



CITY COUNCIL REGULAR MEETING

Monday, December 11, 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 11th day of December, 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 Tippit | Councilman, District 3 |
| Rosie G. Padron* | Councilwoman, District 4, Mayor Pro Tem |
| Jim Ward | Councilman, District 5 |
| Ken Barr | Councilman, District 6 |

*Councilwoman Padron arrived at 6:51 p.m. during discussion of agenda item #1.

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 6:38 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 November 13, 2023 Regular Meeting
- B. Review of Credit Card Statement
- C. Receive Monthly Financial Highlight Report
- D. Receive Victoria Economic Development Corporation (VEDC) Monthly Report
- E. Ratify Interim City Manager’s approval of Urban Engineering Task Order 29 and 29A for a total of \$25,250 to prepare design and bid documents for water transmission line repairs at Alcoa and Austin Street

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 6 Barr

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, 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. **Receive and approve presentation and approve presentation of the Calhoun County E-9-1-1 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**

Author's Note: 2022 Fiscal Budget is a Typographical error which has been corrected to the 2024 Fiscal Year being presented.

Rachel Morales, Calhoun County E9-1-1 District Manager, was in attendance to present their 2024 Fiscal Year Budget, 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 2 Dent

NOW, THEREFORE, BE IT ORDAINED 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 2024 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 3 Tippit

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 5 Ward, Councilman District 6 Barr

2. **Consider approval of a two-year agreement with the Port Lavaca Chamber of Commerce for Events Management/Marketing/Communications Services. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that last year they had approved an amendment for the third year of a 3-year contract with the Chamber of Commerce for Events Management and Marketing to add Communications for an annual fee of \$90,000.00 paid in three (3) equal installments.

Tania and I have looked at the agreement and are proposing no changes except to propose a two-year agreement instead of three years and change the initial installation due date to January instead of February to equal them out. Make note that the agreement stipulates that funding under the agreement is subject to annual appropriations by the City Council via the annual City budget.

This past year some of the events that Tania was instrumental in providing creative social media posts and other communications include:

- Public Works week where introduction posts were created for each segment of the Public Works Department: Administration, Campground host, Wastewater, Utility Maintenance, Parks, and Streets
- “Swing Into Spring ... and make room for summer” clean up event campaign with a series of creative ads
- National Police Week
- Building Safety Month
- A series of congratulations / job well done social media posts highlighting several employees that passed certification exams and/or acquired new licensing levels.
- Clean It and Green It Earth Day event
- Creation of a video message featuring the mayor for Employee Appreciation Day
- Launching the City of Port Lavaca YouTube channel and posting the recordings of all meetings of the City Council and other boards.

The makeup of the Events Committee is as follows:

- Events Coordinator – Chair (Tania French)
- City Finance Director – Vice Chair (Britney Hogan, in an acting capacity)
- Chamber of Commerce Representative – Jasmine Padierna
- Local Hotel/Motel Representative – Christine Pena
- Commercial Business Representative – Desiree Spears, Farmers Insurance
- Commercial Business Representative – Main Street – Schelly Bartels

Staff recommends approval of the Event Management/Marketing/Communications Services Agreement with the Port Lavaca Chamber of Commerce FY 2023-2025.

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 the recommendation of staff, Council hereby approves the two-year Agreement between the City of Port Lavaca and the Port Lavaca Chamber of Commerce for Event Management/Marketing/Communications Services for FY 2023-2024 and FY 2024-2025.

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

Seconded by Councilman District 6 Barr

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 authorization to establish a new bank account at First National Bank (FNB) entitled “Park Donations” for the purpose of receiving donations that will be used specifically for Parks Improvements and Recreation. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that we would like to work with Tania and establish an ongoing “We Love Port Lavaca Parks” campaign to support our City Parks by providing an easy way for people (local citizens and visitors), who especially enjoy the parks and have an interest in seeing new amenities, signage, etc. added, to contribute financially to a fund specific for parks improvements.

