



CITY COUNCIL REGULAR MEETING

Monday, September 12, 2022 at 6:30 PM
City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

PUBLIC NOTICE OF MEETING

The following item will be addressed at this or any other meeting of the city council upon the request of the mayor, any member(s) of council and/or the city attorney:

Announcement by the mayor that 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).

(All matters listed under the consent agenda item are routine by the city council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.)

AGENDA

Council will consider/discuss the following items and take any action deemed necessary.

COVID-19 MEETING PROCEDURE

Public notice is hereby given that the City Council of the City of Port Lavaca, Texas, will hold a regular meeting MONDAY, SEPTEMBER 12, 2022 beginning at 6:30 p.m., at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas to consider the following items of business:

Due to COVID-19 concerns, social distancing guidelines will be encouraged for in-person attendance. The meeting will also be available via the video conferencing application "ZOOM".

Join Zoom Meeting:

<https://us02web.zoom.us/j/89295881643?pwd=WFFCTXZGNVRod003RWQ0U0tSeGhkdz09>

Meeting ID: 892 9588 1643

Passcode: 764934

One Tap Mobile

+13462487799,,89295881643#,,,*764934# US (Houston)

Dial by your location

+1 346 248 7799 US (Houston)

I. ROLL CALL

II. CALL TO ORDER

III. INVOCATION**IV. PLEDGE OF ALLEGIANCE****V. PRESENTATION(S)****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 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.***VII. CONSENT AGENDA** - *Council will consider/discuss the following items and take any action deemed necessary*

- A. Minutes of August 08, 2022 Regular Meeting
- B. Minutes of August 18, 2022 Joint Council and All Boards Workshop
- C. Minutes of August 22, 2022 Special and Workshop
- D. Review of the Credit Card Statement
- E. Receive monthly Financial Highlight Report

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

- 1. Receive Budget Report from the Guadalupe-Blanco River Authority (GBRA) for the Port Lavaca Water Treatment Plant for the 2023 Fiscal Year pursuant to the Water Supply Contract. Presenter is Jody Weaver
- 2. Consider request of the Chamber of Commerce for parade permit, traffic control assistance and closing off several streets, for the Annual "Lighted Christmas Parade" on Friday, December 02, 2022, beginning at 6:30 p.m. and also request waiver of any fees associated with the event. Presenter is Tania French
- 3. Consider request of Port Lavaca Main Street, Inc. for closure of Main Street from Virginia Street to Commerce Street; and if needed, also close Colorado Street and Guadalupe Street between Live Oak Street and Railroad Street for "Merry on Main" event on Saturday, December 03, 2022 and also request waiver of any fees associated with the event. Presenter is Tania French
- 4. Consider request of Our Lady of the Gulf Catholic Church for a parade permit and traffic control assistance for the "Marian Rosary" procession parade on Sunday, October 9, 2022 beginning at 5:00 p.m. and also request waiver of any fees associated with the event. Presenter is Colin Rangnow
- 5. Consider request of Our Lady of the Gulf Catholic Church for a parade permit and traffic control assistance for their annual "Christ the King Eucharistic Procession Parade" on Sunday, November 20, 2022 beginning at 5:00 p.m. and also request waiver of any fees associated with the event. Presenter is Colin Rangnow
- 6. Consider request of Calhoun County Fair Association (CCFA) for a parade permit and traffic control assistance on Saturday, October 01, 2022 beginning at 9:00 a.m.; the parade route will be from Sandcrab Stadium, San Faubion, N. Virginia, Main streets and ending at the Bayfront

Peninsula; and also request waiver of any fees associated with the event. Presenter is Colin Rangnow

7. Consider proposed City Compensation plan for the 2022-2023 fiscal year. Presenter is Jody Weaver
8. Consider Second and Final Reading of an Ordinance (G-6-22) of the City of Port Lavaca amending the Code of Ordinances Chapter 32, Parks and Recreation, Article III. Park Designations and Article IV. Park Regulations, Section 32-73 Skate Park and Section 32-74 Splashpad Rules Established; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Jody Weaver
9. Consider Second and Final Reading of an Ordinance (G-7-22) 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 50-67 - Utilities; and providing for an effective date. Presenter is Jody Weaver
10. Consider Second and Final Reading of an Ordinance (S-2-22) approving the annual Budget for the City of Port Lavaca, Texas and adopting the budget document for the fiscal year October 01, 2022 thru September 30, 2023. Presenter is Jody Weaver
11. Consider ratification of property tax increase reflected in the budget. Presenter is Susan Lang
12. Consider Second and Final Reading of an Ordinance (S-3-22) fixing the Tax Rate and Tax Levy for the City of Port Lavaca, Texas for the year 2022. Presenter is Jody Weaver
13. Consider recommendation of Selection Committee to award Construction Contract for the Phase II City Hall Improvement Project. Presenter is Derrick Smith
14. Consider recommendation of the Port Commission for approval of Lease for Suite 3 of Nautical Landings Office Building to Edward Jones. Presenter is Jim Rudellat
15. 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
16. Return to Open Session and take any action deemed necessary with regard to matters in closed session. Presenter is Mayor Whitlow

IX. ADJOURNMENT

CERTIFICATION OF POSTING NOTICE

This is to certify that the above notice of a regular meeting of The City Council of The City of Port Lavaca, scheduled for **Monday, September 12, 2022**, beginning at 6:30 p.m., was posted at city hall, easily accessible to the public, as of **3:45 p.m. Friday, September 9, 2022**.

Mandy Grant, *City Secretary*

ADA NOTICE

The Port Lavaca City Hall and Council Chambers are wheelchair accessible. Access to the building is available at the primary north entrance facing Mahan Street. Special parking spaces are located in the Mahan Street parking area. In compliance with the Americans with Disabilities Act, the City of Port Lavaca will provide for reasonable accommodations for persons attending meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact City Secretary Mandy Grant at (361) 552-9793 Ext. 230 for assistance.

COMMUNICATION

SUBJECT: Minutes of August 08, 2022 Regular Meeting

INFORMATION:



CITY COUNCIL REGULAR MEETING

Monday, August 08, 2022 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 8th day of August, 2022, 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
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 6:36 p.m. and presided.

III. INVOCATION

- Councilman Ward gave the invocation.

IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

V. PRESENTATION(S)

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 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 there were none.

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

- A. Minutes of July 11, 2022 Regular Meeting
- B. Minutes of July 25, 2022 Special and Workshop
- C. Review of the Credit Card Statement
- D. Receive monthly Financial Highlight Report

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 Smith, 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. Present proposed City Budget for 2022-2023 fiscal year. Presenter is Jody Weaver

City Council were presented with the proposed city budget for the 2022-2023 fiscal year.

No action necessary and none taken.

2. Receive quarterly report from the Police Department for the newly formed Mental Health Peace Officer position. Presenter is Clinton Wooldridge

Clinton Wooldridge, Mental Health Peace Officer for the Police Department presented a quarterly report to City Council.

No action necessary and none taken.

3. Consider request of the United Way of Calhoun County for use of the Bayfront Peninsula Park for their annual family day on Saturday, September 17, 2022 and waiver of any fees associated with the event. Presenter is Tania French

Port Lavaca Events Coordinator French advised Council that the United Way of Calhoun County is requesting use of the Bayfront Peninsula Park for their annual family day on Saturday, September 17, 2022 and waiver of any fees associated with the event. Staff recommends approval.

Motion made by Councilman District 2 Dent

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 United Way of Calhoun County for use of the Bayfront Peninsula Park for their annual family day on Saturday, September 17, 2021 and also approves waiver of any fees associated with the event.

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

4. **Consider request of Port Lavaca Main Street, Inc. (PLMS) for use of the Faye Bauer Sterling Park to hold a Chuck Wagon Dinner in conjunction with an evening performance in the theatre on Saturday, September 24, 2022 and waiver of any fees associated with the event. Presenter is Tania French**

Port Lavaca Events Coordinator French advised Council that the Port Lavaca MainStreet, Inc. is requesting use of Faye Bauer Sterling Park, Saturday, September 24, 2022 to hold a Chuck Wagon Dinner in conjunction with an evening performance in the theatre. The dinner will consist of steaks grilled onsite and various side dishes, along with limited beer and wine. Attendance will be limited. Additionally, PLMS would like to close and cone off one side of Main Street curbside parking between Commerce and Colorado Street during the event.

Motion made by Councilman District 2 Dent

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 request of Port Lavaca Main Street, Inc. (PLMS) for use of the Faye Bauer Sterling Park to hold a Chuck Wagon Dinner in conjunction with an evening performance in the theatre on Saturday, September 24, 2022, closes parallel parking between Bayfront and the Park, and also waives any fees associated with the event.

BE IT FURTHER RESOLVED that approval is also given to close and cone off one side of Main Street curbside parking between Commerce and Colorado Street during the event.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

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 award of a construction contract for the 5th Street Drainage Improvements Project. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the 2021/2022 Capital Improvement Plan (CIP) included \$300,000.00 to design and construct drainage improvements to the 5th Street drainage outfall which begins at Jackson Street and drains to the Harbor of Refuge ditch. This is the downstream drainage system for Alamo Heights Section II Subdivision.

In January Council approved an engineering contract with CivilCorp to prepare a bid package for this project. Staff recently advertised for construction bids and received two bids on July 21, 2022 and they are as follows:

Lester Contracting, Inc.	\$ 514,626.75	180 Calendar Days
KC Lease Service Inc.	\$ 836,727.00	180 Calendar Days

The apparent Low Bidder is Lester Contracting and in anticipation of this award, the draft 2022/2023 CIP includes a budget in this amount for the project. Staff concurs with CivilCorp and recommends a construction contract be awarded to Lester Contracting the amount bid.

Motion made by Councilman District 2 Dent

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 accepts the Bid as presented and awards a Construction Contract to Lester Contracting, Inc., in the amount of \$514,626.75 for the 5th Street Drainage Improvements Project, to be completed in 180 calendar days 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.

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

6. **Consider award of bid for the 2022 Seal Coat program. Presenter is Wayne Shaffer**

Interim City Manager Weaver presented this item in lieu of Public Works Director Shaffer. She advised Council that in continuation of the planned street remediation, staff recently advertised for the proposed 2022 Sealcoat program. She said two (2) bids were received and they are as follows:

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate</u>	<u>Total</u>	<u>Days</u>
Sylva Construction, LLC.	\$128,800.00	\$ 7,862.00	\$136,662.00	35 Calendar Days
*K-C Lease Service, Inc.	\$153,640.00	\$15,000.00	\$168,640.00	30 Calendar Days
*DBA Matagorda Construction & Materials				

Staff recommends a construction contract for this project be awarded to Sylva Construction in the amount of \$136,662.00 to be completed in 35 calendar days.

Motion made by Councilman District 1 Smith

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 accepts the Bid of Sylva Construction, LLC, in the amount of \$136,662.00 for the 2022 Street Sealcoat Program to be completed in 35 calendar days 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.

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 award of contract to remove various materials at the Harbor of Refuge. Presenter is Jody Weaver

Interim City Manager Weaver advised Council that when the former tenant of Tracts 16, 17, and 17A at the Harbor of Refuge vacated the lease at the end of 2021, they had worked to clean up the property by gathering debris into piles but did not complete haul-off operations of these piles. There are three piles in question: one each of timber equipment mats, misc. plastic debris and misc. metal debris. These piles must be cleared in order for the current tenant to be able to fully utilize the property and to comply with TCEQ requirements to keep the site of this former landfill neat and clear of waste.

Staff began looking at options for cleanup last February and March. The total cost of course was dependent upon the quantity of debris that was actually needing removed. Using an estimate of 1,300 CY, the estimated disposal cost to use Republic roll-offs was about \$80,000 and we would still have to have public works load the boxes. We had also received a unit price cost from a metal recycling facility in Houston and that estimated for the same 1300 yards was about \$70,000 which included loading the boxes. Because the estimated cost exceeded \$50,000 we prepared a competitive bid package and advertised for bids for disposal, recycling, and some other beneficial reuse of these 3 piles of debris.

