CITY COUNCIL SPECIAL/WORKSHOP MEETING

Monday, September 22, 2025 at 5:30 PM
City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

MINUTES

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

On this the 22nd day of September, 2025, the City Council of the City of Port Lavaca, Texas, convened in a special meeting and workshop session at 5:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following members in attendance:

I. ROLL CALL

Jack Whitlow	Mayor
Daniel Aguirre	Councilman, District 1
Allen Tippit	Councilman, District 3
Rose Bland-Stewart	Councilwoman, District 5
Justin Burke	Councilman, District 6

And with the following absent:

Tim Dent	Councilman, District 2
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:

<u>CITY COUNCIL SPECIAL MEETING</u>

II. CALL TO ORDER

- Mayor Whitlow called the special meeting to order at 5:36 p.m. and presided.

III. 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 by logging on with your computer and using "Join Zoom Meeting" information on first page of this agenda).

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

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

1. Consider request of Hemphill Seminary, LLC to lease a 50'x50' out of Property ID 386235 near the corner of Half League Rd and Main Street for a monopole communications tower. Presenter is Derrick Smith

Development Services Director Smith was absent and Interim City Manager Weaver presented item.

Interim City Manager Weaver advised Council that Hemphill Seminary, LLC has made a request to install a communication tower on Property ID# 38625 that is currently owned by the City of Port Lavaca. They will be needing a 50'x50' portion of the land for lease or purchase.

They are proposing a 120' monopole that will be built to improve cellphone service for T-Mobile. The pole will also be available if AT&T or Verizon have interest in installing their equipment as well.

Council viewed a map showing the location of existing towers, including an orange pin drop for their target location. The blue pin crops are existing towers with T-Mobile cellular service and the four yellow pin drops are towers used by others

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 authorizes Interim City Manager Weaver to negotiate with Hemphill Seminary, LLC to lease a 50'x50' out of Property ID 386235 near the corner of Half League Rd and Main Street for a monopole communications tower.

BE IT FURTHER RESOLVED, THAT the Mayor is hereby authorized to execute all instruments necessary to affect such agreement.

Seconded by Councilman District 6 Burke

Voting Yea:
Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilwoman District 5 Bland-Stewart and Councilman District 6 Burke

2. Consider professional services agreement with KSBR for Administration Services of General Land Office (GLO) Community Development Block Grant – Mitigation Program (CDBG-MIT) Regional Mitigation Program Projects Contract No. 24-065-167-F082. Presenter is Jody Weaver

Interim City Manager Weaver advised Council that the City of Port Lavaca is a sub-recipient of the Community Development Block Grant Mitigation (CDBG-MIT) program and has been awarded funds in the amount of $9,119,600.00. The City has recently executed the grant contract with the Texas General Land Office (GLO).

As the next step, the City must proceed with the approval of the Grant Administration Services Contract. In 2020, the City approved Resolution No. R-072920-1 selecting KSBR, LLC as the Grant Administration company. City staff have already attended the GLO Kick-off meeting, and to remain on schedule, it is necessary to formally approve the administration contract with KSBR, LLC.

Staff recommends that the City Council consider and approve the Grant Administration Services Contract with KSBR, LLC for the CDBG-MIT project under GLO Contract No. 24-065-167-F082.

Motion made by Councilman District 6 Burke

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 professional services agreement with KSBR for Administration Services of General Land Office (GLO) Community Development Block Grant – Mitigation Program (CDBG-MIT) Regional Mitigation Program Projects Contract No. 24-065-167-F082.

BE IT FURTHER RESOLVED, THAT the Mayor is hereby authorized to execute all instruments necessary to affect such agreement.

Seconded by Councilwoman District 5 Bland-Stewart

Voting Yea:
Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilwoman District 5 Bland-Stewart and Councilman District 6 Burke

3. **Consider professional services agreement with Urban Engineering for Engineering Services for the Harbor of Refuge Shoreline restoration project funded by General Land Office (GLO) Community Development Block Grant – Mitigation Program (CDBG-MIT) Regional Mitigation Program Projects Contract No. 24-065-167-F082. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the City of Port Lavaca is a sub-recipient of the Community Development Block Grant Mitigation (CDBG-MIT) program and has been awarded funds in the amount of $9,119,600.00. The City has recently executed the grant contract with the Texas General Land Office (GLO).