We are envisioning signs at the parks that would read something like ... *This park is provided for the enjoyment of those that live, work, play or visit Port Lavaca. There is no fee to use the park, but if you have particularly enjoyed your visit and want to help us bring more improvements to our parks, please consider a contribution to our “We Love Port Lavaca Parks” fund.* A QR code would be scanned in or a text number provided where small (or large) donations can be accepted.

To do this requires us to establish a bank account specifically dedicated to these donated funds. We are proposing to set this special account up at First National Bank and can do so with the Council’s approval.

It is hoped that donations to this fund would help in providing more shade structures, benches, picnic tables, special features, trees, irrigation and landscaping, recreation, special parks events, etc. The fund would not be used for routine maintenance that would be funded in the Parks General Fund Budget.

The final details of the campaign will be presented to the Parks Board and City Council prior to implementation.

Staff recommends Council authorize the establishment of a “Parks Donation” bank account with First National Bank.

Motion made by Councilman District 2 Dent

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

THAT, this agenda item be passed until staff presents another Policy for review.

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

4. **Consider approval of Rules and Regulations for Nautical Landings Marina and format of Lease agreement. Presenter is Jody Weaver**

Interim City Manager Weaver and Harbor Master Rudellat advised Council that at the September 25, 2023 Workshop, Council discussed the recommendation of the Port Commission to no longer allow Live-a-board tenants at the Nautical Landings Marina. The general consensus at the workshop was for staff to work with the Port Commission to make improvements to the standard lease agreement for a Marina Boat slip and bring that back to Council for approval at which time the issue of Live-a-boards would be addressed.

Council was presented with the new Nautical Landings Marina Lease for Docking Space with proposed edits for improvement in yellow highlight, a copy which is on file in the office of the City Secretary.

Item 14 of the Lease was approved by the Port Commission at their November meeting, which defines a Live-a-board vessel as one where anyone (owner, guests and other users authorized by Lessee) stays on-board for more than ten (10) nights within a calendar month. It also clarifies that the number of guest/authorized users of the Lessee shall be limited to two (2) persons per each signatory on the lease.

The ten (10) nights was suggested as a way to allow occasional and week-end overnight stays for vessel owners. This is similar to the language the City of Rockport uses. The City of Corpus Christi is also similar but allows fifteen (15) days per month.

The Port Commission recommends Council approval of the new Nautical Landings Lease Agreement for Docking Space as presented.

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 the Port Commission and staff, Council hereby approval of Rules and Regulations for Nautical Landings Marina and format of Lease agreement with the exception of the current resident, which will be grand-fathered.

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

Seconded by Councilman District 2 Dent

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 approval of Amendment Number One to Contract 043 between Matagorda Bay Mitigation Trust and City of Port Lavaca. Presenter is Jody Weaver**

Interim City Manager advised Council that the contract end date for Matagorda Bay Mitigation Trust (MBMT) Contract 043 is December 31, 2023. This is the contract for the \$200,000 Grant to be used toward the preliminary engineering cost should we receive the GLO CEPRa grant application for the Harbor of Refuge Old Landfill Shoreline Erosion Response and Protection – Phase I.

We submitted a request for a one-year contract extension, from March 01, 2023 through December 31, 2024, because we are still waiting to hear back from GLO on whether our CEPRa grant application was accepted. The contract extension request was approved and has been signed by Steven Raabe, Trustee for the Matagorda Bay Mitigation Trust and needs Council approval.

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 Amendment Number One to Contract 043 (Harbor of Refuge Old Landfill Shoreline Erosion Response and Protection – Phase I) between Matagorda Bay Mitigation Trust and City of Port Lavaca which requests a one-year contract extension, from March 01, 2023 through December 31, 2024.