A mandatory pre-bid was held on July 21 in order that all potential bidders fully understood the scope of what was and what was not scheduled for removal. The following five potential bidders were in attendance: Sylva Construction, Lester Contracting, White Trash Services, Gonzales Contracting, and Barefoot Construction.

Bids were due on July 28 and staff received two bids and they are as follows:

Bidder	Barefoot Construction	Lester Contracting, Inc.
Bid Item 1 (Plastic)	\$ 40,250.00	\$ 25,000.00
Bid Item 2 (Mats)	\$ 63,250.00	\$ 78,000.00
Bid Item 3 (Metal)	\$ 1,725.00	\$ 2,500.00
Bid Item 4 Deduct	\$ (1,725.00)	\$ (2,500.00)
Greatest Amt Bid	\$ 103,500.00	\$ 103,000.00
Calendar Days:	30	90

Award of Low Bid of each item is as follows:

Bid Item 1 (Plastic)	\$ 25,000.00	Lester Contracting, Inc.
Bid Item 2 (Mats)	\$ 63,250.00	Barefoot Construction
Bid Item 3 (Metal)	\$ 1,725.00	Barefoot Construction
Total Cost of Project	\$ 89,975.00	

Removal of each pile was a separate bid item with a provision for a deduction from the sum of the three bids should all three be awarded to the same contractor.

As you can see from the Bid Tabulation, the most advantageous award for the City is to award Bid Item 1 (plastic debris) to Lester Contracting in the amount of \$25,000.00 and award Bid Items 2 and 3 (wood and metal) to Barefoot Construction for a total award of \$64,975.00. The total cost would be \$89,975.00.

Staff recommends two contracts for this project be awarded: Lester Contracting for Bid Item 1 in the amount of \$25,000.00 (90 days to compete) and Barefoot Construction for Bid Item 2 in the amount of \$64,975.00 (30 days to complete). These expenditures are not budgeted and are proposed to come out of Port Fund Reserves.

Motion made by Councilman District 6 Barr

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

THAT, Council hereby Rejects all Bids received for the removal of various materials at the Harbor of Refuge and instructs staff to look for a more cost-effective way to accomplish this project.

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 Budget Amendment GF-008 for 2022 Fiscal Year and authorize the purchase of materials for the “Porter Road Reconstruction” Project. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the City has the opportunity to partner with Calhoun County for the reconstruction of Porter Road, where the County will utilize their labor and equipment, and the City will only need to purchase the materials. The Public Works Department has solicited bids for the various materials and quantities necessary to furnish to the County at a total cost of \$60,089.00.

Three separate solicitations for road base materials of Limestone, PB4, and Flyash were requested from Midtex Materials, Vulcan Materials and Quality Hot Mix. The PB4 was the only material that was firmly quoted by two vendors, another vendor refused to quote. All three items were available and at the least cost from Midtex Materials for a total cost of \$47,161.00.

Additionally, the City solicited quotations for primer oil and RC250 for the same road project partnership with the County. Quotations were only received from Martin Asphalt and Cleveland Asphalt, with Martin Asphalt providing the lowest price and availability at a total cost of \$12,928.00.

This is above the normal scope provided in the repair and maintenance budget for the Street Department. Additionally, due to a budget mishap, funds of \$200,000.00 were not re-appropriated during the FY2022 budget process for major capital street projects, which would have covered this cost. Furthermore, it is no longer necessary to purchase the Air Curtain Burner as previously approved, therefore, we wish to re-appropriate the remaining savings to this project.

Accepting this opportunity to work with the County on this project under our Memorandum of Understanding (MOU) agreement will require the City to fund \$60,089.00 for materials, which was not budgeted.

Staff recommends Approval of Budget Amendment Number: GF-009 for the reconstruction of Porter Road and authorizing the Interim City Manager to execute purchase orders to Midtex Materials for \$47,161.00 and Martin Asphalt in the amount of \$12,928.00.

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 Budget Amendment Number: GF-009 for the reconstruction of Porter Road and authorizes the Interim City Manager to execute purchase orders to Midtex Materials in the amount of \$47,161.00 and Martin Asphalt in the amount of \$12,928.00.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

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 appointment/reappointment of member(s) to Planning Board to fill a vacancy and/or start a new term. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that Planning Board Member Gary Crone's current term will be expiring on September 4, 2022. He has submitted a letter of interest stating his desire to being reappointed to a new term. She said there are no term limits established and the full term is for a period of two (2) years. Staff recommends the reappointment of Gary Crone to the Planning Board to serve a new two-year term from September 2022 thru September 2024.

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 reappoints Gary Crone to the Planning Board to serve a new two-year term from September 2022 thru September 2024.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

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 approving a Letter of Intent to enter into negotiations to contract with Victoria Economic Development Corporation (VEDC) for Economic Development Services. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council it would benefit the city to submit a Letter of Intent (LOI) to begin negotiations to contract services with Victoria Economic Development Corporation (VEDC), Calhoun County, and other County stakeholders to pursue and promote economic development in Calhoun County, the City of Port Lavaca, and the crossroads region.

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 submitting a Letter of Intent (LOI) to begin negotiations to contract services with Victoria Economic Development Corporation (VEDC), Calhoun County, and other County stakeholders to pursue and promote economic development in Calhoun County, the City of Port Lavaca, and the crossroads region, , a copy of which is on file, in its entirety, in the office of the City Secretary.

BE IT FURTHER RESOLVED, that the City Council has authorized Interim City Manager Jody Weaver to negotiate and enter into a contract for these economic development services, with a limit of not to exceed \$25,000 annual cost to the City, without further authorization from Council.

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

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

11. **Consider First Reading of an Ordinance (G-6-22) of the City of Port Lavaca amending the Code of Ordinances Chapter 32, Parks and Recreation, Article III. Park Designations and Article IV. Park Regulations, Section 32-73 Skate Park and Section 32-74 Splashpad Rules Established; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Jody Weaver**

Motion made by Councilman District 5 Ward

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-6-22) of the City of Port Lavaca amending the Code of Ordinances Chapter 32, Parks and Recreation, Article III. Park Designations and Article IV. Park Regulations, Section 32-73 Skate Park and Section 32-74 Splashpad Rules Established; providing for severability; providing a repealing clause; and providing an effective date.

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

12. **Consider Resolution No. R-080822-1 of the City of Port Lavaca – City Hall Master Plan Phase 2: Entry, Patio & Exterior Renovations for Construction Procurement Method. Presenter is Jody Weaver**

Motion made by Councilman District 2 Dent

WHEREAS, Section 2269.056(a), of the Texas Government Code states that the governing body of a governmental entity that considers a construction contract using a method authorized by this chapter other than competitive bidding must, before advertising, determine which method provides the best value for the governmental entity, and

WHEREAS, the City of Port Lavaca City Council has determined that the construction procurement method specified under SUBCHAPTER D. COMPETITIVE SEALED PROPOSAL METHOD of CHAPTER 2269. CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS of the Texas Government Code provides the best value for the City of Port Lavaca for the construction project titled “City Hall Master Plan – Phase 2: Entry, Patio, & Exterior Renovations”

THEREFORE, LET IT BE RESOLVED by the City of Port Lavaca City Council that the Council has decided to use the Competitive Sealed Proposal process as specified under SUBCHAPTER D. COMPETITIVE SEALED PROPOSAL METHOD of CHAPTER 2269. CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS of the Texas Government Code for the construction project titled “City Hall Master Plan – Phase 2: Entry, Patio, & Exterior Renovations”.

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

13. **Consider Resolution No. R-080822-2 of the City of Port Lavaca – City Hall Master Plan Phase 2: Entry, Patio & Exterior Renovations for Prevailing Wage Rate. Presenter is Jody Weaver**

Motion made by Councilman District 1 Smith

WHEREAS, Section 2258.022(a), of the Texas Government Code states: For a contract for a public work awarded by a political subdivision of the state, the public body shall determine the general prevailing rate of per diem wages in the locality in which the public work is to be performed for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work, and

WHEREAS, Section 2258.022(a) of the Texas Government Code Subsections (1) and (2) go on to state the public body’s options in fulfilling its statutory responsibility of determining prevailing wage rates as being: (1) conducting a survey of the wages received by classes of workers employed on projects of a character similar to the contract work in the political subdivision of the state in which the public work is to be performed; or (2) using the prevailing wage rate as determined by the United States Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Section 276a et seq.), and its subsequent amendments;

NOW THEREFORE BE IT RESOLVED that the City of Port Lavaca City Council hereby selects Section 2258.022(a), Subsection (2) of the Texas Government Code as its option in determining the general prevailing rate of per diem wages in the locality in which the public work is to be performed for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work as determined by the United States Department of Labor.

In accordance with the Davis-Bacon Act (40 U.S.C. Section 276a et seq.), and its subsequent amendments as can be found on the following web site (www.wdol.gov/dba.aspx#0), for the construction project titled “City Hall Master Plan – Phase 2: Entry, Patio, & Exterior Renovations”.

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

14. **Consider Resolution No. R-080822-3 of the City of Port Lavaca – City Hall Master Plan Phase 2: Entry, Patio & Exterior Renovations for Delegation of Authority. Presenter is Jody Weaver**

Motion made by Councilman District 6 Barr

WHEREAS, Section 2269.053(a), of the Texas Government Code provides that the governing body of a governmental entity may delegate its authority under this chapter regarding an action authorized or required by this chapter to a designated representative, committee, or other, and

WHEREAS, The City of Port Lavaca City Council wishes to delegate its authority under SUBCHAPTER D. COMPETITIVE SEALED PROPOSAL METHOD of CHAPTER 2269; CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS, SECTION 2269.155, SELECTION OF OFFEROR, of the Texas Government Code to the designated person of Jody Weaver, Interim City Manager, as authorized by Section 2269.053(a), of the Texas Government Code as it relates to the selection of an Offeror as prescribed under Section 2269.155 of the Texas Government Code for the construction project titled “City Hall Master Plan – Phase 2: Entry, Patio, & Exterior Renovations”;

NOW THEREFORE BE IT RESOLVED that the City of Port Lavaca City Council hereby delegates its authority under SUBCHAPTER D. COMPETITIVE SEALED PROPOSAL METHOD of CHAPTER 2269; CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS, SECTION 2269.155, SELECTION OF OFFEROR, of the Texas Government Code to the designated person of Jody Weaver, Interim City Manager, as authorized by Section 2269.053(a), of the Texas Government Code as it relates to the selection of an Offeror as prescribed under SECTION 2269.155, SELECTION OF OFFEROR of the Texas Government Code for the construction project titled “City Hall Master Plan – Phase 2: Entry, Patio, & Exterior Renovations”, and

THEREFORE LET IT BE FURTHER RESOLVED by the City of Port Lavaca City Council that it desires for Jody Weaver, Interim City Manager, within the scope of the authority delegated to her under Section 2269.155, SELECTION OF OFFEROR of the Texas Government Code for the construction project titled “City Hall Master Plan – Phase 2: Entry, Patio, & Exterior Renovations” to form a committee of her choosing, which may, but not necessarily, include some members of the City Council of the City of Port Lavaca in numbers not establishing a quorum of the Council.

