CITY COUNCIL REGULAR MEETING

Monday, April 12, 2021 at 6:30 PM
Electronically through Zoom

MINUTES

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

On this the 12th day of April, 2021, the City Council of the City of Port Lavaca, Texas, convened in a regular session at 6:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following members in attendance:

Jack Whitlow		Mayor
Jerry Smith		Councilman, District 1
Tim Dent		Councilman, District 2
Allen Tippit		Councilman, District 3
Rosie G. Padron	(Present via Zoom)	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:

I. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 6:36 p.m. and presided.

II. INVOCATION

- Councilman Ward gave the invocation.

III. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

IV. 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 citizen commented:
  - Daniel Amador had question on Covid-19 restrictions at the Bauer Community Center.

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

A. Minutes of March 08, 2021 Regular Meeting.
B. Minutes of March 22, 2021 Special and Workshop.
C. Payment of Invoices Exceeding $1,500

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:

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

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

1. Consider request from the Fire Department to declare City property as Surplus (the old washer extractor) and authorize donation of same to Texas A&M Forest Service Helping Hands Program, who in turn will donate it to the Magnolia Beach Volunteer Fire Department.

Fire Chief Reyes advised Council that the City of Port Lavaca Fire Department has purchased a new personal protective equipment Extractor. He said the Fire Department would like to declare this equipment surplus and donate the old Extractor to the Texas A&M Forestry Helping Hands Program, which in turn will donate to the Magnolia Beach Volunteer Fire Department. He said staff recommends declaring extractor as surplus and authorize donation of same, as presented.

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 and declares the old Extractor presented as surplus and authorizes donation to the Texas A&M Forestry Helping Hands Program, who in turn will donate to the Magnolia Beach Volunteer Fire Department.

Motion made by Councilman District 5 Ward, 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. **<u>Consider First Reading of an Ordinance (G-4-21) of the City of Port Lavaca abandoning a portion of street Right-of-Ways within Port Lavaca Cemetery; and providing for an effective date.</u>**

Mayor Whitlow announced this agenda item would be skipped, per recommendation of staff.

No action necessary and none taken.

3. **<u>Consider Resolution No. R-041221-1 by the City of Port Lavaca, Texas suspending she May 3, 2021 effective date of the proposal by CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy Texas Gas – South Texas Division to Implement Interim Grip Rate Adjustments for Gas Utility Investment in 2020 and requiring delivery of this resolution to the Company and Legal Counsel.</u>**

WHEREAS, the City of Port Lavaca, Texas ("City") is a gas utility customer of CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy South Texas Division, ("CenterPoint" or "the Company") and a regulatory authority with an interest in the rates and charges of CenterPoint; and

WHEREAS, CenterPoint made filings with the City and the Railroad Commission of Texas ("Railroad Commission") in March 2021, proposing to implement interim rate adjustments ("GRIP Rate Increases") pursuant to Texas Utilities Code § 104.301 on all customers served by CenterPoint, effective May 3, 2021; and

WHEREAS, it is incumbent upon the City, as a regulatory authority, to examine the GRIP Rate Increases to determine its compliance with the Texas Utilities Code.

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

1. The May 3, 2021, effective date of the GRIP Rate Increases proposed by CenterPoint is hereby suspended for the maximum period allowed by Texas Utilities Code § 104.301(a) to permit adequate time to review the proposed increases, analyze all necessary information, and take appropriate action related to the proposed increases.

2. A copy of this Resolution shall be sent to CenterPoint, care of Keith L. Wall. at 1111 Louisiana Street, CNP Tower 19th Floor, Houston, Texas 77002 and to Thomas Brocato, legal counsel to the City, at Lloyd Gosselink, 816 Congress Ave., Suite 1900, Austin, Texas 78701.

Motion made by Councilman District 6 Barr, 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

4. Consider Second and Final Reading of an Ordinance (G-2-21) of the City of Port Lavaca amending the ordinance codified and described in the City of Port Lavaca Code of Ordinances as Chapter 12, Buildings and Building Regulations, Article II, Building Trade Codes, Section 12.20, Building Trade Codes-Adopted; Providing for Severability; Providing a Repealing Clause; and Providing an Effective Date.

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 Ordinance G-2-21 on this second and final reading.

