



## CITY COUNCIL REGULAR MEETING

Monday, August 14, 2023 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 14<sup>th</sup> day of August, 2023, 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
Daniel Aguirre	Councilman, District 1
Tim Dent	Councilman, District 2
Allen Tippet	Councilman, District 3
Rosie G. Padron	Councilwoman, District 4, Mayor Pro Tem
Jim Ward	Councilman, District 5
Ken Barr	Councilman, District 6

And with the following absent:

None

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

#### II. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 6:32 p.m. and presided.

#### III. INVOCATION

- Councilman Ward gave the invocation.

#### IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

#### V. PRESENTATION(S)

- There were no presentations.

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

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

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

- A. Minutes of July 10, 2023 Regular Meeting
- B. Minutes of July 24, 2023 Special and Workshop
- C. Review of Credit Card Statement
- D. Receive Monthly Financial Highlight Report
- E. Receive Victoria Economic Development Corporation (VEDC) Monthly Report
- F. Ratify amendment to Civil Corp's contract to add the Leon Street waterline in the scope of the Alamo Heights project
- G. Port Commission recommendation for approval of 2-year lease for Poor Boy Shop
- H. Receive Quarterly Investment report ending June 30, 2023

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 Aguirre, 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 United Way of Calhoun County for use of the Bayfront Peninsula Park for their annual family day on Saturday, September 16, 2023 and waiver of any fees associated with the event. Presenter is Tania French**

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 United Way of Calhoun County for use of the Bayfront Peninsula Park for their annual family day on Saturday, September 16, 2023 and waiver of any fees associated with the event.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

Councilman District 1 Aguirre, 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 of member(s) to Recreation and Parks Board to fill vacancy and/or start new term. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the Recreation and Parks Board has vacancies that need to be filled. In accordance with the City's Code of Ordinances, Chapter 32, Article II, Section 32-19, the board shall consist of not less than five nor more than nine members who must be residents of the city. There are no term limits established and the full term is for a period of two (2) years. The board members shall serve without compensation.

The Recreation and Parks Board currently consists of four members. There are five registered voters that live within the city limits and would like to serve our community by being appointed to this Board. Their names are Mary Lou Tharling, Dina Smith, Kevin Kuntschik, Nicholas Lowry, and Tacy Hefley. Staff recommends approving all five listed residents interested in serving to the Recreation and Parks Board.

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 appoints Mary Lou Tharling, Dina Smith, Kevin Kuntschik, Nicholas Lowry, and Tacy Hefley to the Recreation and Parks Board for a new two-year term commencing August 2023 and expiring August 2025.

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Aguirre, 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 award of construction contract for the Water System Improvements Project. Presenter is Wayne Shaffer**

Public Works Director Shaffer advised Council that on August 03, 2023, staff received two bids for the Water System Improvements Project.

AECOM has reviewed the bids and they are as follows:

---

No. 1	JTR Constructors, Inc.	\$ 4,321,350.00
No. 2	Associated Construction Partners, LTD	\$ 5,211,625.00

The original estimate for this project was \$2,292,316.00 and was going to be paid for from the ARPA grants received. In order to fully fund the difference, \$2,029,034 must be reallocated from existing Bond Funds that were intended for other projects. Staff and AECOM recommends that JTR Constructors, Inc. be awarded the contract for the referenced project based on the bid of \$4,321,350.00.

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 contract for the Water System Improvements Project to JTR Contractors, Inc., in the amount of \$4,321,350.00.

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 Aguirre, Councilman District 2 Dent, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

Voting Nay:

Councilman District 3 Tippit

4. **Consider Second and Final Reading of an Ordinance (G-6-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article II Building Trade Codes, Sec. 12-20 Building Trade Codes - Adopted, Sec. 12-21 Same - Additions, deletions and changes; providing for severability; providing a repealing clause; and providing and effective date. Presenter is Derrick Smith**

Interim City Manager Weaver presented this agenda item due to absence of Development Services Director Smith.

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-6-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article II Building Trade Codes, Sec. 12-20 Building Trade Codes - Adopted, Sec. 12-21 Same - Additions, deletions and changes.

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 1 Aguirre, 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 First Reading of an Ordinance (G-7-23) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes; GBRA Fees, Building, Utilities Water-line Taps; and providing an effective date. Presenter is Derrick Smith**

Interim City Manager Weaver presented this agenda item due to absence of Development Services Director Smith.

