



## CITY COUNCIL SPECIAL MEETING

Monday, November 22, 2021 at 5:30 PM

Council Chambers at City Hall, 202 n. Virginia Street, Port Lavaca, Texas 77979

### MINUTES

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

On this the 22<sup>nd</sup> day of November, 2021, the City Council of the City of Port Lavaca, Texas, convened in a special meeting 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                                   |
| Jerry Smith     | 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                  |

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 5:37 P.M. and presided.

#### III. COMMENTS FROM THE PUBLIC

- 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 award of the TPWL National Recreational Trails Grant project. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the City of Port Lavaca was awarded a \$200,000 Recreational Trails Grant in 2019. She said after a year waiting on the environmental study and another year for Texas Parks and Wildlife (TPWL) to make upgrades to their online portal system, staff received the grant contract this past summer. Staff contracted with Urban Engineering to prepare the construction bid documents for this project along with other improvements as part of the second Phase of the Bayfront Peninsula Park Walking Trail & Park Improvements.

A total of 4 Bids were received on November 16 and they are as follows:

| Bidders:                                                            | Total Base Bid +<br>Alternate No. 1 | Calendar Days<br>to Complete |
|---------------------------------------------------------------------|-------------------------------------|------------------------------|
| 1. K-C Lease Service, Inc.<br>DBA MatagordaConstruction & Materials | \$542,666.00                        | 68                           |
| 2. Sylva Construction, LLC                                          | \$618,107.19                        | 160                          |
| 3. Staff Concrete Construction                                      | \$629,847.90                        | 90                           |
| 4. Lester Contracting, Inc.                                         | \$687,848.00                        | 180                          |

Weaver said the Alternate bid is to include pavement improvements from the new raised walkway to the Veterans Memorial. This would be similar to the improvements made in Phase 1. Staff is proposing a raised walkway across the entrance road as a traffic calming feature. With the completion of this project there will be an exact 1.0-mile lighted walking trail loop around the Park and approximately 0.5-mile bike loop in the park.

The Low Bidder is K-C Lease Service, Inc. DBA MatagordaConstruction & Materials:

|                                     |              |
|-------------------------------------|--------------|
| Amount for Base Bid                 | \$426,173.00 |
| Amount for Alternate 1              | \$116,493.00 |
| Total Sum for Base plus Alternate 1 | \$542,666.00 |

**FINANCIAL IMPLICATIONS:** There is a total of \$500,766.00 included in the 2021-2022 Capital Improvement budget for this construction project (this includes the \$200,000.00 grant funds).

An award of the Base Bid and the Paving Improvements Alternate would require additional funds of \$41,900.00. The Auditors have completed the Fiscal Year End (FYE) 2020 Audit and are in the process of writing the report for presentation to Council on December 13. The Audit reveals a gain of \$200,780.00 in our reserves balance from that we had assumed when preparing the FYE 2022 budget.

Weaver said the Community's response to the improvements completed as part of Phase 1 has been extremely positive. The park is being well used for fishing, walking/jogging and other family outings. This project will provide a safe place for bikers to ride as well as provide a full 1.0-mile loop for walking and jogging. It contributes towards completion of Action Item 4 of the 2016 Comprehensive Plan - "to complete the improvements at Bayfront Park".

Recommendation by Matt Glaze, Project Engineer, of Urban Engineering is for the contract for the aforementioned project be awarded to K-C Lease Service, Inc. DBA Matagorda Construction & Materials and the Parks Board and staff concur.

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 Recreation and Parks Board and staff, Council hereby awards the Texas Parks and Wildlife (TPWL) National Recreational Trails Grant project to K-C Lease Service, Inc. DBA Matagorda Construction & Materials in the sum of \$542,666.00 with 68 calendar days to complete the project, after Receipt of Notice to Proceed.

After further discussion and without a second, Councilman Ward withdrew his motion.

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 Recreation and Parks Board and staff, Council hereby awards the Texas Parks and Wildlife (TPWL) National Recreational Trails Grant project to K-C Lease Service, Inc. DBA Matagorda Construction & Materials in the sum of \$542,666.00 with 68 calendar days to complete the project, after Receipt of Notice to Proceed.

BE IT ALSO RESOLVED that the required additional funds, in the amount of \$41,900.00 from the Reserves Balance, are also authorized to be used for this 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, Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward, Councilman District 6 Barr

2. **Consider approval of Additive Change Order to the Renovation of the Southern Pacific Depot. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that a contract was awarded on September 10 to Barefoot Construction to renovate the Southern Pacific Railroad Depot for a cost of \$189,820.00 which was only \$755.00 below what was budgeted. Weaver said the progress to date includes demolition and reconstruction of the exterior deck/platform, leveling up of the east end of the structure, installation of the soffit under the east end roof structure, and repair of the damaged area of the main roof and associated trusses and the Asbestos contractor has also completed the removal of the asbestos siding.

