial Day, May 30, 2022 from 8:00 a.m. to 1:00 p.m. and waiver of any fees in connection to this event.

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, Councilman District 6 Barr

2. **Consider appointment/reappointment of member(s) to the Planning Board to fill a vacancy and/or start a new term. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the Planning Board is eligible to have seven (7) members. Currently there is one (1) vacancy and the terms of Mike Elgin and Justin Weaver will be expiring. Both members have expressed a desire for reappointment to the Planning Board. Steven Grant Butler has also sent a letter of interest to fill the current vacancy. There are no term limits established and the full term is for a period of two (2) 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, Council hereby appoints Steven Grant Butler and reappoints Mike Elgin and Justin Weaver to serve on the Planning Board and for each to start a new term of two (2) years.

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

3. **Consider appointment/reappointment of member(s) to the Port Commission to fill a vacancy and/or start a new term. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the Port Commission is eligible to have seven (7) members. The term of Sue Traylor will be expiring and she has expressed a desire to be reappointed to another term. There are no term limits established and the full term is for a period of two (2) 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, Council hereby reappoints Sue Traylor to serve on the Port Commission to start a new term of two (2) years.

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

4. **Consider Second and Final Reading of an Ordinance (G-2-22) amending the ordinance codified and described in the City of Port Lavaca Code of Ordinances as Chapter 10 – Animals, Article I – General, Section 10-5 License Required; and providing an effective date. Presenter is Jody Weaver**

Motion made by Councilman District 5 Ward

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 the second and final reading of an Ordinance (G-2-22) amending the ordinance codified and described in the City of Port Lavaca Code of Ordinances as Chapter 10 – Animals, Article I – General, Section 10-5 License Required.

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, Councilman District 6 Barr

5. **Consider Second and Final Reading of an Ordinance (G-3-22) 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 10 – Animals) and providing an effective date. Presenter is Jody Weaver**

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 the second and final reading of an Ordinance (G-3-22) 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 10 – Animals) contingent that in Exhibit “A” (Other Discounts approval is changed from “City Manager” to “City Council”).

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 6 Barr

Voting Nay:

Councilman District 5 Ward

6. **Consider First Reading of an Ordinance (G-4-22) 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 38 – Solid Waste) and providing an effective date. Presenter is Jody Weaver**

Motion made by Councilman District 5 Ward

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 the first reading of an Ordinance (G-4-22) 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 38 – Solid Waste).

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, Councilman District 6 Barr

7. **Consider award of contract to demolish the Old Freezer Plant on Harbor Street. Presenter is Jody Weaver**

Interim City Manager Weaver reminded Council that when the Upper Dock Repair Project was awarded in September 2021, it was suggested that staff go ahead and bid out the demolition of the Old Freezer Plant. Staff recently prepared a bid package and advertised for bids which were due on March 29, 2022 at 2:30 p.m. Staff received four (4) bids and they are as follows:

Bidders:	Lloyd Nabors Demolition, LLC. Hutchins, TX	Coastal Bend Demolition, Inc. Corpus Christi, TX	Lester Contracting, Inc. Port Lavaca, TX	Staff Concrete Construction Victoria, TX
Bid Amt:	\$59,450.00	\$49,500.00	\$180,000.00	\$94,850.00
Cal. Days	30	30	90	45

Weaver contacted the apparent low bidder, Coastal Bend Demolition, to confirm that they are satisfied with their bid and have no concerns with the price. He did say that with their work load they may not be able to start the demolition before 60-90 days out; however, will be done within 30 once they begin.

Weaver also spoke with William Key, of BLS Construction who has used Coastal Bend Demolition in the past and he advised there were no issues.

Weaver said there is \$50,000.00 budgeted in Economic Development to paint the old Fire Station. She has looked at the old Fire Station and there are other repairs needed before it can effectively be painted.

Staff recommends using these budgeted funds to get the foundation demolished which will clean up the area and make it more attractive and safer for people visiting the cemetery and taking advantage of the recent improvements to the upper dock area.

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 awarding contract to demolish the Old Freezer Plant on Harbor Street to Coastal Bend Demolition, LLC of Corpus Christi, Texas in the amount of \$49,500.00 with 30 calendar days to complete project 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 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

8. **Consider recommendation of the Planning Board for Preliminary and Final Plat of the Calhoun County Independent School District (CCISD) FEMA Dome Subdivision, Block 1, Lot 1, Maximo Sanchez League, Property #37865. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that CCISD has a FEMA grant to construct a FEMA Dome for the emergency evacuation measures for CCISD. The FEMA Dome is a new addition to the emergency management plan for the school district. CCISD has coordinated with the City and the County throughout the planning of this project.

An access easement has been recorded across the drainage ditch that adjoins Sandcrab Boulevard, providing legal access from Sandcrab Boulevard to the FEMA Dome property. The property has access to public water and sewer on Sandcrab Boulevard.

CCISD has attended a pre-development conference with the City of Port Lavaca re-development team. The preliminary and final plat as presented meet all requirements of the platting process. Staff recommends approval of this request.

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 Preliminary and Final Plat of the Calhoun County Independent School District (CCISD) FEMA Dome Subdivision, Block 1, Lot 1, Maximo Sanchez League, Property #37865.

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, Councilman District 6 Barr

9. **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 Whitlow announced that Council would retire into closed session at 7:22 p.m.

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

Mayor Whitlow announced that Council was back in open session at 7:48 p.m. (Resolution No. R-041122-1 was approved, see the following agenda item #11).

11. **Consider Resolution No. R-041122-1 of the City of Port Lavaca approving the 7th and 8th Amendments to the Water Supply Contract between the Guadalupe-Blanco River Authority (GBRA) and the City of Port Lavaca authorizing the Interim City Manager to execute all documents necessary related thereto and declaring an effective date.. Presenter is Jody Weaver**

Motion made by Councilman District 6 Barr

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

THAT, the Interim City Manager and Mayor are authorized as appropriate to execute all documents necessary to incorporate the 7th and 8th Amendments to the Water Supply Contract between the Guadalupe-Blanco River Authority (GBRA) and the City of Port Lavaca in form substantially similar to the documents attached hereto as Exhibit "A" and Exhibit "B" and execute such other documents as are necessary and declaring an effective date, in a form approved by the City Attorney.

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

IX. 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, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

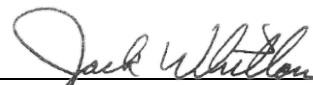
Meeting adjourned at 7:52 p.m.

These minutes were approved on May 09, 2022.

ATTEST:



Mandy Grant, City Secretary



Jack Whitlow, Mayor