To advise her in the selection process for Construction Services for the selection of an Offeror as prescribed under Section 2269.155 of the Texas Government Code for said construction project and bring her recommended selection to the City of Port Lavaca City Council for final approval.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

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. **Consider Resolution No. R-080822-4 of the City of Port Lavaca – City Hall Master Plan Phase 2: Entry, Patio & Exterior Renovations for Selection Committee and Proposal Ranking Criteria. Presenter is Jody Weaver**

Motion made by Councilwoman District 4 (Mayor Pro Tem) Padron

WHEREAS, Section 2269.053(a), of the Texas Government Code provides that the governing body of a governmental entity may delegate its authority under this chapter regarding an action authorized or required by this chapter to a designated representative, committee, or other, and

WHEREAS, the City of Port Lavaca City Council by resolution adopted on July 25th 2022 did delegate its authority under SUBCHAPTER D. COMPETITIVE SEALED PROPOSAL METHOD of CHAPTER 2269; CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS, SECTION 2269.155, SELECTION OF OFFEROR, of the Texas Government Code to the designated person of Jody Weaver, Interim City Manager as authorized by Section 2269.053(a), of the Texas Government Code as it relates to the selection of an Offeror as prescribed under Section 2269.155 of the Texas Government Code for the construction project titled “City Hall Master Plan – Phase 2: Entry, Patio, & Exterior Renovations”;

AND WHEREAS the City of Port Lavaca City Council stated in that resolution that its desire was for Jody Weaver, Interim City Manager within the scope of the authority delegated to her under Section 2269.155, SELECTION OF OFFEROR of the Texas Government Code for the construction project titled “City Hall Master Plan – Phase 2: Entry, Patio, & Exterior Renovations” to form a committee of her choosing, including but not limited to some members of the City Council of the City of Port Lavaca, to advise her in the selection process for Construction Services for the selection of an Offeror as prescribed under Section 2269.155 of the Texas Government Code for said construction project and bring her recommended selection to the City Council of the City of Port Lavaca for final approval.

NOW THEREFORE BE IT RESOLVED by Jody Weaver, Interim City Manager, that she hereby appoints the following committee to advise her in the selection process for Construction Services for the selection of an Offeror as prescribed under Section 2269.155 of the Texas Government Code and as directed by the City Council of the City of Port Lavaca:

Jody Weaver	Interim City Manager
Mandy Grant	City Secretary
Derrick Smith	Director of Development Services
Tim Dent	Councilman
Brian Parker	Architect's Project Manager

NOW THEREFORE LET IT BE FURTHER RESOLVED by Jody Weaver, Interim City Manager, that she has chosen the following criteria for the committee as a corporate body to consider in the selection of an Offeror submitting a proposal on this project along with the stated weighting of each of the criteria:

Price	50%
Offeror's Qualifications	40%
Time	10%

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

16. **Consider Resolution No. R-080822-5 of the City of Port Lavaca amending the City's Budgetary and Financial Management Policies. Presenter is Susan Lang**

Interim City Manager Weaver presented item in lieu of Finance Director Lang. Council was advised that staff had been made aware by one of the City's Grant Consultants, KSBR, LLC, that additional changes were recommended to the City's Budgetary & Financial Management Policies by adding a new section Federal and State Grant Funds, and referencing 2 CFR 200 Sections 302, 303, 323, 403, and 305. Staff recommends approval of these amendments made by Resolution Number R-080822-5, a copy of which is on file, in its entirety, in the office of the City Secretary.

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 amending the City of Port Lavaca Financial Management and Budgetary Policies as presented, by Resolution No. R-080822-5, a copy of which is on file, in its entirety, in the office of the City Secretary.

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

17. **Consider proposed changes to the City of Port Lavaca's Purchasing Policy and Procedures. Presenter is Susan Lang**

Finance Director Lang advised Council that staff had been made aware by one of the City's Grant Consultants, KSBR, LLC, that additional changes were recommended to the City's Purchasing Policy in order expand on the federal and state financial grant requirements referenced in Section 1.05 of the City's Purchasing Policy which indicate the City will follow 2 CFR 200 Sections 200.317 through 200.327, by adding a new section 2.04.07 Federal Grant Awards and expanding on 2 CFR 200 Section 200.323 Contract cost and price. Staff recommends approval of these amendments, a copy of which is on file, in its entirety, in the office of the City Secretary.

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 amendments to the Purchasing Policy for the City of Port Lavaca as presented, a copy of which is on file, in its entirety, in the office of the City Secretary.

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

18. **Consider recommendation of the Port Commission for an annual lease rate adjustment to the Lease with Helena Agri-Enterprises, LLC (HAE) pursuant to the increase in the Municipal Cost Index published prior to August 1, 2022. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that Helena's Ground Lease Agreement allows for the rent to be adjusted annually on August 1, pursuant to the increase in the Municipal Cost Index as of the latest date published prior to August 1.

- August 2018 starting rent= \$6,108.00
- August 2019 = \$6163.58 (0.91%)
- August 2020 = no adjustment MCI was -0.44%
- August 2021 = \$6,471.76 (5% flat rate approved by Council; MCI was 9.8%)

City Council approved an amendment to the Helena lease contract which provided for a flat 5% rent rate increase instead of the 9.8% MCI rate. This brought their monthly rent to \$6,471.76. This annual adjustment was to be re-evaluated again this year with input from the tenant Helena. Note the following:

- The MCI for May 2022 (most current published by the date of the Port Commission meeting) is 306.96
- The MCI for May 2021 was 272.97; therefore, the May 2022 MCI is 12.45% higher than May 2021.
- A 12.45% increase will add \$805.73 each month resulting in a new monthly rent of \$7,277.49

- A flat 5% rent rate increase will add \$323.59 each month resulting in a new monthly rent of \$6,795.35
- A flat 8% rent rate increase will add \$517.74 each month resulting in a new monthly rent of \$6,989.50
- The MCI for May 2018 compared to May 2022 = 250.02 vs 306.96 or 22.77%. $\$6,108 \times 1.2277 = \$7,498.97$
- Note the MCI for June 2022 is 312.09 or 12.24% above June 2021 of 278.07.

Also, for consideration, Helena paid \$43,416.82 in property taxes for the 2021 tax year and are projected to pay \$57,584.63 for the 2022 tax year a difference of \$14,167.81.

The Port Commission recommended approval of an amendment to the Helena lease agreement which would provide for a flat 8% rent rate increase this year instead of that which would result from using the change in the Municipal Cost Index. In their discussions, the Port Commission did recognize that last year's approved 5% was one-half of the MCI calculation, so 6% would be one-half of this year's MCI calculation, but the recommendation vote settled on 2/3rds of the MCI calculation.

After lengthy discussion, Council concurred for a flat seven- percent (7%) rent rate increase this year instead of using the change in the Municipal Cost Index.

Motion made by Councilman District 1 Smith

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

THAT, Council hereby approves an amendment to the Helena lease agreement which would provide for a flat seven- percent (7%) rent rate increase this year instead of using the change in the Municipal Cost Index.

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

19. **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 announced there would be no closed session.

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

There was no closed session.

IX. ADJOURNMENT

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

Meeting adjourned at 7:33 p.m.

These minutes were approved on September 12, 2022.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary

COMMUNICATION

SUBJECT: Minutes of August 18, 2022 Joint Council and All Boards Workshop

INFORMATION:



CITY COUNCIL WORKSHOP-JOINT

Thursday, August 18, 2022 at 6:00 PM

Bauer Community Center | 2300 Highway 35 North, Port Lavaca TX 77979

MINUTES

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

On this the 18th day of August, 2022, the City Council of the City of Port Lavaca, Texas, in conjunction with the Port Commission, the Planning Board and the Recreation and Parks Board, convened in a joint workshop session at 6:00 p.m. at the Bauer Community Center, 2300 Highway 35 North, Port Lavaca, Texas, with the following members in attendance:

I. ROLL CALL (16)

Jack Whitlow	Mayor
Jerry Smith	Councilman, District 1
Tim Dent	Councilman, District 2
Rosie G. Padron	Councilwoman, District 4, Mayor Pro Tem
Jim Ward	Councilman, District 5
Ken Barr	Councilman, District 6
Sue Traylor	Port Commission Board Member
Jamie O'Neil	Port Commission Board Member
Justin Weaver	Planning Board Member
Sheryl Cuellar	Planning Board Member
Betty Birdwell	Planning Board Member
Mac Sistrunk	Recreation and Parks Board Chairman
Olga Szela	Recreation and Parks Board Member
William (Bill) Regan	Recreation and Parks Board Member
Jean Wehmeyer	Recreation and Parks Board Member
Mark Howell	Recreation and Parks Board Member

And with the following absent: (10)

Allen Tippit	Councilman, District 3
Alex Davila	Port Commission Board Chairman
David Roberts	Port Commission Board Member
Mike McGuire	Port Commission Board Member

Michael Kovarek
Larry Nichols

Port Commission Board Member
Port Commission Board Member

Mike Elgin
Gary Crone
Melinda Cain
Steve Butler

Planning Board Chairman
Planning Board Member
Planning Board Member
Planning Board Member

I. CALL TO ORDER

- Mayor Whitlow called the City Council Workshop Session to order at 6:12 p.m. and presided.
- Sue Traylor, Port Commission Board Member, called Port Commission Board to order;
- Justin Weaver, Planning Board Member, called Planning Board to order;
- Mac Sistrunk, Recreation and Parks Chairman, called Recreation and Parks Board to order.

II. COMMENTS FROM THE PUBLIC

(Limited to 3 minutes per individual unless permission to speak longer is received in advance)

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

III. ITEMS FOR DISCUSSION – (Council and Boards will discuss the following items)

1. Discuss Comprehensive Plan for Port Lavaca. Presenter is Jody Weaver

This agenda item was discussed.

No action was taken.

IV. ADJOURN WORKSHOP

Mayor Whitlow announced Workshop was adjourned at 7:59 p.m.

These minutes were approved on September 12, 2022.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary

COMMUNICATION

SUBJECT: Minutes of August 22, 2022 Special and Workshop

INFORMATION:



CITY COUNCIL SPECIAL/WORKSHOP MEETING

Monday, August 22, 2022 at 9:00 AM

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 August, 2022, the City Council of the City of Port Lavaca, Texas, convened in a special and workshop session at 2:00 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:

**Note: This meeting was posted to begin at 9:00 a.m. but was delayed until 2:00 p.m.*

I. ROLL CALL

Jack Whitlow

Jerry Smith

Tim Dent

Allen Tippit

Rosie G. Padron**

Jim Ward

Ken Barr

Mayor

Councilman, District 1

Councilman, District 2

Councilman, District 3

Councilwoman, District 4, Mayor Pro Tem

Councilman, District 5

Councilman, District 6

And with the following absent: None

**Councilwoman Padron arrived at 2:30 p.m. during Special Meeting Agenda #4 (CIP) Resolution No. R-082222-1.

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

CITY COUNCIL SPECIAL MEETING

II. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 2:10 P.M. and presided with the following announcement:

III. COMMENTS FROM THE PUBLIC – *Comments will be limited to three (3) Minutes per individual unless permission to speak longer is received in advance.*

- Mayor Pro Tem 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 setting a public hearing on the proposed 2022-2023 fiscal year budget for Wednesday, September 06, 2022. Presenter is Susan Lang

Note: Typographical error on day of the week "Wednesday", has been corrected to "Tuesday".

Finance Director Lang 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, the City is required to hold a public hearing on the 2022-2023 Fiscal Year (FY) Budget. The City Council must set the date and time for a Public Hearing on the proposed 2022-2023 FY Budget. According to our budget calendar, we have scheduled the Public Hearing on the Budget to be held at a Special Council meeting on September 6, 2022, at which time we may also have the First reading of the Ordinance to adopt the 2022-2023 FY budget.

Because the proposed tax rate exceeded the No-New-Revenue rate, legislation considers it a tax increase, and requires special language to accompany the Notice of Public Hearing on the budget as follows:

"This budget will raise more total property taxes than last year's budget by \$129,314 (2.94%), and of that amount \$41,897 is tax revenue to be raised from new property added to the tax roll this year."

Only one Public Hearing is required and satisfies the requirements for a later vote on the Ordinance adopting the annual budget.

