CITY COUNCIL REGULAR MEETING

Monday, November 08, 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 8th day of November, 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:

I. ROLL CALL

Jack Whitlow	Mayor
Jerry Smith	Councilman, District 1
Tim Dent	Councilman, District 2
Allen Tippit	Councilman, District 3
Jim Ward	Councilman, District 5

And with the following absent:

Rosie G. Padron	Councilwoman, District 4, Mayor Pro Tem
Ken Barr	Councilman, District 6

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 6:31p.m. and presided.

III. INVOCATION

- Former Councilman Floyd Felder gave the invocation.

IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

V. PRESENTATION(S) BY THE MAYOR

- Letters of Commendation were issued to the following employees:
  - Edward Tyler
  - Oscar Quintanilla
  - Paul Castillo

On Friday October 8, 2021, the opening day of the newly reconstructed Lighthouse Beach Fishing Pier, City of Port Lavaca Parks employees Edward Tyler, Oscar Quintanilla and Paul Castillo were making repairs at the restroom near the pier entrance. Mr. Kevin LeVrier came running down the pier yelling for help to save his daughter who could not swim.

She had waded far out from the beach area and had been caught in a current which took her out near the end of the pier, where she was holding on to a piling. The three employees quickly responded by grabbing a rope from their truck, and while on the run down the pier, Eddie tied a bowline knot in the rope. When they reached the girl, she was visibly scared and bobbing in and out of the water. The men threw the rope to her and Eddie climbed down the pier to help her secure the rope under her arms and hold her as Oscar and Paul carefully led the two along the pier back toward shore as the Fire Department and EMS were arriving on the scene.

Because of the quick action and courageous efforts of these employees, Miss Faith LeVrier was saved from a possible drowning and protected from further harm until Fire and EMS personnel could arrive on the scene. Edward Tyler, Oscar Quintanilla and Paul Castillo are to be commended for their self-less service and courageous action in saving Miss LeVrier and are truly assets to the City of Port Lavaca.

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:
  A. Deborah Tomlinson of 109 La Salle Blvd, Brookhollow Estates Subdivision:
    a) Speed Limit Signs, Speed Bumps and Speeders; and
    b) Brush and/or Bulk Items not being picked up on schedule.
  B. Mike Reeves of Republic introduced new Director, Johnathan Keen.

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

A. Minutes of September 01, 2021 Special Meeting
B. Minutes of October 11, 2021 Regular Meeting
C. Minutes of October 25, 2021 Special Meeting and Workshop Session
D. Payments of Invoices Exceeding $1,500
E. Receive Monthly Financial Highlight Report
F. **Investment Report for Quarter ending September 30, 2021**
G. **Ratify Port Commission approval of the following Leases:**
  1) **Spiretek, Nautical Landings Office Building, Suite 2; $1,850/month; 1 year + 1 year option**
  2) **Bay Ltd., Nautical Landings Office Building, Suite 5; $1,450/month; 1 year + 1 year option**
  3) **Rick Lewis dba Port Lavaca Plumbing, Nautical Landings Office Building, Suite 1D; $450/month; 1 year + 1 year option**

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 1 Smith

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

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

1. **Receive update from representative of Sparklight (Formerly Cable One) about launching a new Video Streaming Service within the City of Port Lavaca. Presenter is David T. Hilarides**

General Manager of Sparklight, David T. Hilarides, was in attendance and advised Council about launching a new Video Streaming Service within the City of Port Lavaca.

No action necessary and none taken.

2. **Receive and approve presentation of the Calhoun County E9-1-1 Emergency Communication District Proposed 2022 Fiscal Budget in accordance with the Health and Safety Code, Title 9 Safety, Subtitle B Emergencies, Chapter 772 Local Administration of Emergency Communications, Sec 772.309(4) Governing Body of Participating Jurisdiction. Presenter is Rachel Morales**

Raquel Morales, Calhoun County E9-1-1 District Manager was in attendance to present their 2022 Fiscal Year Budget. She advised the budget must be approved by the 9-1-1 Board and then presented to and approved by the Commissioner's Court of the county for which the district is established and the Governing Body of the Principal Municipality (City of Port Lavaca). The board shall perform an independent financial audit of the district annually and present to all participating public agencies. This is in accordance with the Health and Safety Code, Title 9 Safety, Subtitle B Emergencies, Chapter 772 Local Administration of Emergency Communications, Section 772.309(4) Governing Body of Participating Jurisdiction.