As the next step, the City must proceed with the approval of the Professional Engineering Services Contract. In 2023, the City approved Resolution No. R-091123-1 selecting Urban Engineering to provide Professional Engineering Services for the Harbor of Refuge Shoreline restoration project funded by General Land Office (GLO) Community Development Block Grant – Mitigation Program (CDBG-MIT) Regional Mitigation Program Projects Contract No. 24-065-167-F082.

Staff recommends approving the Engineering Services Contract with Urban Engineering for the CDBG-MIT project under GLO Contract No. 24-065-167-F082.

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 professional services agreement with Urban Engineering for Engineering Services for the Harbor of Refuge Shoreline restoration project funded by General Land Office (GLO) Community Development Block Grant – Mitigation Program (CDBG-MIT) Regional Mitigation Program Projects Contract No. 24-065-167-F082.

BE IT FURTHER RESOLVED, THAT the Mayor is hereby authorized to execute all instruments necessary to affect such agreement.

Seconded by Councilwoman District 5 Bland-Stewart

Voting Yea:
Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilwoman District 5 Bland-Stewart and Councilman District 6 Burke

4. Consider Resolution No. R-092225-1 of the City of Port Lavaca, Texas, for the nomination of candidates for the Board of Directors of the Calhoun County Appraisal District 2026-2027 Term. Presenter is Jody Weaver

Motion made by Councilman District 1 Aguirre

WHEREAS, this is for the nomination of candidates for the Board of Directors of the Calhoun County Appraisal District; and

WHEREAS, the Board of Directors consists of five members who serve two-year terms, beginning January 1, 2026 through December 31, 2027; and

WHEREAS, the City of Port Lavaca, Texas is a taxing unit entitled to nominate candidates to the Calhoun County Appraisal District, if so desired.

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

THAT, the slate of current Board Members named below are nominated and submitted for election to the Calhoun County Appraisal District Board of Directors to each serve two-year terms, beginning January 1, 2026 thru December 31, 2027:

Current Board Members:
1) Benjamin Boone
2) Kevin Hill
3) Vern Lyssy
4) David Pfeil
5) Jessie Rodriguez

Seconded by Councilman District 3 Tippit

Voting Yea:
Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilwoman District 5 Bland-Stewart

Voting Nay:
Councilman District 6 Burke

5. Consider Resolution No. R-092225-2 for Fire Truck. Presenter is Joe Reyes

Fire Chief Reyes and Finance Director Hogan reminded Council that in the recent Capital Improvement Projects (CIP) workshop held on July 28, 2025 the procurement of a new Pierce Enforcer fire truck had been discussed. The City's CIP for fiscal years 2026-2030 was approved at the regular council meeting on September 08, 2025. This approved CIP includes the planned purchase of a fire truck in fiscal year 2027 with the use of capital lease funds. As noted in previous discussions, the current estimate has a delivery time of 50-53 months from order date. We cannot put in an order until we have the availability of funds. The first step in this process is to approve a resolution to secure the financing of the fire truck through Government Capital Corporation (GCC) and to issue the financing contract as a "qualified tax exempt" obligation

As previously discussed, this will be a five-year commitment with the principal amount of $1,206,613 at an interest rate of approximately 4.784% and annual payments to be approximately $277,035.20. The first payment to begin one year after signing and annually thereafter.

Resolution No. R-092225-2 for Fire Truck is as follows:
WHEREAS, the City of Port Lavaca (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 "Fire Truck".; and

WHEREAS, the City of Port Lavaca 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; and

WHEREAS, the City of Port Lavaca desires to designate the Mayor or the Mayors designee, as an authorized signer of the Finance Contract.

Section 1. That the Issuer will enter into a Finance Contract with Government Capital Corporation for the purpose of financing "Fire Truck".

Section 2. That the Finance Contract by and between the City of Port Lavaca and Government Capital Corporation 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 appoints the Mayor or designee, as the authorized signer of the Finance Contract by and between the City of Port Lavaca and Government Capital Corporation as well as any other ancillary exhibit, certificate, or documentation needed for the Contract.

Section 4. The Issuer will use loan proceeds for reimbursement of expenditures related to the Property, within the meaning of Treasury Regulation § 1.150-2, as promulgated under the Internal Revenue Code of 1986, as amended.

Motion made by Councilman District 6 Burke

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

THAT, Council approves Resolution No. R-092225-2 for the procurement of a Fire Truck with the stipulation that the City 's Finance Department research other Financial Institutions for better rates and present those findings to City Council at another meeting.