Staff recommends the Public Hearing be set for September 6, 2022 at 5:30 p.m. (Special Meeting), according to our budget calendar.

Motion made by Councilman District 2 Dent

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 a Special Meetings for setting a Public Hearing on the proposed 2022-2023 Fiscal Year Budget, for Tuesday, September 06, 2022 at 5:30 p.m.

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

Absent:

Councilwoman District 4 (Mayor Pro Tem) Padron (arrived at 2:30 p.m. special meeting item 4)

2. Consider setting a public hearing on proposed 2022 tax rate for Wednesday, September 06, 2022. Presenter is Susan Lang

Note: Typographical error on day of the week "Wednesday", has been corrected to "Tuesday".

Finance Director Lang advised Council that in accordance with the State of Texas Property Tax Code, the Comptroller of Texas' Truth-in-Taxation rules, should the City Council choose to propose a tax rate that exceeds the No-New-Revenue (NNR) rate, it is considered a tax increase and a public hearing on the tax rate is required.

City Council must set a date and time for the public hearing after they vote to propose a tax rate greater than the NNR. A NOTICE OF PUBLIC HEARING ON TAX INCREASE must be published in the newspaper and prominently displayed on the city's website.

According to our budget calendar, we have scheduled the Public Hearing on the Tax Rate to be held at a special council meeting on September 6, 2022, at which time we may also have the First reading of the Tax Rate Ordinance, where a record vote must be taken. The proposed tax rate provided in the budget is \$0.7944, which is the same as last year but exceeds the NNR rate of \$0.7767.

Staff recommends the Public Hearing be set for September 6, 2022 at 5:30PM (Special Meeting) and authorize the publication of the Notice of Public Hearing on Tax Increase to describe the date, time and place for the hearing along with the required language as set forth by Property Tax Code.

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 the recommendation of staff, Council hereby approves a Special Meetings for setting a Public Hearing on the proposed 2022 tax rate, for Tuesday, September 06, 2022 at 5:30 p.m. and authorize the publication of the Notice of Public Hearing on Tax Increase to describe the date, time and place for the hearing along with the required language as set forth by Property Tax Code

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

Absent:

Councilwoman District 4 (Mayor Pro Tem) Padron (arrived at 2:30 p.m. special meeting item 4)

3. Consider a proposed tax rate for the 2022-2023 fiscal year and take a record vote. Presenter is Susan Lang

Finance Director Lang advised Council that in accordance with the State of Texas Property Tax Code, the Comptroller of Texas' Truth-in-Taxation rules, the City must calculate a the "No New Revenue" (NNR) and "Voter Approval Rate".

The CCAD Tax Assessor/Collector is required to calculate the NNR and VAR rates and publish a Notice in the newspaper and on the City's website. We have prepared the proposed budget based upon the previous year's tax rate of \$0.7944 per \$100 value of property on the tax roll. Based upon the calculations, and the assumption of keeping the tax rate the same, this year's calculation is as follows:

Property Tax Comparison:	FY 2022	FY 2023
Adopted and Proposed Tax Rate	0.7944	0.7944
No-New-Revenue Tax Rate	0.7458	0.7767
NNR Maintenance & Operations Tax Rate	0.6848	0.7165
Voter-Approval Tax Rate	0.8059	0.8141
Debt Tax Rate	0.0636	0.0637

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 tax payers 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 then 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.

The City can increase the tax rate up to \$0.814 without holding an election if it so chooses.

Currently, the proposed tax rate, which is the **same** as last year, will generate \$129,314, or 2.94% more revenue for the proposed FY 2023 budget. If Council wishes to increase the tax rate to \$0.814, it will generate approximately \$252,916 or 5.77% more revenue. Once City Council votes on the proposed rate, it must publish notices and cannot exceed that rate, however it can lower the rate at any time prior to adoption. **The vote must be a record vote of each member of the governing body by name.**

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 placing a proposal to adopt a Tax Rate for the 2022-2023 fiscal year as an action item on the September 6, 2022 Special meeting agenda, with a desired rate of \$0.7944 per \$100 value and publishing notice thereof.

Seconded by Councilman District 2 Dent

Voting Yea and Record Vote by Name:

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

Voting Nay: None

Absent:

Councilwoman District 4 (Mayor Pro Tem) Padron (arrived at 2:30 p.m. special meeting item 4)

4. **Consider Resolution No. R-082222-1 to adopt a five-year plan (2022-2027) for the Capital Improvement Program (CIP) in compliance with article 7.02(15) of the city's home rule charter. Presenter is Jody Weaver**

Motion made by Councilman District 3 Tippit

WHEREAS the City Charter requires the City Manager to submit a plan for capital improvement covering the succeeding five years and proposed method of financing to the City Council prior to the beginning of each budget year; and,

WHEREAS the City Manager submitted a Five-Year Capital Program to the City Council on July 25, 2022 in compliance with the City Charter and,

WHEREAS the City Council has reviewed the Five-Year Capital Program, found it to be in compliance with all City Charter and believes its approval by resolution is in the best interest of Port Lavaca residents.

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

THAT the Five-Year Capital Program (October 1, 2022 – September 30, 2027), a copy of which is attached hereto and incorporated in the Fiscal Year Budget 2022-2027, is hereby adopted in compliance with the City Charter.

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

V. ADJOURN SPECIAL MEETING

Mayor Whitlow asked for motion to adjourn.

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

Absent: Councilman District 3 Tippit (arrived at 4:44 p.m. during Workshop)

Special Meeting adjourned at 2:32 P.M.

WORKSHOP SESSION

VI. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 2:33 P.M. and presided with the following announcement:

VII. COMMENTS FROM THE PUBLIC - *Comments will be limited to three (3) Minutes per individual unless permission to speak longer is received in advance*

- No Comments from the Public.

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

1. Conduct Cyber Security Training for Council. Presenter is Jody Weaver

All City Council Members completed this Cyber Security Training before the Special Meeting began on Monday, August 22, 2022.

No action necessary and none taken.

2. Discuss proposed city budget for 2022-2023 fiscal year. Presenter is Jody Weaver

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 2 Dent

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

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

Workshop adjourned at 5:56 P.M.

These minutes were approved on September 12, 2022.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary

COMMUNICATION

SUBJECT: Review of the Credit Card Statement

INFORMATION:



Section VII. Item #D.

CITY OF

Account Number: XXXX XXXX XXXX 0305

Billing Questions:

800-367-7576

Website:

www.cardaccount.net

Send Billing Inquiries To:

Card Service Center, PO Box 569120, Dallas, TX 75356

FIRST NATIONAL BANK IN PORT LAVACA Credit Card Account Statement
July 9, 2022 to August 8, 2022**SUMMARY OF ACCOUNT ACTIVITY**

Previous Balance	\$7,613.74
- Payments	\$7,613.74
- Other Credits	\$0.00
+ Purchases	\$16,549.30
+ Cash Advances	\$0.00
+ Fees Charged	\$0.00
+ Interest Charged	\$0.00
= New Balance	\$16,549.30

Account Number XXXX XXXX XXXX 0305
 Credit Limit \$26,500.00
 Available Credit \$9,100.00
 Statement Closing Date August 8, 2022
 Days in Billing Cycle 31

PAYMENT INFORMATION

New Balance: \$16,549.30
 Minimum Payment Due: \$496.48
Payment Due Date: September 2, 2022

MESSAGES**GREAT NEWS!**

We have upgraded the Card Service Center website and online access to your account information. It is better than ever!

Our enhanced site features easier-to-navigate pages, additional payment functionality, and new self-serve account update options. A **NEW MOBILE APP** is also available to manage your card on the go!

The New Site and Mobile App are available NOW! To take advantage of these exciting features go to www.cardaccount.net to download the mobile app or click "ACCOUNTS" and choose "CREDIT CARD ACCOUNTS" to log in now.

TRANSACTIONS

An amount followed by a minus sign (-) is a credit unless otherwise indicated.

Tran Date	Post Date	Reference Number	Transaction Description	Amount
07/20	07/20	F112700JT00CHGDDA	AUTOMATIC PAYMENT - THANK YOU	\$7,613.74-

Transactions continued on next page

FIRST NATIONAL BANK IN PORT LAVACA
 1550 N BROWN RD 150
 LAWRENCEVILLE GA 30043



All payments on the account must be made at the address shown on your monthly billing statement and are considered to have been made on the date received at that address.

Account Number: XXXX XXXX XXXX 0305
 New Balance: \$16,549.30
 Minimum Payment Due: \$496.48
Payment Due Date: September 2, 2022

Amount Enclosed: \$

Make Check Payable to:

CARD SERVICE CENTER
 PO BOX 569100
 DALLAS TX 75356-9100

CITY OF PORT LAVACA
 202 N VIRGINIA ST
 PORT LAVACA TX 77979-3431

11273390700003050004964800016549305

**TRANSACTIONS (continued)**

An amount followed by a minus sign (-) is a credit unless otherwise indicated.

Tran Date	Post Date	Reference Number	Transaction Description	Amount
			TOTAL XXXXXXXXXXXX0305	\$7,613.74-
07/11	07/13	5270487JHLKF6YBDM	CANDLEWOOD SUITES 2814127400 TX	\$559.35
		CHECK-IN 07/10/22	FOLIO #13410419	
07/27	07/28	5543286K05SR6ZKPP	AMAZON.COM*YM2613ZT3 AMZN.COM/BILL WA	\$15.04
07/28	07/31	5270715K209FFF8K5	THE HOME DEPOT #6584 CORP CHRISTI TX	\$129.84
07/28	07/31	5270715K209FMB936	THE HOME DEPOT #0526 CORPUS CHRIST TX	\$44.98
07/30	07/31	5543286K35SKGDA1E	AMZN MKTP US*GI14O0803 AMZN.COM/BILL WA	\$594.88
			COLIN RANGNOW	
			TOTAL XXXXXXXXXXXX0727	\$1,344.09
07/27	07/28	0230537K1HEV3D94Z	CPO COMMERCE, LLC 626-585-3600 CA	\$1,142.99
			ERIC SALES	
			TOTAL XXXXXXXXXXXX0776	\$1,142.99
07/21	07/21	5531020JS2DLSQGST	AMZN MKTP US*X88KI0153 AMZN.COM/BILL WA	\$63.00
			KAREN NEAL	
			TOTAL XXXXXXXXXXXX0784	\$63.00
07/11	07/12	8271116JH000D0RS	AARLEA TRAINING SAN ANTONIO CA	\$100.00
07/25	07/27	5270715JZ09FBZSNF	THE HOME DEPOT #6587 VICTORIA TX	\$146.07
07/28	07/31	5270715K209FFF8JX	THE HOME DEPOT #6584 CORP CHRISTI TX	\$230.00
			JAVIER RAMOS	
			TOTAL XXXXXXXXXXXX0867	\$476.07
07/26	07/26	0230537JZEHX5FEJ3	TST* OZONA BAR AND GRI COLLEGE STATI TX	\$75.39
07/27	07/28	5543286K05SR44BPE	JACK IN THE BOX #0683 COLLEGE STATI TX	\$14.26
07/27	07/28	5531020K1RQEJ1B45	PANDA EXPRESS #2108 COLLEGE STATI TX	\$21.11
07/28	07/28	0230537K1EHY0193T	TST* MO'S IRISH PUB - COLLEGE STATI TX	\$24.90
07/28	07/29	5531020K2RQEDQWYV	PANDA EXPRESS #2108 COLLEGE STATI TX	\$15.70
07/28	07/31	8536387K2LQ1PZJEJ	TADS LOUISIANA COOKING COLLEGE STATI TX	\$23.82
07/29	07/31	5543286K25SE71LZA	JACK IN THE BOX #0683 COLLEGE STATI TX	\$15.29
07/29	07/31	1544985K301MLYMJL	SHIPLEY DO-NUTS - KD COLUMBUS TX	\$8.78
08/01	08/02	5543286K55SEZ3E1D	IN *R&D GOTHARD ENTERP 903-4380300 TX	\$250.00
08/01	08/02	5543286K55SEZ3E16	IN *R&D GOTHARD ENTERP 903-4380300 TX	\$200.00
			JUAN LUNA	
			TOTAL XXXXXXXXXXXX0941	\$649.25
07/23	07/24	5530959JXRQEK8W93	MURPHY7204ATWALMART PORT LAVACA TX	\$175.00
			WAYNE SHAFFER	
			TOTAL XXXXXXXXXXXX1212	\$175.00
08/02	08/03	5531020K62E00TY5K	AMZN MKTP US*LQ6QE08Q3 AMZN.COM/BILL WA	\$34.95
08/03	08/03	5531020K72DLJTVYH	AMZN MKTP US*BX6SQ4TG3 AMZN.COM/BILL WA	\$8.98
08/04	08/04	5531020K82E0049HN	AMZN MKTP US*VN7HN6IC3 AMZN.COM/BILL WA	\$15.66
08/05	08/05	5543286K95SHRPRJM	AMZN MKTP US*8G1RN0QG3 AMZN.COM/BILL WA	\$7.23
08/06	08/07	5543286KA5V38Q99J	AMZN MKTP US*ZF9LY1FX3 AMZN.COM/BILL WA	\$11.99
08/06	08/07	5531020KA2DJMBJZM	AMAZON.COM*3M4SU7MN3 A AMZN.COM/BILL WA	\$55.16
			MANDY GRANT	
			TOTAL XXXXXXXXXXXX1238	\$133.97
07/11	07/11	5543286JG5SE82ML9	APPLE.COM/BILL 866-712-7753 CA	\$2.99
08/01	08/01	5543286K55S8FR88L	APPLE.COM/BILL 866-712-7753 CA	\$3.24
			JESSICA CARPENTER	
			TOTAL XXXXXXXXXXXX1329	\$6.23
07/13	07/13	5543286JJ5SZDZZJA	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$345.00