In making the repairs to the damaged area of the roof, more deteriorated lumber was encountered than had been estimated. The construction contract includes unit prices for any additional quantity of plywood and lumber, which Mark voluntarily reduced from the dollar amount bid, when he realized that he had misunderstood the bid item and the price he bid was much higher than it should have been. The additional board foot of lumber and square footage of plywood required to complete this roof repair at the unit prices amounted to an additional \$19,564.00.

Mr. Barefoot identified that a portion of the exterior beam supporting the main building on the north side was severely deteriorated and discovered that the wooden piers supporting the beams under the main portion of the building were sitting only a few inches below the natural grade and were in many instances deteriorated. We worked with Lynn Engineering and provided a plan to install new CMU piers, replace the north beam, level the structure up and tie it into the new concrete piers being constructed under the new open deck area, to provide lateral support. This Change Order 1, which also includes a repair to correct the sagging of two window headers and additional trim to better match the 1908 photo, amounted to \$20,038.00. Due to the need to continue with these improvements before being able to move forward with the remainder of the project, and it being less than \$25,000, Weaver approved this Change Order No. 1.

When the siding was removed from the north side of the west end of the building, it was realized that termites had been active in some of the wood foundation and wall studs in this area. Again, working with Lynn Engineering, Mr. Barefoot has submitted a proposed Change Order to make foundation repairs and level up the west end of the building and replace the rotten wall studs as well as replace the wood flooring. Removal of the wood flooring is necessary to make the foundation repairs and several soft spots in the flooring have been discovered. The cost for this Change Order 2 is \$17,425.00. Apart from this contract, staff is getting proposals for termite treatment of the site.

For Council's consideration, Weaver asked Mr. Barefoot to provide a price to extend the exterior deck/platform along the north side of the building to just past the sliding doors to recreate the deck (minus the stairs) as it was in the 1908 photograph. This would involve a 10' x 21' addition to the deck. He is proposing to do that at the prorated cost of the deck that was bid and is currently in the contract. This would be \$42.86/sf

#### **FINANCIAL IMPLICATIONS:**

To date the project has cost \$38,847.00 more than was budgeted. This includes the \$19,564.00 additional cost due to actual lumber quantities and the above described \$20,038.00 Change Order 1. Understand that there could possibly still be additional cost due to actual lumber quantities, but at this time we believe we have identified all of the significant issues with the structure.

To fund both the needed foundation improvements on the west end of the building and the deck extension would be another \$27,283.00 on this contract. This would bring the total cost to \$66,130 over what was budgeted. As mentioned in the Memo regarding the award of the Texas Parks and Wildlife (TPWL) Bayfront project, the FYE 2020 Audit has shown that there is in reality \$200,780.00 more in General Fund Reserves than we had assumed when preparing this year's budget. Assuming approval of the TPWL grant project award, there still remains \$158,880.00 of this amount. After funding this additional \$66,130.00, there would remain \$92,750.00 of this amount of additional General Fund Reserves above what was assumed for the Fiscal Year End (FYE) 2022 budget.

Staff recommends that Council approve Change Order No. 2 in a total amount of \$46,847.00, to be funded with General Fund Reserves. This Change Order reflects \$17,425.00 for the west end structural repairs, \$9,858.00 for the additional deck area and \$19,564.00 for the additional as-built quantities to date.

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 Change Order No. 2 from Barefoot Construction, for the Renovation of the Southern Pacific Depot, in the total amount of \$46,847.00, to be funded with General Fund Reserves.

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

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

3. **Receive Presentation of final report from AECOM on the City's Water Supply Feasibility Study. Presenter is Wayne Shaffer**

Public Works Director Shaffer introduced Susan Spore, a representative of AECOM and she made a presentation of a final report on the City's Water Supply Feasibility Study.

No action needed and none taken.

4. **Receive Presentation of final report from AECOM on the City's Lynn's Bayou Wastewater Treatment Plant (WWTP) expansion. Presenter is Wayne Shaffer**

Public Works Director Shaffer introduced Ron Cass, a representative of AECOM and he made a presentation of a final report on the City's Lynn's Bayou Wastewater Treatment Plant (WWTP) expansion.

No action needed and none taken.

5. **Consider approval of two (2) AECOM Task Orders. Presenter is Wayne Shaffer**

Public Works Director Shaffer advised Council of the following task orders for a sum of \$562,046.00:

- Task Order No. 3 regarding "next step" activity regarding the City's Water Supply.
- Task Order No. 4 to prepare construction documents for immediate needs at the City's Lynn's Bayou Wastewater Treatment Plant (WWTP).

Mayor announced that this agenda item would be passed.

**V. ADJOURN SPECIAL MEETING**

Mayor asked for motion to adjourn.

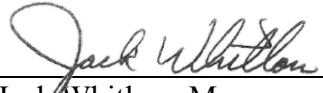
Motion made by Councilman District 5 Ward, Seconded by Councilman District 6 Barr

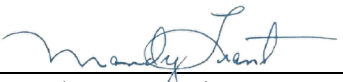
Voting Yea:

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

Special Meeting adjourned at 7:23 p.m.

These minutes were approved on December 13, 2021.

  
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Jack Whitlow, Mayor

  
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Mandy Grant, City Secretary