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

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

6. **Consider recommendation of the Planning Board for approval of a request from the Sandcrab Plaza, LLC / YMCA of 713 Hwy 35 South for a Preliminary and Final Plat of the JEMCO Sandcrab Subdivision, being comprised of Lot 2 of the Port Lavaca Square Subdivision (Z/567) and a portion of Lots 1A and 1B of the Replat of the Port Lavaca Square Subdivision (Z/580). Located on Sandcrab Blvd. CAD Pin #13628 & #84732. Legal Description: A0035 MAXIMO SANCHEZ, TRACT PT 24, (PT LTS 1, 2, 3, PL SQ). Presenter is Derrick Smith**

Development Services Director Smith advised Council that the applicant (YMCA) is requesting approval of the replat of a portion of their property as the JEMCO Sandcrab Subdivision for the purpose of selling the property for a new development.

Applicant has adhered to the proper replat submittal and review procedural process prior to presentation before the Planning 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 the Planning Board and staff, Council hereby approves request from the Sandcrab Plaza, LLC / YMCA of 713 Hwy 35 South for a Preliminary and Final Plat of the JEMCO Sandcrab Subdivision, for the purpose of selling the property for a new development.

Seconded by Councilman District 2 Dent

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 recommendation of the Planning Board for approval of a request from Kevin and Sasha Nevarez of 212 S. Commerce for a variance to City Code of Ordinance Chapter 12 Building and Building Regulation, Article II Building Trade Codes, Section 12-24 Building Setbacks. Presenter is Derrick Smith**

Development Services Director Smith advised Council that the Planning Board has approved a request from Kevin and Sasha Nevarez of 212 S. Commerce (Lots 4 and 5 of the Cottage Cove Subdivision) for a variance to City Code of Ordinance Chapter 12 Building and Building Regulation, Article II Building Trade Codes, Section 12-24 Building Setbacks.

This Variance request is for a second-floor deck on a new mixed-use build that will encroach into the platted front setback 3 foot. The platted front building setback for the Cottage Cove Subdivision is 15 feet.

Since it is for life safety purposes above a commercial avenue, the Planning Board recommends approval of the variance and notes that future developments should strive to provide fire escapes inside the building lines.

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 the Planning Board and staff, Council hereby approves request from Kevin and Sasha Nevarez of 212 S. Commerce for a variance to City Code of Ordinance Chapter 12 Building and Building Regulation, Article II Building Trade Codes, Section 12-24 Building Setbacks.

Seconded by Councilman District 2 Dent

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. **Consider Resolution No. R-121123-1 to cast votes on the official ballot for the election of members to the Board of Directors for the Calhoun County Appraisal District for a two-year term beginning January 1, 2024 and ending on December 31, 2025. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that there were 345 votes available to be cast from the City of Port Lavaca and they may be distributed in any way they chose among the candidates.

Motion made by Councilman District 2 Dent

WHEREAS, this election is 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, the next term being January 1, 2024 through December 31, 2025; and

WHEREAS, the CITY OF PORT LAVACA, TEXAS is a taxing unit entitled to vote in the election for the Board of Directors for 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, Council hereby approves Resolution No. R-121123-1 stipulating that the 345 votes cast from the City of Port Lavaca be distributed equally among the following candidates:

Bauer, William H. Jr.	69
Boone, Benjamin	69
Hill, Kevin	69
Lyssy, Vern	69
Rodriguez, Jessie	69

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

Seconded by Councilman District 1 Aguirre

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

- 9. **Discuss status of the Corporation Ditch culvert replacement project and take any action deemed necessary. Presenter is Jody Weaver**

Motion made by Councilman District 2 Dent

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

THAT, this agenda item be passed.

Seconded by Councilman District 6 Barr

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

- 10. **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 the Council would retire into closed session at 7:26 p.m.

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

Mayor Whitlow announced that Council was back in open session at 7:46 p.m.

No Action taken (see motion under agenda #9 to pass this item).

IX. ADJOURNMENT

Mayor asked for motion to adjourn.

Motion made by Councilman District 2 Dent

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

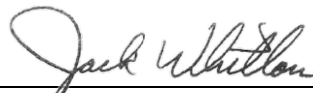
The meeting was adjourned at 7:47 p.m.

These minutes were approved on January 08, 2024.

ATTEST:



Mandy Grant, City Secretary



Jack Whitlow, Mayor