Transactions continued on next page

**TRANSACTIONS (continued)**

An amount followed by a minus sign (-) is a credit unless otherwise indicated.

Tran Date	Post Date	Reference Number	Transaction Description	Amount
07/13	07/13	5543286JJ5SZE028F	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$345.00
07/13	07/13	5543286JJ5SZE03T7	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$345.00
07/13	07/13	5543286JJ5SZE030P	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$345.00
07/13	07/13	5543286JJ5SZE04BF	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$345.00
07/13	07/13	5543286JJ5SZE04MJ	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$345.00
07/13	07/13	5543286JJ5SZE050Q	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$345.00
07/13	07/13	5543286JJ5SZE057A	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$345.00
07/14	07/15	5543286JK5SFRL0NR	AMZN MKTP US*OC8M95673 AMZN.COM/BILL WA	\$6.96
07/15	07/17	5531020JL2DKF2RMV	AMZN MKTP US*RB6259PE3 AMZN.COM/BILL WA	\$19.99
07/26	07/27	5531020JZ2DLFWPNM	AMAZON.COM*VQ9438Z13 A AMZN.COM/BILL WA	\$318.48
07/27	07/28	5543286K05STR8WSK	AMZN MKTP US*225YD9JK3 AMZN.COM/BILL WA	\$75.98
08/01	08/02	7541823K54EH0JWGV	B&H PHOTO 800-606-6969 800-2215743 NY	\$886.70
SUSAN LANG				
TOTAL XXXXXXXXXXXX1345				\$4,068.11
07/17	07/18	5543286JN5SGRKX7K	AMZN MKTP US*2Q67S5AV3 AMZN.COM/BILL WA	\$219.65
07/20	07/21	5531020JT2DM2K75N	AMAZON.COM*9795J1I83 A AMZN.COM/BILL WA	\$45.00
08/02	08/02	5543286K65SGVF5LE	INT'L CODE COUNCIL INC 888-422-7233 IL	\$565.00
08/04	08/04	5531020K82DZT6EBY	AMAZON.COM*3D42485U3 A AMZN.COM/BILL WA	\$50.00
DERRICK SMITH				
TOTAL XXXXXXXXXXXX3836				\$879.65
07/14	07/15	5543286JK5SGSSYHS	SQ *THE DONUT PALACE PORT LAVACA TX	\$46.80
07/25	07/26	5543286JY5V2V26J2	WALMART.COM AA 800-966-6546 AR	\$97.34
JAMES RUDELLAT				
TOTAL XXXXXXXXXXXX8611				\$144.14
07/24	07/26	8510159JY01FKTGGX	YESTERDAYS BRYAN TX	\$37.89
07/27	07/28	5543286K15SZ20TAV	FWB TEXAS AVENUE COLLEGE STATI TX	\$30.36
07/30	08/01	5543286K45V0AM2LB	COURTYARD BY MARRIOTT COLLEGE STATI TX	\$735.03
		CHECK-IN 07/30/22	FOLIO #211006	
07/30	08/01	5543286K45V0AM2LK	COURTYARD BY MARRIOTT COLLEGE STATI TX	\$735.03
		CHECK-IN 07/30/22	FOLIO #211007	
JOE REYES JR				
TOTAL XXXXXXXXXXXX0215				\$1,538.31
07/12	07/13	5543286JH5STK3PAY	AMZN MKTP US*8V72S16M3 AMZN.COM/BILL WA	\$96.93
07/12	07/13	5543286JH5STML5VF	AMZN MKTP US*N14E16PO3 AMZN.COM/BILL WA	\$96.93
07/13	07/13	5543286JJ5SZDZZJ2	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$345.00
07/13	07/13	5543286JJ5SZE023J	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$345.00
07/13	07/13	5543286JJ5SZE03AG	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$345.00
07/13	07/13	5543286JJ5SZE04N2	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$345.00
07/13	07/13	5543286JJ5SZE04QT	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$345.00
07/13	07/13	5543286JJ5SZE04YV	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$345.00
07/13	07/13	5543286JJ5SZE041N	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$345.00
07/15	07/17	5543286JL5SZYEEHV	GOOGLE *GOOGLE STORAGE 650-253-0000 CA	\$2.12
07/21	07/22	5543286JS5SXP7W7V	J2 *EFAX CORPORATE SVC 323-817-1155 CA	\$196.58
07/28	07/29	8271116K1000QSB1V	SISTER CITIES INTL WASHINGTON DC	\$440.00
08/01	08/02	5531020K661BMRN5G	APWA - WORK ZONE 8165955279 MO	\$375.00
08/01	08/03	5520739K6006B4MFS	AUTHORIZE.NET SAN FRANCISCO CA	\$30.00
JOANNA WEAVER				
TOTAL XXXXXXXXXXXX0249				\$3,652.56
07/10	07/11	5531020JF2DL7WP8X	AMAZON.COM*F97NC8AO3 A AMZN.COM/BILL WA	\$307.98
07/11	07/12	5543286JG5SJRKL9M	AMZN MKTP US*0T9863WB3 AMZN.COM/BILL WA	\$54.40
07/14	07/14	5543286JK5SDMAM1D	AMZN MKTP US*M61X57PP3 AMZN.COM/BILL WA	\$82.99
07/14	07/15	6518742JL0001DBMF	CALHOUN CO TAX ASSESSO PORT LAVACA TX	\$30.90

Transactions continued on next page

**TRANSACTIONS (continued)**

An amount followed by a minus sign (-) is a credit unless otherwise indicated.

Tran Date	Post Date	Reference Number	Transaction Description	Amount
07/15	07/17	5543286JL5SSAHZ9V	AMZN MKTP US*SI67M0FR3 AMZN.COM/BILL WA	\$259.99
07/16	07/17	5531020JM2DKJ520W	AMAZON.COM*LS3QS6BJ3 A AMZN.COM/BILL WA	\$526.08
07/20	07/21	5543286JT5SL79K3F	AMZN MKTP US*J68DZ11H3 AMZN.COM/BILL WA	\$341.42
07/21	07/22	5543286JS5SWBE3P9	AMAZON.COM*EV1XW4KM3 AMZN.COM/BILL WA	\$69.00
07/22	07/22	5531020JV2DL38S6M	AMZN MKTP US*AY1019LB3 AMZN.COM/BILL WA	\$150.54
07/28	07/29	5543286K15V3MVDV8	AMAZON.COM*789KG8DD3 AMZN.COM/BILL WA	\$94.76
08/02	08/03	5548872K72MQWWE1X	TCEQ EPAYMENT 5122390369 TX	\$113.75
08/03	08/03	5543286K75SSLD8XX	AMZN MKTP US*2M0F45YB3 AMZN.COM/BILL WA	\$6.99
08/03	08/03	5543286K75SVL82FH	AMZN MKTP US*285G30UV3 AMZN.COM/BILL WA	\$122.66
08/04	08/05	5543286K85SEY143Q	AMZN MKTP US*275XJ8BN3 AMZN.COM/BILL WA	\$101.45
08/07	08/08	5531020KB2E0YH3JV	AMAZON.COM*LL0S87N83 A AMZN.COM/BILL WA	\$13.02

CYNTHIA HEYSQUIERDO

TOTAL XXXXXXXXXXXX0264 \$2,275.93

INTEREST CHARGE CALCULATION

Your Annual Percentage Rate (APR) is the annual interest rate on your account

Type of Balance	Annual Percentage Rate (APR)	Balance Subject to Interest Rate	Days in Billing Cycle	Interest Charge
Purchases	15.74% (v)	\$0.00	31	\$0.00
Cash Advances	15.74% (v)	\$0.00	31	\$0.00

(v) - variable

To avoid additional interest charges, pay your New Balance in full on or before the Payment Due Date.

Exciting news! Go online today and check out the all-new enhancements to the Card Service Center website. E-statements, additional payment options, links to Preferred Points website, and other helpful sites. Visit us today at www.cardaccount.net to enroll your credit card account(s) on the newly enhanced website.

Thank you for the opportunity to serve your credit card needs. Should your future plans include travel, please contact us at 1-800-367-7576.

CREDITING OF PAYMENTS

All payments received by 5:00 PM during the Card issuer's normal business day at the address indicated on the reverse side of this statement will be credited to your account as of the date of receipt of the payment. If payment is made at any location other than that address, credit of the payment may be delayed up to 5 days.

BILLING RIGHTS SUMMARY***What to do if You Think You Find a Mistake on Your Statement***

If you think there is an error on your statement, write to us at BBCS, Attn: Dispute Department, 1550 North Brown Road, Suite 150, Lawrenceville, GA 30043 as soon as possible. In your letter, give us the following information: your name and account number; the dollar amount of the suspected error; and if you think there is an error on your bill, describe what you believe is wrong and why you believe it is a mistake.

You must contact us within 60 days after the error appeared on your statement. You must notify us of any potential errors in writing. You may call us, but if you do we are not required to investigate any potential errors and you may have to pay the amount in question.

While we investigate whether or not there has been an error, the following are true:

- We cannot try to collect the amount in question, or report you as delinquent on that amount.
- The charge in question may remain on your statement, and we may continue to charge you interest on that amount. But, if we determine that we made a mistake, you will not have to pay the amount in question or any interest or other fees related to that amount.
- While we do not have to pay the amount in question, you are responsible for the remainder of your balance.
- We can apply any unpaid amount against your credit limit.