Motion made by Councilman District 2 Dent, 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

5. Consider Ratifying approval of Invoice from Diamond K Services, Inc. of Cuero, Texas for emergency repairs rendered to the rail spur at Harbor of Refuge on behalf of Port Commission.

Interim City Manager Weaver advised Council that in early March 2021, Jeff Holley with Helena Chemical was called by Union Pacific and told that if repairs were not made to the rail-spur that belongs to the City at the Harbor of Refuge, they would no longer be able to deliver railcars to the facility at the Harbor of Refuge. She said Mr. Holley called Harbor Master Jim Rudellat, to let him know what was going on. She said Rudellat then solicited cost proposals from Diamond K Services, Inc. and Lonestar Railroad Contractors, Inc. to perform needed repairs to the rail spur. She said Diamond K submitted the lowest bid for repairs at a Base Bid cost of $30,773.00 (bare minimum required before additional rail cars could be delivered) and an alternate addition of $8,042.00 to remove/replace an additional 50 rail ties (also needed to provide a safe track for the rail cars). Weaver said she approved the expenditure as an emergency item needed to protect health and safety and keep Helena Chemicals in operation.

At the April 6, 2021 Port Commission meeting, the Port Commission expressed appreciation for moving forward with these emergency repairs and recommended to City Council that this expenditure in the amount of $38,815.00 be ratified.

The Base Bid repairs were completed on March 5, 2021 and the additional repairs were completed on March 12, 2021. Weaver advised the City has contracted with Diamond K to perform a quarterly inspection with a written report for a cost of $350.00 per inspection.

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

THAT, in accordance with recommendation of staff, Council approves Ratifying approval of Invoice from Diamond K Services, Inc. of Cuero, Texas, in the amount of $38,815.00 for emergency repairs rendered to the rail spur at Harbor of Refuge on behalf of Port Commission.

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

6. Consider Resolution No. R-041221-2 to award an Administration Contract for the Texas Department of Housing and Community Affairs (TDHCA) 2021 HOME Program implementation.

WHEREAS, it is necessary and prudent to initiate the implementation process at the earliest possible date;

WHEREAS, a significant amount of time can be saved by completing the procedures for hiring professional services for the HOME Investment Partnership Program at the earliest possible time; and

WHEREAS, the Request for Proposal procedures for administrative and soft cost management services are valid for the HOME Investment Partnership Program contract term.

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

Section 1. That Grantworks, Inc. be awarded a contract to provide HOME Investment Partnership Program related administration services and soft cost project management services for the HOME Reservation and Contract Program.

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

Motion made by Councilman District 5 Ward, 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

7. Consider a Citizen Participation Plan for the City of Port Lavaca in connection with the Texas Community Development Block Grant Program (TxCDBG).

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 adopting a Citizen Participation Plan and Citizen Complaint Procedures to be followed during implementation of Texas Community Development Block Grant Program (TxCDBG), a copy which is on file in its entirety, in the office of the City Secretary.

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

Motion made by Councilman District 2 Dent, 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

8. Consider award of construction contract for the Dredging of Smith Harbor.

Interim City Manager Weaver and Harbor Master Rudellat advised Council that the 2020-2021 Capital Improvement Plan (CIP) has $450,000.00 budgeted to dredge Smith Harbor. At the September 18, 2020 City Council meeting, a Task Order was awarded to Urban Engineering in the amount of $37,650.00 to prepare bid documents for this dredging project. This left $412,350.00 for construction.

The scope of the project consists of mechanically dredging approximately 9,300 CY of material from Smith Harbor and the removal of an existing boat house, piers, and other debris from Smith Harbor. Approximately 2/3rds of the dredged material are expected to be placed onsite as shown on the site plan and the remainder will be taken to the Harbor of Refuge. Bids were received as follows:

Name of Vendor	Amount Bid	Calendar Days
Derrick Construction Co., Inc.	$307,850.00	90
Peninsula Marina, Inc.	$391,950.00	45
Shirley & Sons Construction Co., Inc.	$424,400.00	90
Rexco, Inc.	$490,303.30	200

The Low Bidder is Derrick Construction Company, Inc. with a bid of $307,850.00. I will note that the engineer' s cost estimate for this scope was $295,000.00. Derrick Construction is the contractor that reconstructed the Bayfront Peninsula Park Fishing Pier.