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 presentation of the Calhoun County E9-1-1 Emergency Communication District Proposed 2022 Fiscal Budget in accordance with the Health and Safety Code, Title 9 Safety, Subtitle B Emergencies, Chapter 772 Local Administration of Emergency Communications, Sec 772.309(4) Governing Body of Participating Jurisdiction.

Seconded by Councilman District 1 Smith

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

3. **Consider waiver of parade fees for the "Veteran and Active Military Parade" on Thursday, November 11, 2021, beginning at 9:30 a.m. at Jackson Roosevelt Elementary School and assistance with traffic control. Presenter is Colin Rangnow**

Police Chief Rangnow advised Council that Ms. Tracy Wooldridge, teacher at Jackson-Roosevelt Elementary School, has requested to have a "Veteran and Active Military Parade" on Thursday, November 11, 2021, beginning at 9:30 a.m., assistance with traffic control and also waiver of any fees associated with this event. Staff recommends approval of this request. The procession, will be as follows:

- Route- start on the little eagle side, drive through to the right and enter the big eagle pick-up lane - Corner or Jackson and 5th Street
- It is recommended to block Jackson St at the intersection of Jackson and Seadrift St and the intersection of Jackson and 5th St.

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 grants the request for the "Veteran and Active Military Parade" on Thursday, November 11, 2021, beginning at 9:30 a.m. at Jackson Roosevelt Elementary School, assistance with traffic control and also waives all applicable fees in connection with this 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

4. **Consider request of Our Lady of the Gulf Catholic Church for traffic control and waiver of fees for their annual "Eucharistic Procession Parade" on Sunday, November 21, 2021 beginning at 5:00 p.m. Presenter is Colin Rangnow**

Police Chief Rangnow advised Council that Our Lady of the Gulf Catholic Church has requested to have their annual Eucharistic Procession parade on Sunday, November 22, 2020, assistance with traffic control and also waiver of all applicable fees in connection with this event. Staff recommends approval of 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 grants the request of Our Lady of the Gulf Catholic Church to have their annual Eucharistic Procession parade on Sunday, November 21, 2021 beginning at 5:00 p.m., assistance with traffic control and also waives all applicable fees in connection with this 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

5. **Consider request of the Chamber of Commerce for closing off several streets, traffic control and waiver of fees for the Annual "Lighted Christmas Parade" on Friday, December 03, 2021, beginning at 6:30 p.m. Presenter is Tania French**

Tania French advised Council that the Port Lavaca Chamber of Commerce requests approval for the annual lighted Christmas parade, Friday, December 03, 2021 at 6:30 p.m., to close several streets during parade, assist with traffic control and also waiver of all applicable permit fees associated with the event. She said the parade will begin at Bayfront Peninsula Park, travel down E. Main Street to N. Virginia Street, to Sam Faubion Drive and will end at the Sandcrab Stadium.

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 approves the request of the Calhoun County Chamber of Commerce to hold their annual Lighted Christmas Parade on Friday, December 03, 2021 beginning at approximately 6:30 p.m.; to close several streets during parade, assist with traffic control and also waives all applicable permit fees associated with the event.

Seconded by Councilman District 5 Ward

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

6. **Consider request of Port Lavaca Main Street, Inc. for closure of Main Street from Virginia Street to Commerce Street; and if needed, also close Colorado Street and Guadalupe Street between Live Oak Street and Railroad Street for "Merry on Main" event on Saturday, December 04, 2021. Presenter is Tania French**

Tania French advised Council that the “Merry on Main” event is a combined effort of Port Lavaca Main Street, Inc, the Port Lavaca Chamber of Commerce and the City Events Team. She said they are requesting closure of Main Street between Virginia and Commerce streets; and if needed, also close Colorado Street and Guadalupe Street between Live Oak Street and Railroad Street, during the hours from 7:00 a.m. thru 5:00 p.m. Saturday, December 04, 2021 for this event. She said if council grants the request, they will file the appropriate paperwork with Texas Department of Transportation (TxDOT).