Your Rights if You are Dissatisfied with Your Credit Card Purchases

If you are dissatisfied with the goods or services that you have purchased with your credit card, and you have tried in good faith to correct the problem with the merchant, you may have the right not to pay the remaining amount due on the purchase. To use this right, all of the following must be true:

- The purchase must have been made in your home state or within 100 miles of your current mailing address, and the purchase price must have been more than \$50. (Note: Neither of these are necessary if your purchase was based on an advertisement we mailed to you, or if we own the company that sold you the goods or services.)
- You must have used your credit card for the purchase. Purchases made with cash advances from an ATM or with a check that accesses your credit card account do not qualify.
- You must not yet have fully paid for the purchase. If all of the criteria above are met and you are still dissatisfied with the purchase, contact us in writing at: BBCS, Attn: Dispute Department, 1550 North Brown Road, Suite 150, Lawrenceville, GA 30043.

While we investigate, the same rules apply to the disputed amount as discussed above. After we finish our investigation, we will tell you our decision. At that point, if we think you owe an amount and you do not pay we may report you as delinquent.

EXPLANATION OF INTEREST CHARGES

The Interest Charge shown on the front is the sum of the Interest Charges computed by applying the Periodic Rate(s) to the Average Daily Balance and adding any applicable transaction charge authorized in the Cardholder Agreement. The method for computing the balance subject to Interest Charge is an average daily balance (including new purchases) method.

We figure the interest charge on your account by applying the periodic rate(s) to the "average daily balance" of your account (including in some instances current transactions). To get the "average daily balance", we take the beginning balance of your account each day, add any new cash advances and subtract any payments or credits and any unpaid interest charges. If you paid in full the Previous Balance shown on this statement by the payment due date shown on the previous statement, we subtract from each day's beginning balance the amount of such Previous Balance included in that beginning balance and also do not add in any new purchases. Otherwise the amount of the Previous Balance is not subtracted and we add in any new purchases. This gives us the daily balance. Then we add all the daily balances for the billing cycle and divide the total by the number of days in the billing cycle. This gives us the "average daily balance."

HOW TO AVOID INTEREST CHARGES: You have until the payment due date shown on your periodic statement to repay your balance before an interest charge on purchases will be imposed.

ANNUAL FEE DISCLOSURES

If an annual fee is shown on the front of the statement, see the front for information about the following matters: the annual percentage rate for purchases, certain information regarding any variable rate feature, the amount of the annual fee, any minimum interest charge, and any transaction charges for purchases. The method for computing the balance subject to interest charge on your account is an Average Daily Balance (including new purchases) method and is explained above.

If you terminate your account within 30 days from the Closing Date shown on the front of this statement, you will not owe the annual fee (and have the right to have it credited to your account) and may use your card(s) during that 30 day period without becoming obligated for the annual fee. To terminate your account you should give us written notice sent to the address for billing inquiries as shown on the front of this statement. All cards should be cut in half and returned with your termination notice.

CREDIT BALANCES

Any credit balance on your account (indicated by a "-" on the front of this statement) is money we owe you. You can make charges against this amount or request and receive a full refund of this amount by writing us at: Card Service Center, PO Box 569120, Dallas, TX 75356-9120. Any amount not charged against or refunded upon request that is over \$1.00 (equal to or in excess of \$1.00 if you live in MA or any amount in NY) will be refunded automatically within six months after the credit balance was created (four billing cycles in MD).

O1AB5762 – 3 – 05/25/17

(PLEASE SHOW YOUR CORRECT NAME AND ADDRESS)

 Name (if incorrect on reverse side)

 Street address

 City

 State

 Zip Code

 Effective Date: Month, Day, Year

 Signature

 Home Phone

 Work Phone

COMMUNICATION

SUBJECT: Receive monthly Financial Highlight Report

INFORMATION:



CITY OF
PORT LAVACA

202 N. Virginia, Port Lavaca, Texas 77979-0105 www.portlavaca.org
Main Number: 361-552-9793 Main Facsimile: 361-552-6062

To: Mayor and Members of the City Council
From: Susan Lang, Finance Director 
Subject: FY 21-22 Financial Highlights through **August 31, 2022**
Date: September 8, 2022

Below are the following reports for the period ending **August 31, 2022**, or **91.6%** of the year:

The major highlights of the Report are as follows:

Property Tax collections as reported by CCAD - are **\$4,750,318** for the year as of July. Collections in FY21-22 are 96.39% of total adjusted tax levy. Total current year Property Taxes Outstanding as of July is **\$176,590**.

In the General Fund, revenues through **8/31/22** are **96.3%** of budget. In addition:

1. *Current Property Tax* collections - are **\$4,374,242** for the year as of August. Collections in FY21-22 are 110.2% of budget.
2. *Sales Tax* collections through August were **\$3,110,624** or 94.5% of budget. Collections through August in FY 20-21 were **\$3,235,445**.
3. *Licenses & Permits* collections are **\$167,568** for the year, or 73.5% of budget. Collections through August in FY 20-21 were **\$154,078**.
4. *Bauer Center Rentals* through August are **\$58,400** or 116.8% of budget. Collections through August in FY 20-21 were **\$50,945**.
5. *Court Fines* are **83,525** for the year, or 69.6% of budget. Collections through August in FY 20-21 were **\$90,775**.

Expenditures in the General Fund for the year are **90.5%** of budget.

Target: 91.6%

In the Utility Fund, revenues as of **8/31/22** are **96.3%** of budget. In addition:

1. *Metered Water* sales through August are **\$1,913,176 or 95.1%** of budget.
2. *Residential Sewer* sales through August are **918,908 or 86.6%** of budget.
3. *Garbage Billings* through August are **\$707,364 or 101.7%** of budget.

Expenditures in the Utility Fund for the year are **81.5%** of budget.

Summary – FY 2021-2022 through 8/31/22

<u>Fund</u>	<u>Revenues</u>	<u>% Budget</u>	<u>Expense</u>	<u>% Budget</u>	<u>Revenues Less Expense</u>
General	\$9,112,156	96.3%	\$11,373,938	90.5%	(\$2,261,782)
Utility	5,841,727	96.3%	4,925,405	81.5%	916,322
HOT	319,881	60.8%	797,919	87.3%	(478,038)
Beach	79,785	45.5%	138,555	88.3%	(58,769)
Port	602,803	91.5%	651,714	77.3%	(48,911)
Total					(1,931,178)

I will be at the City Council meeting, should you have any questions regarding the information provided.



**Port Lavaca
PROPERTY TAX COLLECTION REPORT
July 31, 2022**

TAXES DUE AT CERTIFICATION	4,726,568.66
Adjustments to Date	169,694.06
TOTAL TAX LEVY	4,896,262.72

2021 Tax Collections

	Base	Penalties & Interest	Total
October	2,264,571.55	0.00	2,264,571.55
November	345,300.03	0.00	345,300.03
December	603,580.74	0.00	603,580.74
January	845,808.24	0.00	845,808.24
February	335,113.44	7,472.12	342,585.56
March	109,525.79	8,909.30	118,435.09
April	47,775.33	4,365.25	52,140.58
May	87,791.74	3,931.21	91,722.95
June	42,629.38	5,967.53	48,596.91
July (Delinquent as of July 1, 2021)			0.00
August			0.00
September			0.00
TOTAL	4,682,096.24	30,645.41	4,712,741.65

	% Collected	96.39%	Last Year % Collected 96.99%
TRANSFERRED TO DELINQUENT ROLL			
July, Aug, and Sept Payments		37,576.69	
2021 TAXES OUTSTANDING		176,589.79	4.91

% Current Outstanding 3.61%

DELINQUENT COLLECTIONS

	Base	Penalties & Interest	Total
October	6,452.35	3,130.88	9,583.23
November	9,728.40	3,612.99	13,341.39
December	7,907.93	3,020.62	10,928.55
January	4,786.11	1,973.51	6,759.62
February	9,004.61	2,815.81	11,820.42
March	902.45	2,803.54	3,705.99
April	6,188.63	2,609.83	8,798.46
May	3,068.26	2,285.43	5,353.69
June	5,085.71	5,288.14	10,373.85
July	4,361.76	3,730.08	8,091.84
August			0.00
September			0.00
TOTAL	57,486.21	31,270.83	88,757.04

DELINQUENT TAXES OUTSTANDING	351,028.26
TOTAL TAXES OUTSTANDING	527,618.05

4.91
8/19/22

CITY OF PORT LAVACA
REVENUE AND EXPENDITURES REPORT (UNAUDITED)
AS OF: AUGUST 31ST, 2022

Section VII. Item #E.

1

001-GENERAL FUND
FINANCIAL SUMMARY

	ORIGINAL BUDGET	AMENDED BUDGET	BUDGET ADJUSTMENT	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBRANCE	BUDEGT BALANCE	% OF BUDGE
<u>REVENUE SUMMARY</u>								
TAXES	7,968,424	7,968,424	0	399,324.78	7,989,948.77	0.00 (	21,524.77)	100.2
LICENSES & PERMITS	227,745	227,745	0	29,712.32	167,568.47	0.00	60,176.53	73.5
USER & SERVICE CHARGES	52,500	52,500	0	6,643.75	62,684.75	0.00 (	10,184.75)	119.4
FINES & FORFEITURES	281,000	281,000	0	23,307.25	201,786.92	0.00	79,213.08	71.8
OTHER REVENUE	56,000	56,000	0	2,241.61	101,055.47	0.00 (	45,055.47)	180.4
GRANT AND CONTRIBUTION R	407,050	427,050 (	20,000)	0.00	288,010.33	0.00	139,039.67	67.4
INTERGOVERNMENTAL REVENUE	443,474	443,474	0	27,372.84	301,101.24	0.00	142,372.76	67.9
TOTAL REVENUES	9,436,193	9,456,193 (	20,000)	488,602.55	9,112,155.95	0.00	344,037.05	96.3
<u>EXPENDITURE SUMMARY</u>								
CITY COUNCIL	32,787	32,787	0	3,288.60	29,987.25	0.00	2,799.75	91.4
CITY MANAGER	232,635	232,635	0	19,766.45	218,934.58	0.00	13,700.42	94.1
CITY SECRETARY	216,639	216,639	0	14,517.99	168,362.31	0.00	48,276.69	77.7
HUMAN RESOURCE	17,050	17,050	0	4,117.43	20,198.26	0.00 (	3,148.26)	118.4
MUNICIPAL COURT	164,170	164,170	0	9,550.04	120,425.11	0.00	43,744.89	73.3
TECHNOLOGY SERVICES	379,203	379,203	0	38,285.59	294,334.29	24,834.00	60,034.71	84.1
ECONOMIC DEVELOPMENT	552,443	594,443 (	42,000)	9,871.04	691,359.20	19,919.11 (	116,835.31)	119.6
FINANCE	299,429	299,429	0	25,650.48	279,292.49	0.00	20,136.51	93.2
CITY HALL	403,571	403,571	0	19,919.01	100,569.95	12,697.43	290,303.62	28.0
POLICE	2,605,509	2,605,509	0	372,764.61	2,500,193.73	132,459.87 (	27,144.60)	101.0
FIRE	1,996,545	2,018,545 (	22,000)	114,894.47	1,663,491.56	19,283.30	335,770.14	83.3
ANIMAL CONTROL	272,392	272,392	0	11,114.56	123,286.00	14,803.00	134,303.00	50.6
CODE ENFORCEMENT/INSPECT	280,636	280,636	0	29,285.89	185,749.57	0.00	94,886.43	66.1
STREETS	1,904,302	1,904,302	0	129,702.97	1,110,908.54	82,222.68	711,170.78	62.6
PARKS & RECREATION	1,568,131	1,568,131	0	164,339.58	1,473,192.64	70,159.87	24,778.49	98.4
BAUER CENTER	330,895	330,895	0	17,467.63	206,176.37	370.00	124,348.63	62.4
NON-DEPARTMENTAL	642,405	1,661,285 (	1,018,880)	59,600.34	2,187,476.22	0.00 (	526,191.22)	131.6
TOTAL EXPENDITURES	11,898,742	12,981,622 (	1,082,880)	1,044,136.68	11,373,938.07	376,749.26	1,230,934.67	90.5
REVENUES OVER/(UNDER) EXPENDITURES	(2,462,549)	(3,525,429)	1,062,880 (	555,534.13)	(2,261,782.12)	(376,749.26)	(886,897.62)	74.8

CITY OF PORT LAVACA
REVENUE AND EXPENDITURES REPORT (UNAUDITED)
AS OF: AUGUST 31ST, 2022

Section VII. Item #E.