Seconded by Councilman District 3 Tippit

Voting Yea:
Councilman District 1 Aguirre, Councilman District 3 Tippit, and Councilman District 6 Burke

Voting Nay:
Councilwoman District 5 Bland-Stewart

6. Consider Second and Final reading of an Ordinance (S-4-25) approving the annual Budget for the City of Port Lavaca, Texas and adopting the budget document for the fiscal year October 01, 2025 thru September 30, 2026. Presenter is Brittney Hogan

Finance Director Hogan advised Council that In accordance with the State of Texas Property Tax Code, the Comptroller of Texas' Truth-in-Taxation rules, the Local Government Code and the City's Charter, we have prepared an Ordinance that, if approved, meets the requirements as established by the governing legislation.

On July 28 (CIP) and August 18, 2025, the City Council held budget workshops to review recommendations from the City Manager for the FY 2025-2026 budget. The proposed budget was filed with the City Secretary and published on the City's website on August 14, 2025.

On August 18, 2025, the City Council announced a public hearing on the FY 2025-2026 Budget to be held on September 8, 2025. Because the proposed tax rate exceeds the No-New-Revenue rate, legislation considers it a tax increase and requires special language to be included in the Notice of Public Hearing on the Budget, the front page of the proposed budget and the front page of the adopted budget.

The City published a notice of public hearing on the budget in the newspaper of general circulation (Port Lavaca Wave) on August 27, 2025, and posted the same notice on the City's website.
The budget, with changes recommended by City Council in the August 18, 2025 workshop, is recommended for the City Council's approval, and contains combined Revenues of $25,958,403 followed by combined Expenditures of $30,057,893 leaving combined Fund Balance reserves of $12,208,936.

The Ordinance to adopt the budget contains authorization, as prescribed in the City Charter, Section 8.03, for the City Manager to transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency.

Motion made by Councilman District 6 Burke

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 2025-2026 Fiscal Year Annual Budget Ordinance (S-4-25), as presented by the Interim City Manager, on this its second and final reading.

Seconded by Councilman District 3 Tippit

Voting Yea and Record Vote:
Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilwoman District 5 Bland-Stewart and Councilman District 6 Burke

Voting Nay and Record Vote:
None

Absent: Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 2 Dent

7. Consider Ratification of Property Tax increase reflected in the 2025-2026 FY Budget. Presenter is Brittney Hogan

Interim Finance Director Hogan advised Council that in accordance with Local Government Code Section 102.007(c) when adopting a budget that will require raising more revenue from property taxes than in the previous year, a separate vote of the governing body to ratify the property tax increase reflected in the budget is required. This vote is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate.

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 recommendation of staff, Council hereby approves to ratify the property tax revenue increase reflected in the 2025-2026 fiscal year Budget.

Seconded by Councilman District 6 Burke

Voting Yea:
Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilwoman District 5 Bland-Stewart and Councilman District 6 Burke

8. Consider Second and Final reading of an Ordinance (S-5-25) fixing the Tax Rate and Tax Levy for the City of Port Lavaca, Texas for the year 2025. Presenter is Brittney Hogan

Finance Director Hogan advised Council that in accordance with the State of Texas Property Tax Code, the Comptroller of Texas' Truth-in-Taxation rules, the Local Government Code and the City's Charter, we have prepared an Ordinance that, if approved, meets the requirements as established by the governing legislation.

On August 18, 2025, the City Council took a record vote to propose a tax rate ($0.8000) as levied on properties as the previous year. Because the proposed tax rate exceeds the No-New-Revenue rate, legislation considers it a tax increase, and requires a public hearing. City Council announced a date and time for a public hearing on the tax rate to be held on September 8, 2025.

The City published a notice of public hearing on the tax increase in the newspaper of general circulation (Port Lavaca Wave) on August 27, 2025, and posted the same notice on the City's website.

Additionally, because the proposed tax rate exceeds the No-New-Revenue rate, additional language is required to be included in the ordinance and requires specific language in the motion to adopt the tax rate as follows:

Motion #1:
Motion made by Councilman District 3 Tippit

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

THAT, the property tax rate be increased by the adoption of a tax rate of $0.8000, which is effectively a 5.50% increase in the tax rate; and

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 fixing the 2025 Tax Rate and Tax Levy Ordinance (S-5-25) on this its second and final reading.