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 Port Lavaca Main Street, Inc, the Port Lavaca Chamber of Commerce and the City Events Team for closure of Main Street from Virginia Street to Commerce Streets; and if needed, also close Colorado Street and Guadalupe Street between Live Oak Street and Railroad Street for “Merry on Main” event on Saturday, December 04, 2021 during the hours from 7:00 a.m. thru 5:00 p.m.

Seconded by Councilman District 3 Tippit

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

7. **Consider award of construction contract for the Street & Drainage Improvement Project Phase 1, for the Community Development Block Grant – Disaster Recovery (CDBG-DR) Contract No. 20-065-071-C198 Hurricane Harvey, to Lester Contracting. Presenter is Jody Weaver**

Interim City Manager Weaver reminded Council that as previously reported, staff recently received bids for Phase 1 of the Community Development Block Grant – Disaster Recovery (CDBG-DR) Street and Drainage Improvements project. Three (3) bids were received on October 12, 2021 and the Bid Tabulation is as follows:

- Lester Contracting, Inc. $2,168,200.05
- Brannan Paving Co., Ltd. $2,229,471.40
- Rexco, Inc. $2,666,391.75

Weaver said this low bid amount is $1,060,880.05 over the amount of Grant Funds that had been budgeted for this Phase 1 work.

Weaver said that at the Special Council meeting on October 25, 2021, Council appropriated $1,060,880.05 of General Fund Reserves toward this project, so that grant funds need not be transferred from Phase 2 in order to award this Phase 1 project.

Weaver said the scope of this Phase 1 work encompasses an area that has no underground storm drainage and very little curb and gutter, but generally drains to the Corporation Ditch. She said this project will improve the drainage and aesthetics of this area around S. Lavaca Street and S. Juanita Street, south of Austin Street.

CivilCorp recommends awarding this project to the low bidder, Lester Contracting, Inc. in the amount of $2,168,200.05 and staff concurs.

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 the recommendation of staff, Council hereby authorize award of construction contract for the Street & Drainage Improvement Project Phase 1, for the Community Development Block Grant – Disaster Recovery (CDBG-DR) Contract No. 20-065-071-C198 Hurricane Harvey, to Lester Contracting, Inc. in the amount of $2,168,200.05 and 420 calendar days, from receipt of Order to Proceed, to complete the project.

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

8. **Consider Resolution No. R-110821-1 of the City of Port Lavaca, Texas, authorizing Professional Service Provider(s) selection for American Rescue Plan Act (ARP Act) Program(s). Presenter is Jody Weaver**

Motion made by Councilman District 2 Dent

WHEREAS, participation in American Rescue Plan Act (ARP Act) program(s) requires implementation by professionals experienced in the administration of federally-funded projects;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Proposals (RFP) process for administration services has been completed in accordance with the federal requirements;

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers for each professional service giving consideration to the ability to perform successfully under the terms and conditions of the proposed procurement, integrity, compliance with public policy, record of past performance, and financial and technical resources

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

Section 1.	That GrantWorks, Inc. is selected to provide project-related administration services for ARP Act program(s).

Section 2.	That any and all project-related services contracts or commitments made with the above-named service provider(s) are dependent on the successful negotiation of a contract with the service provider(s).

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

9. <u>Consider acceptance of Texas A&M Forest Service Grant in the amount of $20,000.00 and use to purchase Firefighting Personal Protective equipment (PPE). Presenter is Joe Reyes</u>

Fire Chief Reyes advised Council that the Texas A&M Forest Service had sent a letter advising the City that the application for grant assistance under the Rural Volunteer Fire Department Assistance Program (HB 2604) has been approved in the amount of $20,000.00. The City is responsible for a 10% match for this grant that will require $2,000.00.

Reyes said the City has 19 full-time firefighters and 15 volunteer firefighters, for a total of 34 personnel who utilize firefighting Personal Protective Equipment (PPE). He said if the City were to outfit all personnel with PPE at once, the cost would be $3,000 each for a total of $102,000.00. He said the City periodically supplements its budget as opportunities arise in order to accelerate gear replacement to stay below the 10-year maximum service limit of its firefighting Personal Protective Equipment (PPE). He said staff recommends Council approve accepting the Texas A&M Forest Service Grant in the amount of $20,000.00 with the 10% match from the City in the amount of $2,000.00 for the purchase of firefighting Personal Protective Equipment (PPE).