001-GENERAL FUND
REVENUES

		ORIGINAL BUDGET	AMENDED BUDGET	BUDGET ADJUSTMENT	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBRANCE	BUDEGT BALANCE	% OF BUDGE
<u>TAXES</u>									
411.01	PROPERTY TAXES-CURRENT	3,969,424	3,969,424	0	33,193.29	4,374,242.15	0.00 (	404,818.15)	110.2
411.02	PROPERTY TAXES-DELINQU	100,000	100,000	0	4,206.05	55,605.34	0.00	44,394.66	55.6
412.01	SALES TAX REVENUE	3,290,000	3,290,000	0	316,360.58	3,110,624.22	0.00	179,375.78	94.5
413.01	NATURAL GAS FRANCHISE	48,000	48,000	0	11,429.59	42,598.80	0.00	5,401.20	88.7
413.02	ELECTRICAL FRANCHISE T	342,000	342,000	0	0.00	230,896.41	0.00	111,103.59	67.5
413.03	TELEPHONE FRANCHISE TA	32,000	32,000	0	6,431.41	21,374.30	0.00	10,625.70	66.7
413.04	CABLE TV FRANCHISE TAX	50,000	50,000	0	11,214.98	33,937.60	0.00	16,062.40	67.8
413.05	WASTE COLLECTION FRAN	107,000	107,000	0	16,488.88	99,033.97	0.00	7,966.03	92.5
413.90	OTHER FRANCHISE TAX	0	0	0	0.00	0.00	0.00	0.00	0.0
414.01	ALCOHOLIC BEVERAGE TAX	30,000	30,000	0	0.00	21,635.98	0.00	8,364.02	72.1
415.15	INTERGOVERNMENTAL REVE	0	0	0	0.00	0.00	0.00	0.00	0.0
TOTAL TAXES		7,968,424	7,968,424	0	399,324.78	7,989,948.77	0.00 (	21,524.77)	100.2
<u>LICENSES & PERMITS</u>									
421.01	ELECTRICAL LICENSES	0	0	0	0.00	0.00	0.00	0.00	0.0
421.02	BUILDER LICENSES	10,000	10,000	0	850.00	1,900.00	0.00	8,100.00	19.0
422.01	ELECTRICAL PERMITS	13,000	13,000	0	763.50	12,429.03	0.00	570.97	95.6
422.02	BUILDING PERMITS	95,000	95,000	0	25,088.43	88,815.87	0.00	6,184.13	93.4
422.03	PLUMBING PERMITS	18,873	18,873	0	1,316.00	11,590.00	0.00	7,283.00	61.4
422.04	MECHANICAL PERMITS	18,872	18,872	0	736.38	5,382.26	0.00	13,489.74	28.5
422.05	FOUNDATION PERMITS	0	0	0	0.00	0.00	0.00	0.00	0.0
422.06	PEDDLER & SOLICITOR PE	0	0	0	0.00	0.00	0.00	0.00	0.0
422.07	ALCOHOL IN THE PARK PE	0	0	0	0.00	0.00	0.00	0.00	0.0
423.01	TRAILER PERMITS	0	0	0	0.00	0.00	0.00	0.00	0.0
423.02	FOOD HANDLER'S PERMITS	2,200	2,200	0	60.00	2,115.00	0.00	85.00	96.1
423.03	LIENS	500	500	0	0.00	16,643.41	0.00 (	16,143.41)	3,328.6
423.90	OTHER PERMITS & FEES	65,000	65,000	0	848.01	17,615.90	0.00	47,384.10	27.1
424.01	ALCOHOLIC BEVERAGE PER	4,000	4,000	0	0.00	9,290.00	0.00 (	5,290.00)	232.2
424.02	AMUSEMENT PERMIT FEES	0	0	0	0.00	0.00	0.00	0.00	0.0
424.03	SUBDIVISION & PLAT FEE	0	0	0	0.00	0.00	0.00	0.00	0.0
424.04	ENVIRONMENTAL & HEALTH	0	0	0	0.00	0.00	0.00	0.00	0.0
425.01	ANIMAL LICENSES & FEES	200	200	0	50.00	1,472.00	0.00 (	1,272.00)	736.0
426.01	ALARM FEES	100	100	0	0.00	315.00	0.00 (	215.00)	315.0
TOTAL LICENSES & PERMITS		227,745	227,745	0	29,712.32	167,568.47	0.00	60,176.53	73.5
<u>USER & SERVICE CHARGES</u>									
435.06	BAUER CENTER RENTALS	50,000	50,000	0	6,500.00	58,400.00	0.00 (	8,400.00)	116.8
435.07	BAYFRONT RENTALS	0	0	0	0.00	600.00	0.00 (	600.00)	0.0
439.01	POLICE SERVICES	2,000	2,000	0	143.75	3,684.75	0.00 (	1,684.75)	184.2
439.05	POLICE TRAINING FEES	500	500	0	0.00	0.00	0.00	500.00	0.0
TOTAL USER & SERVICE CHARGES		52,500	52,500	0	6,643.75	62,684.75	0.00 (10,184.75)	119.4

CITY OF PORT LAVACA
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001-GENERAL FUND
REVENUES

		ORIGINAL BUDGET	AMENDED BUDGET	BUDGET ADJUSTMENT	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBRANCE	BUDEGT BALANCE	% OF BUDGE
<u>FINES & FORFEITURES</u>									
441.01	PENALTIES & INTEREST	90,000	90,000	0	5,439.76	67,494.97	0.00	22,505.03	74.9
441.02	TAX ATTORNEY FEES	45,000	45,000	0	5,379.46	25,387.43	0.00	19,612.57	56.4
443.01	COURT FINES	120,000	120,000	0	9,747.94	83,524.59	0.00	36,475.41	69.6
443.02	MUNI COURT- COLLECTION	12,000	12,000	0	1,612.09	13,104.29	0.00 (	1,104.29)	109.2
443.03	LOCAL TIME PAYMENT FEE	5,000	5,000	0	416.77	3,054.44	0.00	1,945.56	61.0
449.02	ARREST FEES	9,000	9,000	0	711.23	9,221.20	0.00 (	221.20)	102.4
449.03	CASH OVER-MC	0	0	0	0.00	0.00	0.00	0.00	0.0
449.05	RECOVERY ADJUSTMENT FE	0	0	0	0.00	0.00	0.00	0.00	0.0
	TOTAL FINES & FORFEITURES	281,000	281,000	0	23,307.25	201,786.92	0.00	79,213.08	71.8
<u>OTHER REVENUE</u>									
451.01	INTEREST INCOME	7,000	7,000	0	0.00	32,297.23	0.00 (	25,297.23)	461.3
455.01	OTHER FINANCING SOURCE	0	0	0	0.00	0.00	0.00	0.00	0.0
459.02	PHOTO COPIES	500	500	0	33.00	266.00	0.00	234.00	53.2
459.05	DONATION- POLICE (JEDL	0	0	0	0.00	0.00	0.00	0.00	0.0
459.07	DONATION- FIRE (JEDLIC	0	0	0	0.00	0.00	0.00	0.00	0.0
459.08.1010	DONATION-PARK-MUSIC PA	0	0	0	0.00	0.00	0.00	0.00	0.0
459.08.1011	DONATION-PARK-LEARNING	0	0	0	0.00	5,000.00	0.00 (	5,000.00)	0.0
459.10	DONATIONS	0	0	0	0.00	0.00	0.00	0.00	0.0
459.11	AUCTION/SALE PROCEEDS	32,000	32,000	0	0.00	0.00	0.00	32,000.00	0.0
459.12	TML REIMBURSEMENTS	0	0	0	2,208.61	51,140.75	0.00 (	51,140.75)	0.0
459.15	HURRICANE	0	0	0	0.00	0.00	0.00	0.00	0.0
459.17	FIRE TRAINING REIMBURS	2,000	2,000	0	0.00	0.00	0.00	2,000.00	0.0
459.20	RESTITUTION PAYMENTS	0	0	0	0.00	471.00	0.00 (	471.00)	0.0
459.90	MISCELLANEOUS INCOME	10,000	10,000	0	0.00	5,880.49	0.00	4,119.51	58.8
459.91	TOWER OF TEX USAGE RIG	4,500	4,500	0	0.00	6,000.00	0.00 (	1,500.00)	133.3
459.92	EQUITY BALANCE FORWARD	0	0	0	0.00	0.00	0.00	0.00	0.0
	TOTAL OTHER REVENUE	56,000	56,000	0	2,241.61	101,055.47	0.00 (	45,055.47)	180.4
<u>GRANT AND CONTRIBUTION R</u>									
482.00	GRANT REVENUE	0	20,000 (	20,000)	0.00	0.00	0.00	20,000.00	0.0
482.01	STATE GRANT- PARKS	200,000	200,000	0	0.00	0.00	0.00	200,000.00	0.0
484.53	OPERATION STONE GARDEN	0	0	0	0.00	0.00	0.00	0.00	0.0
484.54	CONTRIBUTION LEOSE- PD	1,800	1,800	0	0.00	1,582.55	0.00	217.45	87.9
484.59	CALHOUN COUNTY-FIRE	150,500	150,500	0	0.00	215,427.78	0.00 (	64,927.78)	143.1
484.60	CALHOUN COUNTY-ANIMAL	48,750	48,750	0	0.00	65,000.00	0.00 (	16,250.00)	133.3
484.61	POINT COMFORT-ANIMAL	6,000	6,000	0	0.00	6,000.00	0.00	0.00	100.0
	TOTAL GRANT AND CONTRIBUTION R	407,050	427,050 (	20,000)	0.00	288,010.33	0.00	139,039.67	67.4
<u>INTERGOVERNMENTAL REVENUE</u>									
492.01	XFER IN- 504 PORT COMM	42,371	42,371	0	3,530.92	38,840.12	0.00	3,530.88	91.6
492.02	XFER IN- 501 UTILITY F	0	0	0	0.00	0.00	0.00	0.00	0.0
492.04	XFER IN- 503 BEACH FUN	5,208	5,208	0	434.00	4,774.00	0.00	434.00	91.6
493.85	XFER IN- FD 134 JUSTIC	0	0	0	0.00	0.00	0.00	0.00	0.0
493.87	XFER IN- FD 161 BAYFRO	0	0	0	0.00	0.00	0.00	0.00	0.0
493.88	XFER IN- 206 FARF FUND	115,000	115,000	0	0.00	0.00	0.00	115,000.00	0.0
493.89	XFER IN- 101 HOTEL/MOT	280,895	280,895	0	23,407.92	257,487.12	0.00	23,407.88	91.6
493.90	XFER IN- OTHER	0	0	0	0.00	0.00	0.00	0.00	0.0
	TOTAL INTERGOVERNMENTAL REVENUE	443,474	443,474	0	27,372.84	301,101.24	0.00	142,372.76	67.9

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501-PUBLIC UTILITY FUND
FINANCIAL SUMMARY