As you recall there was some conversation at budget time last year regarding whether to perform a Master Plan Study prior to dredging the harbor. $50,000 has been budgeted to fund a new Master Plan Study of the waterfront, but Request for Qualifications (RFQ's) have not been completed yet. The Port Commission has discussed this with Urban Engineers and regardless of the final determined use of the harbor, this work to dredge and cleanup the harbor must be done. In addition, there is no real concern about the channel silting up quickly, especially with the small traffic of the 2 to 3 shrimp boats coming in and out of the harbor.

Port Commission is recommending award of a construction contract to Derrick Construction for this dredging and demolition work in the amount of $307,850.00.

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

THAT, in accordance with recommendation of Port Commission and staff, Council hereby approves award of construction contract for the Dredging of Smith Harbor, as presented, to Derrick Construction Company, Inc. in the amount of $307,850.00 and 90 calendar days to complete from receipt of Notice to Proceed.

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

Motion made by Councilman District 5 Ward, 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. Consider First Reading of an Ordinance (G-3-21) 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 32 - Parks and Recreation, Chapter 38 - Solid Waste, CH 54 – Waterways); and providing an effective date.

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 Ordinance No. G-3-21 on this the first reading.

Motion made by Councilman District 2 Dent, 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

10. Consider Tariff Rates for Helena Chemicals Harbor of Refuge Lease.

Mayor Whitlow announced that Councilman Smith, Interim City Manager Weaver, Harbor Master Rudellat and Port Commission Chairman Davila will get together with Helena representatives and come to a consensus which will then be brought back to City Council for consideration.

No action necessary and none taken.

11. Consider selection of engineering consultant for upgrades to the Wastewater Treatment Plant (WWTP) and Water Supply Master Plan.

Interim City Manager Weaver advised Council that in December of 2020, staff solicited Requests for Qualifications (RFQ's) from Engineering Firms to assist in the assessment of the existing water supply and distribution systems, the expansion of the Wastewater Treatment Plant, and planning for future upgrades and expansion of the water and wastewater systems to handle future growth. RFQ's were sent to the following firms:

	Name of Company	Responded
1.	AECOM	Yes
2.	BGE (Brown & Gay Engineering)	Yes
3.	CivilCorp	No
4.	EHT	Yes
5.	G&W Engineering	No
6.	KSA Engineering	No
7.	Mott McDonald	Yes
8.	Schaumburg & Polk	No
9.	Urban Engineering	Yes

Staff received five (5) Statement of Qualifications (SOQ) from the following (scores are included):

Name of Company	Water	WWTP
• AECOM	91.8	92.8
• BGE (Brown & Gay Engineering)	75.8	78.8
• EHT	85.0	87.3
• Mott McDonald	90.8	85.8
• Urban Engineering	88.8	85.0

Weaver said the selection committee selected by the mayor comprised of herself, Wayne Shaffer, Tim Dent and Allen Tippit. She said the committee members independently scored the submittals and met as a group to review the submittals together, sharing any comments or impressions that other committee members may have missed in their initial review and to then confirm that the results of the collective scoring align with the recommendation of the committee.

For the Water Planning project, we are looking for a firm with extensive knowledge and expertise in public water distribution and specifically water supply systems (surface, groundwater, and blending).

For the Wastewater Treatment Plant (WWTP) project, we are looking for a firm with extensive knowledge and expertise in working with Texas Commission on Environmental Quality (TCEQ) and designing WWTP's, with experience in upgrading/expanding existing plants (as opposed to only new plants) as a plus.

On both projects, AECOM had the highest ranking. Mott McDonald was #2 in Water and EHT was #2 in Wastewater.

The Selection Committee recommends selecting AECOM to begin cost proposals and contract negotiations. The initial scopes will be:

- Assess our current water supply and evaluate options for additional sources of water for future growth and a secondary source.
- Assess the condition of the existing WWTP and develop a plan for engineering study/design to expand the plant for future growth per TCEQ requirements.

The expense for these contracts is not budgeted, so once a cost proposal and contract are negotiated, we will bring the contracts back to Council for approval.