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 approves accepting the Texas A&M Forest Service Grant in the amount of $20,000.00 with the 10% match from the City in the amount of $2,000.00 for the purchase of firefighting Personal Protective Equipment (PPE).

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, Councilman District 5 Ward

10. **Consider approval of Budget Amendment GF-002 for 2021-2022 Fiscal Year. Presenter is Susan Lang**

Finance Director Lang advised Council that the City has the opportunity to accept a Grant from the Texas A&M Forest Service to fund additional Personal Protective Equipment (PPE) for the Fire Department. She said if Council approves this grant, it will be necessary to recognize the additional revenue and additional expense that will be added to the City's budget for fiscal year 2022. Accepting the grant will require the City to fund an additional $2,000.00, which was not budgeted. Staff recommends approving Budget Amendment GF-002 for 2021-2022 Fiscal Year.

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 the recommendation of staff, Council hereby approves Budget Amendment GF-002 for 2021-2022 Fiscal Year, a copy which is on file in the office of the Director of Finance.

Seconded by Councilman District 1 Smith

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

11. **Consider approval of Budget Amendments GF-001 and TCDP-001 for 2021-2022 Fiscal Year. Presenter is Susan Lang**

Finance Director Lang advised Council that they had approved Resolution No. R-102521-1 at the October 25, 2021 special meeting in order to commit $1,060,880.05 from its General Fund towards the construction cost of the street and drainage improvement project for the Community Development Block Grant – Disaster Recovery (CDBG-DR) Contract No. 29-065-071-C198.
She said the budget amendments will reflect City Council's wishes to utilize unreserved fund balance in the General Fund and allocate to the Project Fund for the CDBG-DR project in the TCDP Fund (136).

Lang said the State of Texas, through disaster relief funds for Hurricane Harvey, has committed $4,289,790.00 in grant funds towards the construct costs of the street and drainage improvements. Due to escalating constructioncosts, the City is committing an additional $1,060,880.05 of unreserved fund balance in order to supplement the escalating costs of construction.

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 the recommendation of staff, Council hereby approves Budget Amendments GF-001 and TCDP-001 for 2021-2022 Fiscal Year, a copy which is on file in the office of the Director of Finance.

Seconded by Councilman District 3 Tippit

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

12. **Consider Resolution No. R-110821-2 of the City of Port Lavaca, Texas, authorizing a Finance Contract for the purpose of procuring water meters. Presenter is Susan Lang**

Finance Director Lang commented that the City Council has discussed and approved the procurement of new water meters on multiple occasions. She said the final step in this process is to approve a resolution to secure the financing of the water meters through Government Capital Corporation (GCC) and to issue the financing contract as a "qualified tax exempt" obligation.

Lang said that as previously discussed, this will be a five-year commitment with the principal amount of $2,400,000.00 at an interest rate of approximately 2.2% and annual payments to be approximately $513,000.00. The first payment to begin one year after signing contract.

Lang said the City continues to invest in water and sewer line infrastructure replacement projects throughout the City, and the proper accounting of the amount of water being used by users of the system is necessary to protect and preserve the investments for future users. She said staff recommends approval of Resolution No. R-110821-2 regarding a finance contract for the purpose of procuring water meters.

Motion made by Councilman District 5 Ward

WHEREAS, contingent upon the approval of the Attorney of City of Port Lavaca (the "Issuer"), the Issuer desires to enter into that certain Finance Contract by and between the Issuer and Government Capital Corporation ("GCC") for the purpose of financing "Water Meters". The Issuer desires to designate this Finance Contract as a "qualified tax-exempt obligation" of the Issuer for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

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

Section 1. That the Issuer will enter into a Finance Contract with GCC for the purpose of financing "Water Meters".

Section 2. That the Finance Contract by and between the City of Port Lavaca and GCC is designated by the Issuer as a "qualified tax-exempt obligation" for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

Section 3. That the Issuer will designate the Interim City Manager, or designee, as an authorized signer of the Finance Contract by and between the City of Port Lavaca and GCC.