Council members concurred in a revision to the first reading of Ordinance G-7-23 to be as follows:

1. Changes to Section 50-41(b), 50-49(4) Tampering Fee to be \$100.00 plus Cost of Repairs for first offense and \$500.00 plus Cost of Repairs for second and more offenses;
2. Adding header of Bauer Community Center Rental Rates to the Building Rental Rates and Deposits.

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 First Reading of an Ordinance (G-7-23) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes; GBRA Fees, Building, Utilities Water-line Taps; with the revisions as presented and discussed above.

Seconded by Councilman District 3 Tippit

Voting Yea:

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

6. **Consider First Reading of an Ordinance (G-8-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 20 Environment and Health, Article III Accumulations On Property, Section 20-46 Assessment for failure to remove accumulation after Notice; Section 20-47 Statement of Expense - Lien; Addition of New Article XII, Litter, Addition of New Article XIII, Graffiti; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Derrick Smith**

Motion made by Councilman District 6 Barr

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

THAT, in accordance with recommendation of City Attorney and staff, Council hereby approves the First Reading of an Ordinance (G-8-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 20 Environment and Health, Article III Accumulations on Property, Section 20-46 Assessment for failure to remove accumulation after Notice; Section 20-47 Statement of Expense - Lien; Addition of New Article XII, Litter, Addition of New Article XIII, Graffiti.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

Councilman District 1 Aguirre, 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 First Reading of an Ordinance (G-9-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 42 Subdivisions and Plats, Article VII Group Housing and Commercial Development, Sec. 42-161 Landscaping, add new Section 42-162 Dumpster Screening; providing for severability; providing a repealing clause; and providing and effective date. Presenter is Derrick Smith**

Interim City Manager Weaver presented this agenda item due to absence of Development Services Director Smith.

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 staff, Council hereby approves the First Reading of an Ordinance (G-9-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 42 Subdivisions and Plats, Article VII Group Housing and Commercial Development, Sec. 42-161 Landscaping, add new Section 42-162 Dumpster Screening.

Seconded by Councilman District 5 Ward

Voting Yea:

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

8. **Review and discuss No New Revenue (NNR) and Voter Approval Rate (VAR) for 2023. Presenter is Susan Lang**

Finance Director Lang advised Council that the CCAD Tax Assessor/Collector is required to calculate the "No New Revenue" (NNR) and "Voter Approval Rate" (VAR) on behalf of the City of Port Lavaca and published the calculation on their website and mailed post cards to all taxpayers.

The calculation of each of the rates are set by the State Tax Code and must be published in order to provide transparency to the property taxpayers of the City. The NNR establishes the threshold in which the city can adopt a property tax rate that does not provide additional revenue.

If the City chooses to set its tax rate greater than the NNR, it must hold a Public Hearing and advertise that the city is increasing its tax revenue. The VAR establishes the threshold that, if exceeded, the City must first hold an election and seek the approval of the citizens before it can set the property tax rate at or above the VAR.

	<u>2023</u>	<u>2022</u>
No-new-revenue tax rate:	\$0.6894	\$0.7767
Voter-approval tax rate:	\$0.7806	\$0.8141

The CCAD is in the process of calculating these rates for all jurisdictions, and we would like to present and discuss the rates with City Council.

No action necessary and none taken.

**RECESS:**

Mayor Whitlow announced commencement of recess at 7:41 p.m.

Mayor Whitlow announced conclusion of recess at 7:51 p.m.

9. **Announcement by Mayor that City Council will retire into closed session:**

- **To deliberate the purchase, exchange, lease or value of real property (deliberation in an open meeting would have detrimental effect on the position of the Governmental Body in negotiations with a third party), in accordance with Chapter 551, Title 5, Section 551.072 of the Texas Government Code). Presenter is Mayor Whitlow**

Mayor Whitlow announced that Council would retire into closed session at 7:51 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 8:13 p.m.

No action necessary and none taken.

**IX. ADJOURNMENT**

Mayor asked for motion to adjourn.

Motion made by Councilman District 6 Barr

Seconded by Councilman District 3 Tippit

Voting Yea:

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

Meeting adjourned at 8:14 p.m.

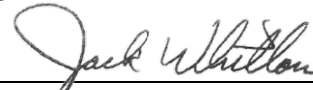
These minutes were approved on September 11, 2023.

ATTEST:



---

Mandy Grant, City Secretary



---

Jack Whitlow, Mayor