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

THAT, in accordance with recommendation of staff, Council hereby approves the selection of AECOM as the Engineering Consultant to begin cost proposals and contract negotiations as presented by staff, for upgrades to the Wastewater Treatment Plant (WWTP) and Water Supply Master Plan.

Motion made by Councilman District 5 Ward, 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

12. Consider recommendation of the Planning Board for approval of a conceptual plan from Mr. Tony Magana for a medium-density residential triplex development with a potential variance request for zero side yard setbacks. Presenter is Jessica Carpenter

Development Services Director Carpenter advised Council to consider a conceptual plan from Mr. Tony Magana for a medium-density residential triplex development, located in Claret Crossing Subdivision lots 53-58, with a potential variance request for zero side yard setbacks.

Mr. Tony Magana is proposing a medium-density residential triplex development with a potential variance request for zero side yard setbacks. The applicant will reconfigure existing lots to meet the design layout for the development via a replat. There are considerations to do one lot or replat to two lots and record a shared open space document with either of these replat options or create individual lots for each unit. Mr. Magana is proposing to build 3 individual triplexes for a total of nine (9) residential units on lots 53-58 of Claret Crossing subdivision. The Planning Board recommends approval of Mr. Magana's conceptual plan, as presented.

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 conceptual plan from Mr. Tony Magana for a medium-density residential triplex development, located in Claret Crossing Subdivision lots 53-58, with a potential variance request for zero side yard setbacks.

Motion made by Councilman District 5 Ward, Seconded by Councilman District 2 Dent.

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

13. Consider recommendation of the Planning Board for approval of a conceptual plan for Mr. Jimmy Shelton for a proposed medium-density residential townhome development with a variance request for zero side yard setbacks.

Development Services Director Carpenter advised Council to consider a conceptual plan for Mr. Jimmy Shelton for a proposed medium-density residential townhome development with a variance request for zero side yard setbacks. Mr. Shelton is proposing the townhomes to be built on 40 x 70' lots with zero side yard setbacks. The legal description is A0035 Maximo Sanchez, Tract Pt 26, Acres 5.00, and property identification number is 90774.

The applicant's proposed design for the lots meets this lot width standard and the square footage of the townhomes are complaint to this regulation as well. He also developed The Enclave Townhomes in proximity to this proposed Enclave Terrace Townhome development and received the zero-side yard setback for the original Enclave Townhome development. The Planning Board recommends approval of Mr. Shelton's conceptual plan, as presented.

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 a conceptual plan a conceptual plan for Mr. Jimmy Shelton for a proposed medium-density residential townhome development with a variance request for zero side yard setbacks.

Motion made by Councilman District 1 Smith, Seconded by Councilman District 5 Ward.

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

Voting Abstaining: Councilwoman District 4 (Mayor Pro Tem) Padron (Lost Zoom Feed)

14. Consider recommendation of the Port Commission regarding proposal from CRG Texas to conduct a Limit Phase II Environmental Site Assessment at Tracts 16, 17 and 17A (26.66 Acres) at the Harbor of Refuge.

Interim City Manager Weaver reminded Council that the Port Commission contracted with CRG Texas Environmental Services to perform a Modified Phase I Environmental Site Assessment on Tracts 16, 17, and 17A at the Harbor of Refuge. Of key interest in the report is the results of 5 shallow soil samples tested as part of the ESA. A copy of the Site Map showing the location of those soil samples as well as Table 1 showing the Analytical Results of the testing done is on file, in its entirety, in the office of the City Secretary.

The Port Commission discussed this at their April 6 meeting and recommended for Council to move forward with the Limited Phase II Environmental Site Assessment of these tracts per the proposal of CRG Texas in the amount of $28,164.00. This is not a budgeted expense. The Port Commission further recommends that the funds come from General Fund Reserves since this involves the site in its use as an old landfill.

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 proposal from CRG Texas to conduct a Limit Phase II Environmental Site Assessment at Tracts 16, 17 and 17A (26.66 Acres) at the Harbor of Refuge, for the sum of $28,164.00, a copy which is on file, in its entirety, in the office of the City Secretary.