Seconded by Councilman District 6 Burke

Voting Yea and Record Vote:
Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilwoman District 5 Bland-Stewart and Councilman District 6 Burke

Voting Nay and Record Vote:
None

Absent:
Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 2 Dent

Motion #2:
Motion made by Councilman District 6 Burke

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

THAT, City Council adopts a Maintenance and Operations rate of $0.6987.

Seconded by Councilman District 3 Tippit

Voting Yea:
Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilwoman District 5 Bland-Stewart and Councilman District 6 Burke

Voting Nay: None

Motion #3:
Motion made by Councilman District 3 Tippit

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

THAT, City Council adopts an Interest & Sinking rate of $0.1013.

Seconded by Councilman District 6 Burke

Voting Yea:
Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilwoman District 5 Bland-Stewart and Councilman District 6 Burke

Voting Nay: None

9. Consider approval of the Certificate of Construction Completion and authorize the release of Retainage and Final Payment for Nautical Landings Marina Boat Ramp Breakwater Repair Project. Presenter is Jody Weaver

Interim City Manager Weaver advised Council that the City received a grant from the Texas Parks and Wildlife Department (TPWD) to improve the Nautical Landings Marina Breakwater. The construction was completed by Derrick Construction, and the contractor has submitted the Certificate of Construction Completion.

During the Port Commission meeting on September 16, 2025, the Board reviewed the project status and recommended approval of the Certificate of Construction Completion and release of retainage.

Matt Glaze, P.E. of Urban Engineering, recommends approval of the Certificate of Construction Completion and authorizes the release of retainage and final payment for the Nautical Landings Marina Boat Ramp Breakwater Repair project, in the amount of $22,171.75 and staff concurs.

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 Port Commission and staff, Council hereby approves the Certificate of Construction Completion and authorizes the release of Retainage and Final Payment for the Nautical Landings Marina Boat Ramp Breakwater Repair Project to Derrick Construction, in the amount of $22,171.75, as submitted by Urban Engineering.

BE IT FURTHER RESOLVED, THAT the Mayor is hereby authorized to execute all instruments necessary to affect such agreement.

Seconded by Councilwoman District 5 Bland-Stewart

Voting Yea:
Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilwoman District 5 Bland-Stewart and Councilman District 6 Burke

V. ADJOURN SPECIAL MEETING

Mayor Whitlow asked for motion to adjourn.

Motion made by Councilman District 6 Burke

Seconded by Councilman District 1 Aguirre

Voting Yea:
Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilwoman District 5 Bland-Stewart and Councilman District 6 Burke

Special Meeting adjourned at 6:29 p.m.

<u>WORKSHOP SESSION</u>

VI. CALL TO ORDER

- Mayor Whitlow called the workshop to order at 6:30 p.m. and presided with the following announcement:

VII. 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 by logging on with your computer and using "Join Zoom Meeting" information on first page of this agenda).

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

VIII. ITEMS FOR DISCUSSION - *Council will discuss the following items*

1. Review and discuss the draft boundary of a proposed Tax Incremental Reinvestment Zone (TIRZ). Presenter is Jody Weaver

Council discussed this agenda item.

No action necessary and none taken.

2. Discuss amendment to City's Code of Ordinances, Chapter 20, Environmental and Health, Article V. - Junk Vehicles, Abandoned Motor Vehicles, Junked Boats, Junked Trailers, Junked Towable Recreational Vehicles, Sec. 20-97. - Unlawful to Maintain a Nuisance; Exceptions. Presenter is Derrick Smith

Council discussed this agenda item.

No action necessary and none taken.

3. Discuss amendment to City's Code of Ordinances, Chapter 34, Peddlers, Solicitors, Itinerant Vendors, Garage Sales and Mobile Food Units. Presenter is Derrick Smith

Council discussed this agenda item.

No action necessary and none taken.

IX. ADJOURN WORKSHOP

Mayor Whitlow asked for motion to adjourn.

Motion made by Councilman District 3 Tippit

Seconded by Councilman District 1 Aguirre

Voting Yea:
Councilman District 1 Aguirre, Councilman District 3 Tippit, Councilwoman District 5 Bland-Stewart and Councilman District 6 Burke

Workshop adjourned at 7:34 p.m.

These minutes were approved on October 13, 2025.

Jack Whitlow

Jack Whitlow, Mayor

ATTEST:

Mandy Grant

Mandy Grant, City Secretary