Section 4. That the City will use loan proceeds for reimbursement of expenditures related to the Property.

Seconded by Councilman District 2 Dent

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

13. **Consider recommendation of the Port Commission to approve the first reading of an Ordinance (S-3-21) amending Base Ordinance No. S-16-85 to reduce the right-of-way width of Leonard Buren Road in City Harbor (road right-of-way that leads to Clegg lift station and Adjacent property). Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that in 1985, a 50 ft wide road right-of-way was dedicated (name Leonard Buren Road) to provide public access to a tract of land (912 Broadway, PID #27873) as well for use of a City sewer Lift Station (Clegg Lift Station).

Weaver said the Port Commission is interested in advertising for lease the available land on three sides of the harbor inlet. Since this road right-of-way provides only 1.3 ft clearance between the bulkhead and the right-of-way line, it divides the available land in two parts.

By reducing the width of the right-of-way, it provides at least 25 feet of clearance from one side of the harbor inlet to the other for a future tenant. The reduced R-O-W still provides adequate access for the property at 912 Broadway. The R-O-W is widened at the east end to correspond to the location of the gate yet still maintain at least 25 ft clearance from the bulkhead. Weaver said there are letters that have been mailed certified to the owner of 912 Broadway to provide him an opportunity to comment; however, staff has not received any correspondence from him.

Weaver said that with this change in the right-of-way, it is believed that the tract around the harbor inlet will have more value and bring a greater rent payment. She said Port Commission recommends approving the first reading of this ordinance to reduce the right-of-way of Leonard Buren Road as presented in the accompanying sketch, a copy which is attached to ordinance.

Motion made by Councilman District 3 Tippit

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

THAT, in accordance with the recommendation of the Port Commission and staff, Council hereby approves said ordinance (S-3-21) on this its first reading and there will be more specification for the second reading as proposed by Interim City Manager Weaver.

Seconded by Councilman District 2 Dent

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

14. **Consider recommendation of Planning Board for approval of a 2-lot Preliminary Plat. Generally located at the northeast corner of Austin Street and Alcoa Street. The legal description for this parcel is A0035 MAXIMO SANCHEZ, TRACT PT 11 PLD, ACRES 1.96. The property identification for this site is 39302. Presenter is Jessica Carpenter**

Interim City Manager Weaver advised Council that Development Services Director Carpenter had been monitoring meeting on Zoom; however, her computer froze and locked her out of meeting. Weaver presented the item via Carpenter's memorandum:

The applicant is asking Council to consider approval of the 2-lot Preliminary Plat located at the northeast corner of Austin Street and Alcoa Street. The legal description for this parcel is A0035 MAXIMO SANCHEZ, TRACT PT 11 PLD, ACRES 1.96. The property identification for this site is 39302.

Applicant has adhered to the proper subdivision plat submittal and review procedural process prior to presentation before the Planning Board and is in compliance with the platting process prior to development.

This plat is unnamed at this time. This preliminary plat is a 1.96-acre parcel and the intent is to subdivide this parcel into two (2) lots. Lot one being 1.37 acres and is vacant. Lot two being 0.69 acres and has an existing retail food establishment on site. Each lot has full frontage. Lot one has frontage on Alcoa Drive and lot two has frontage on Austin Street. The existing restaurant on lot two has all of the proper permits in the record of file back to 2015 when the structure was built. The Planning Board recommends approval and staff concurs.

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 the Planning Board and staff, Council hereby approves a 2-lot Preliminary Plat, located at the northeast corner of Austin Street and Alcoa Street. The legal description for this parcel is A0035 MAXIMO SANCHEZ, TRACT PT 11 PLD, ACRES 1.96. The property identification for this site is 39302.

Seconded by Councilman District 3 Tippit

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

15. **Consider recommendation of the Planning Board for approval of a conceptual car wash. To be located at 2248 FM 3084, also known as Half League Road. The legal description for this property is A0035 MAXIMO SANCHEZ, TRACT PT 30 in Calhoun County, Texas. Being .187 acres. Presenter is Jessica Carpenter**

Interim City Manager Weaver advised Council that Development Services Director Carpenter had been monitoring meeting on Zoom; however, her computer froze and locked her out of meeting.