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

Motion made by Councilman District 3 Tippit, 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

15. <u>Receive update on city-wide brush cleanup operations and consideration of purchase of a S220 Air Burner.</u>

Interim City Manager Weaver advised Council that the Port Commissioners were under the impression that the lead time was much longer than 3-4 months when they made their motion on Monday to recommend to Council to move forward with the purchase at this time. She suggested that Council giver her and Public Works Director Shaffer a bit more time to get more of their questions answered and bring a complete plan of operation proposal to the Council at a workshop in the very near future. She said that based upon the preliminary information she has from the Texas Commission on Environmental Quality (TCEQ), it appears that the permit application is straight forward and required a public comment period, which is most likely 30 days, but she has not confirmed that yet. She said TCEQ states that complete applications with no issues are usually issued within.

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 tables this agenda item.

Motion made by Councilman District 2 Dent, 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

16. <u>Consider Resolution R-041221-3 to extend condolences to Taiwan for the loss of people in the Taroko Express Railroad crash incident.</u>

WHEREAS, on Friday morning, April 2, 2021, a high-speed passenger train derailed in Hualien Taiwan, killing at least 50 and injuring 216 of the passengers; and

WHEREAS, a construction crane truck slid onto the tracks only around one minute before the accident happened and the packed train carrying almost 500 passengers and crew slammed into the truck near the eastern city of Hualien, causing it to derail near the entrance to Qingshui Tunnel becoming one of the island's worst rail accident in many decades; and

WHEREAS, the City of Port Lavaca and Taiwan have many friendly ties. This tragedy has saddened and shocked the citizens of Port Lavaca.

NOW, THEREFORE, BE IT RESOLVED, That We, the Members of the City Council of Port Lavaca, Texas, are struck with sorrow and anguish from this tragedy, and we extend our deepest sympathy and condolences to all the people of Taiwan for the tragic losses suffered.

Motion made by Councilman District 5 Ward, 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

17. 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 8:18 p.m.

18. Return to Open Session and take any action deemed necessary with regard to matters in closed session.

Mayor Whitlow announced that Council was back in open session at 9:00 p.m. and the following action would be considered:

A resolution (No. R-041221-4) authorizing the Interim City Manager to take all actions necessary to protect the interests of the City of Port Lavaca (City) in their water rights, water supply and water treatment.

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

The City previously authorized the Interim City Manager to execute all documents necessary to replace the existing water supply contract with a new Water Supply Agreement between the Guadalupe-Blanco River Authority (GBRA) and the City and execute such other documents pertinent thereto. The City is working towards substantial agreement regarding improvements necessary to improve and maintain the current facility.

GBRA management held an informal meeting with the City on March 3, 2021 to inform them that they had been approached and were considering the sale of the City's facility. The Board of Directors of GBRA, without the approval or consent of the City, on March 17, 2021 authorized the General Manager/CEO to negotiate the sale, of GBRA water treatment and distribution assets in Calhoun County pursuant to a letter of intent with a private firm, Undine, LLC, whereby the firm would will conduct its own evaluation of facilities that properly belong to the City, including plans to develop, operate and maintain the facilities, all without the City's participation or consent.

Water supply is critical to the economic and social future of Calhoun County and the City cannot lose control of facilities and water rights that were specifically entrusted to GBRA for the sole benefit of the City and people of Calhoun County. The City is not opposed to the sale or lease of the foregoing assets. The City asserts however that the City and people of Calhoun County, not GBRA should benefit from any sale and retain control thereof.

The City now authorizes the Interim City Manager to initiate legal and administrative action to protect the City's water rights, water supply, and water treatment options. The Interim City Manager will also draft a formal letter to the Lt. Governor and members of the Texas Senate requesting that pending nominations to GBRA's Board of Directors not be confirmed by the 87th Legislature, allowing the Governor to appoint a new Board that reflects a proper understanding of the role and purpose of GBRA as carrying the States in protecting the environmental and economic development of the lower Guadalupe Basin. This resolution shall become effective immediately upon adoption.

Motion made by Councilman District 2 Dent, 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

VII. ADJOURNMENT

Mayor asked for motion to adjourn.

Motion made by Councilman District 6 Barr, 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

Meeting adjourned at 9:04 p.m.

These minutes were approved on May 10, 2021.

Jack Whitlow

Jack Whitlow, Mayor

ATTEST:

Mandy Grant

Mandy Grant, City Secretary