Weaver presented the item via Carpenter's memorandum:

The applicant is asking Council to consider approval of a conceptual car wash to be located at 2248 FM 3084, also known as Half League Road. The legal description for this property is A0035 Maximo Sanchez, portion of tract 30 in Calhoun County, Texas; being .187 acres.

The applicant is proposing to construct a car wash at this location. A fire access easement is required from the YMCA property to this property, as discussed with Fire Chief Reyes. The Future Land Use map designates this parcel as Commercial; therefore, the proposed car wash, is complaint with the Future Land Use map.

If approved, the specifications for parking are as follows:
The details of the restaurant seating and retail square footage will determine the parking requirements and be defined during the development and plan review phases of the project.

The Planning Board recommends approval and staff concurs.

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 the Planning Board and staff, Council hereby approves a conceptual car wash. to be located at 2248 FM 3084, also known as Half League Road. The legal description for this property is A0035 MAXIMO SANCHEZ, TRACT PT 30 in Calhoun County, Texas; being .187 acres.

Seconded by Councilman District 3 Tippit

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

16. **Consider recommendation of the Planning Board for approval of a Preliminary Plat. The proposed Preliminary Plat is located at 2248 FM 3084, also known as Half League Road. The legal description for this property is A0035 MAXIMO SANCHEZ, TRACT PT 30 in Calhoun County, Texas. Being .187 acres. Presenter is Jessica Carpenter**

Interim City Manager Weaver advised Council that Development Services Director Carpenter had been monitoring meeting on Zoom; however, her computer froze and locked her out of meeting. Weaver presented the item via Carpenter's memorandum:

The applicant is asking Council to consider approval of a Preliminary Plat, located at 2248 FM 3084, also known as Half League Road. The legal description for this property is A0035 MAXIMO SANCHEZ, TRACT PT 30 in Calhoun County, Texas. Being .187 acres.

The applicant has adhered to the proper subdivision plat submittal and review procedural process prior to presentation before the Planning Board and also with the platting process prior to development.

This preliminary plat if approved and recorded, is anticipated to be developed for a proposed car wash. The applicant has a predevelopment meeting scheduled for November 3rd to discuss the car wash site development standards. There is a fire access easement requirement from the YMCA property and the applicant has received verbal approval from the YMCA for the fire assessment. The city will draft the fire access easement document for recordation in the platting process.

The Planning Board recommends approval and staff concurs.

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 the Planning Board and staff, Council hereby approves a Preliminary Plat, located at 2248 FM 3084, also known as Half League Road. The legal description for this property is A0035 MAXIMO SANCHEZ, TRACT PT 30 in Calhoun County, Texas. Being .187 acres.

Seconded by Councilman District 3 Tippit

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

17. **Consider recommendation of the Planning Board for approval of a conceptual industrial shop, industrial storage, and business office use to be located on Henry Barber Way. The legal description for this location is A0137 SAMUEL SHUPE, TRACT PT 1, ACRES 12.449. The PIN # for this property is 14186. Presenter is Jessica Carpenter**

Interim City Manager Weaver advised Council that Development Services Director Carpenter had been monitoring meeting on Zoom; however, her computer froze and locked her out of meeting. Weaver presented the item via Carpenter's memorandum:

The applicant is asking Council to consider approval of a Conceptual Industrial Shop, Industrial Storage, and Business Office-use to be located on Henry Barber Way. The legal description for this location is A0137 SAMUEL SHUPE, TRACT PT 1, ACRES 12.449. The PIN # for this property is 14186.

The applicant, (Arnulfo) Gonzalez Industrial Insulation Inc, is proposing an Industrial and Business Office-Use located on Henry Barber Way. The site location is currently not platted and has a Cell Tower on-site and drainage to the rear of the property adjacent to Chocolate Bayou.

The proposal is to develop the site with the following:

- 1(one) building serving as a general office and industrial shop
- 1(one) Storage Building
- Parking
- Driveway to shop from Henry Barber Way
- Driveway access to general (private/public parking adjacent to office

The Future Land Use map designates this parcel as Light Industrial; therefore, the proposed industrial maintenance services servicing Formosa and business office use is complaint with the Future Land Use map.

The Planning Board recommends approval and staff concurs.

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 the Planning Board and staff, Council hereby approves a Conceptual Industrial Shop, Industrial Storage, and Business Office-use to be located on Henry Barber Way. The legal description for this location is A0137 SAMUEL SHUPE, TRACT PT 1, ACRES 12.449. The PIN # for this property is 14186.

Seconded by Councilman District 1 Smith

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

18. **Consider recommendation of the Planning Board for approval of a 3-lot Preliminary Minor Plat, Port Lavaca Crossing. Located south of Tiney Browning Boulevard on SH 35 North. Being 3.19 acres. The original tracts for this proposed plat are identified as PIN# 29954 and PIN# 86163 of the Calhoun County CAD. Presenter is Jessica Carpenter**

Interim City Manager Weaver advised Council that Development Services Director Carpenter had been monitoring meeting on Zoom; however, her computer froze and locked her out of meeting. Weaver presented the item via Carpenter's memorandum:

The applicant is asking Council to consider approval of a 3-lot Preliminary Minor Plat, Port Lavaca Crossing Subdivision. This Plat is located South of Tiney Browning Boulevard on SH 35 North, being 3.19 acres. The original tracts for this proposed plat are identified as PIN# 29954 and PIN# 86163 of the Calhoun County CAD.

G & W Engineering, the applicant for the proposed Port Lavaca Crossing Subdivision plat is requesting to subdivide the 9.678-acre parcel and a 1.07-acres parcel totaling 10.748-acres into three (3) lots. A remainder tract will be left unplatted, being 7.558-acres to the East of the Wal-Mart subdivision.

The current legal description for Tract-1 is A0012 ALEJANDRO ESPARZA, TRACT PT 1 WILSON, NOBLE & BOYDE, ACRES 9.678 and PIN# 29954.

The current legal description for Tract-2 is A0012 ALEJANDRO ESPARZA, TRACT PT 1 WILSON, NOBLE & BOYDE, ACRES 1.07 and PIN# 86163.

The Proposed Port Lavaca Crossing Preliminary Minor Plat is being subdivided into three (3) lots.

- Lot 1, being 1.05-acres, has a proposed development of a Verizon store and a Quick Service Restaurant to be constructed at this location.
- Lot 2, being 1.07-acre,s has a proposed Burger King to be developed at this location.
- Lot 3, being 1.07-acres, has the existing White Oak development on site.

The developers for the proposed Burger King on Lot 2 have attended a predevelopment meeting with the city and are preparing to submit the building plans for the Burger King.

The remainder tract of 7.558-acres that is not included in the Port Lavaca Crossing Preliminary Minor Plat is under contract for purchase. The future owners of this parcel have attended a predevelopment meeting with the city for a proposed future residential development. The new tentative owners are aware this tract of land will be required to be platted prior to any permits issued and development to occur.

The Planning Board recommends approval and staff concurs.

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 the Planning Board and staff, Council hereby approves a 3-lot Preliminary Minor Plat, Port Lavaca Crossing Subdivision, located South of Tiney Browning Boulevard on SH 35 North, being 3.19 acres. The original tracts for this proposed plat are identified as PIN# 29954 and PIN# 86163 of the Calhoun County CAD.

Seconded by Councilman District 1 Smith

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

Mayor announced a recess at 7:53 p.m.

19. **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**

- **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 employee [City Manager]). Presenter is Mayor** Whitlow

Mayor Whitlow announced that Council would take a short recess at 7:53 p.m.

Mayor Whitlow announced that Council would retire into closed session at 8:01 p.m.

20. **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 8:19 p.m.

No action necessary and none taken.

IX. ADJOURNMENT

Mayor asked for motion to adjourn.

Motion made by Councilman District 3 Tippit, Seconded by Councilman District 1 Smith

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

Meeting adjourned at 8:21 p.m.

These minutes were approved on December 13, 2021.

Jack Whitlow

Jack Whitlow, Mayor

ATTEST:

Mandy Grant

Mandy Grant, City Secretary