	ORIGINAL BUDGET	AMENDED BUDGET	BUDGET ADJUSTMENT	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBRANCE	BUDEGT BALANCE	% OF BUDGE
<u>REVENUE SUMMARY</u>								
USER & SERVICE CHARGES	5,229,866	5,229,866	0	483,938.06	4,883,226.49	0.00	346,639.51	93.3
FINES & FORFEITURES	90,000	90,000	0	6,744.55	69,133.72	0.00	20,866.28	76.8
OTHER REVENUE	57,000	57,000	0	13,383.31	205,551.54	0.00	(148,551.54)	360.6
GRANT AND CONTRIBUTION R	0	0	0	0.00	0.00	0.00	0.00	0.0
INTERGOVERNMENTAL REVENUE	<u>683,815</u>	<u>683,815</u>	<u>0</u>	<u>0.00</u>	<u>683,815.00</u>	<u>0.00</u>	<u>0.00</u>	<u>100.0</u>
TOTAL REVENUES	6,060,681	6,060,681	0	504,065.92	5,841,726.75	0.00	218,954.25	96.3
<u>EXPENDITURE SUMMARY</u>								
TECHNOLOGY SERVICES	94,922	94,922	0	1,860.85	80,469.21	0.00	14,452.79	84.7
BILLING	355,591	355,591	0	23,676.32	271,714.97	55,885.50	27,990.53	92.1
MAINTENANCE	1,205,026	1,205,026	0	58,523.32	893,804.76	74,426.10	236,795.14	80.3
WASTEWATER TREATMENT	1,109,804	1,109,804	0	92,693.52	689,294.66	69,167.07	351,342.27	68.3
NON-DEPARTMENTAL	<u>3,519,545</u>	<u>3,519,545</u>	<u>0</u>	<u>293,139.67</u>	<u>2,990,121.04</u>	<u>0.00</u>	<u>529,423.96</u>	<u>84.9</u>
TOTAL EXPENDITURES	6,284,888	6,284,888	0	469,893.68	4,925,404.64	199,478.67	1,160,004.69	81.5
REVENUES OVER/(UNDER) EXPENDITURES	(224,207)	(224,207)	0	34,172.24	916,322.11	(199,478.67)	(941,050.44)	319.7

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501-PUBLIC UTILITY FUND
REVENUES

	ORIGINAL BUDGET	AMENDED BUDGET	BUDGET ADJUSTMENT	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBRANCE	BUDEGT BALANCE	% OF BUDGE
<u>USER & SERVICE CHARGES</u>								
431.11 WATER-METERED	2,010,000	2,010,000	0	200,043.54	1,913,175.70	0.00	96,824.30	95.1
431.12 WATER-BULK	0	0	0	50.00	50.00	0.00 (	50.00)	0.0
431.13 WATER-METERED COUNTY	73,000	73,000	0	8,910.37	66,837.31	0.00	6,162.69	91.5
431.21 SEWER RESIDENTIAL	1,060,000	1,060,000	0	82,200.52	918,908.40	0.00	141,091.60	86.6
431.22 SEWER COMMERCIAL	750,000	750,000	0	70,007.35	663,734.36	0.00	86,265.64	88.5
431.23 SEWER COUNTY	43,000	43,000	0	3,627.96	40,545.80	0.00	2,454.20	94.2
431.25 SEWER-LOW PRESSURE (LP	600	600	0	90.00	885.00	0.00 (	285.00)	147.5
431.31 WASTE-GARBAGE COLLECTI	695,000	695,000	0	64,306.78	707,364.16	0.00 (	12,364.16)	101.7
431.32 SPRING CLEANUP	100,000	100,000	0	12,757.34	87,958.31	0.00	12,041.69	87.9
432.05 GBRA FEES	422,016	422,016	0	34,533.20	376,404.88	0.00	45,611.12	89.1
432.11 WATER TAPS	20,000	20,000	0	0.00	12,555.81	0.00	7,444.19	62.7
432.21 SEWER TAPS	4,000	4,000	0	0.00	21,935.37	0.00 (	17,935.37)	548.3
432.60 DAMAGES REIMBURSEMENT	0	0	0	0.00	1,106.13	0.00 (	1,106.13)	0.0
432.61 SERVICE CALL FEES	1,000	1,000	0	1,330.00	11,299.30	0.00 (	10,299.30)	1,129.9
432.62 SERVICE TRANSFER FEES	750	750	0	180.00	1,320.00	0.00 (	570.00)	176.0
432.63 SERVICE RECONNECTION F	50,000	50,000	0	5,811.00	58,470.96	0.00	8,470.96)	116.9
432.64 SERVICE TEMP WATER	500	500	0	90.00	675.00	0.00 (	175.00)	135.0
432.65 SALES TAX-GARBAGE	0	0	0	0.00	0.00	0.00	0.00	0.0
TOTAL USER & SERVICE CHARGES	5,229,866	5,229,866	0	483,938.06	4,883,226.49	0.00	346,639.51	93.3
<u>FINES & FORFEITURES</u>								
442.01 LATE PAYMENT PENALTIES	90,000	90,000	0	6,744.55	69,133.72	0.00	20,866.28	76.8
TOTAL FINES & FORFEITURES	90,000	90,000	0	6,744.55	69,133.72	0.00	20,866.28	76.8
<u>OTHER REVENUE</u>								
451.01 INTEREST INCOME	5,000	5,000	0	0.00	19,239.03	0.00 (	14,239.03)	384.7
459.03 RETURNED CHECK FEE	1,000	1,000	0	90.00	750.00	0.00	250.00	75.0
459.04 BAD DEBT ACCOUNT COLLE	5,000	5,000	0	7,817.31	124,824.58	0.00 (	119,824.58)	2,496.4
459.08 CCRWSS-GBRA TRANSMISSI	43,000	43,000	0	5,476.00	38,389.00	0.00	4,611.00	89.2
459.11 AUCTION/SALE PROCEEDS	2,000	2,000	0	0.00	0.00	0.00	2,000.00	0.0
459.12 TML REIMBURSEMENTS	0	0	0	0.00	22,347.30	0.00 (	22,347.30)	0.0
459.90 MISCELLANEOUS INCOME	1,000	1,000	0	0.00	1.63	0.00	998.37	0.1
459.92 EQUITY BALANCE FORWARD	0	0	0	0.00	0.00	0.00	0.00	0.0
TOTAL OTHER REVENUE	57,000	57,000	0	13,383.31	205,551.54	0.00 (	148,551.54)	360.6
<u>GRANT AND CONTRIBUTION R</u>								
481.00 CAPITAL CONTRIBUTIONS	0	0	0	0.00	0.00	0.00	0.00	0.0
482.00 GRANT REVENUE	0	0	0	0.00	0.00	0.00	0.00	0.0
TOTAL GRANT AND CONTRIBUTION R	0	0	0	0.00	0.00	0.00	0.00	0.0
<u>INTERGOVERNMENTAL REVENUE</u>								
493.01 XFER IN- VARIOUS FUNDS	683,815	683,815	0	0.00	683,815.00	0.00	0.00	100.0
493.02 XFER IN- FUND 136	0	0	0	0.00	0.00	0.00	0.00	0.0
TOTAL INTERGOVERNMENTAL REVENUE	683,815	683,815	0	0.00	683,815.00	0.00	0.00	100.0
TOTAL REVENUES	6,060,681	6,060,681	0	504,065.92	5,841,726.75	0.00	218,954.25	96.3

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101-HOTEL OCCUPANCY TAX FUND
FINANCIAL SUMMARY

	ORIGINAL BUDGET	AMENDED BUDGET	BUDGET ADJUSTMENT	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBRANCE	BUDEGT BALANCE	% OF BUDGE
<u>REVENUE SUMMARY</u>								
TAXES	525,000	525,000	0	0.00	314,675.20	0.00	210,324.80	59.9
OTHER REVENUE	<u>500</u>	<u>500</u>	<u>0</u>	<u>250.00</u>	<u>5,205.53</u>	<u>0.00</u>	<u>(4,705.53)</u>	<u>1,041.1</u>
TOTAL REVENUES	525,500	525,500	0	250.00	319,880.73	0.00	205,619.27	60.8
<u>EXPENDITURE SUMMARY</u>								
HOTEL OCCUPANCY TAX	<u>960,895</u>	<u>960,895</u>	<u>0</u>	<u>104,886.32</u>	<u>797,918.74</u>	<u>41,066.78</u>	<u>121,909.48</u>	<u>87.3</u>
TOTAL EXPENDITURES	960,895	960,895	0	104,886.32	797,918.74	41,066.78	121,909.48	87.3
REVENUES OVER/(UNDER) EXPENDITURES	(435,395)	(435,395)	0	(104,636.32)	(478,038.01)	(41,066.78)	83,709.79	119.2

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503-BEACH OPERATING FUND
FINANCIAL SUMMARY

	ORIGINAL BUDGET	AMENDED BUDGET	BUDGET ADJUSTMENT	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBRANCE	BUDEGT BALANCE	% OF BUDGE
<u>REVENUE SUMMARY</u>								
USER & SERVICE CHARGES	172,500	172,500	0	0.00	77,149.70	0.00	95,350.30	44.7
OTHER REVENUE	2,750	2,750	0	0.00	2,635.77	0.00	114.23	95.8
GRANT AND CONTRIBUTION R	0	0	0	0.00	0.00	0.00	0.00	0.0
INTERGOVERNMENTAL REVENUE	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.0</u>
TOTAL REVENUES	175,250	175,250	0	0.00	79,785.47	0.00	95,464.53	45.5
<u>EXPENDITURE SUMMARY</u>								
TECHNOLOGY SERVICES	0	0	0	0.00	0.00	0.00	0.00	0.0
OPERATIONS	<u>159,669</u>	<u>159,669</u>	<u>0</u>	<u>58,660.39</u>	<u>138,554.66</u>	<u>2,524.50</u>	<u>18,589.84</u>	<u>88.3</u>
TOTAL EXPENDITURES	159,669	159,669	0	58,660.39	138,554.66	2,524.50	18,589.84	88.3
REVENUES OVER/(UNDER) EXPENDITURES	15,581	15,581	0 (	58,660.39) (	58,769.19) (	2,524.50)	76,874.69	393.3

CITY OF PORT LAVACA
REVENUE AND EXPENDITURES REPORT (UNAUDITED)
AS OF: AUGUST 31ST, 2022

Section VII. Item #E.

504-PORT & HARBORS FUND
FINANCIAL SUMMARY

	ORIGINAL BUDGET	AMENDED BUDGET	BUDGET ADJUSTMENT	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBRANCE	BUDEGT BALANCE	% OF BUDGE
<u>REVENUE SUMMARY</u>								
USER & SERVICE CHARGES	607,500	607,500	0	50,444.30	594,340.02	0.00	13,159.98	97.8
FINES & FORFEITURES	0	0	0	1,124.82	4,202.23	0.00	(4,202.23)	0.0
OTHER REVENUE	650	50,650	(50,000)	1,850.00	4,260.41	0.00	46,389.59	8.4
GRANT AND CONTRIBUTION R	14,000,000	0	14,000,000	0.00	0.00	0.00	0.00	0.0
INTERGOVERNMENTAL REVENUE	0	0	0	0.00	0.00	0.00	0.00	0.0
TOTAL REVENUES	14,608,150	658,150	13,950,000	53,419.12	602,802.66	0.00	55,347.34	91.5
<u>EXPENDITURE SUMMARY</u>								
TECHNOLOGY SERVICES	1,500	1,500	0	244.88	1,319.60	0.00	180.40	87.9
CITY HARBOR	27,000	27,000	0	0.00	20,680.00	0.00	6,320.00	76.5
HARBOR OF REFUGE	36,000	71,893	(35,893)	0.00	69,456.25	19,983.71	(17,546.96)	124.4
SMITH HARBOR	51,000	51,000	0	33,348.27	33,348.27	16,651.73	1,000.00	98.0
NAUTICAL LANDINGS MARINA	15,000	15,000	0	0.00	4,330.13	0.00	10,669.87	28.8
OPERATIONS	14,730,507	730,507	14,000,000	47,736.02	522,579.46	5,048.34	202,879.20	72.2
NON DEPARTMENTAL	0	0	0	0.00	0.00	0.00	0.00	0.0
TOTAL EXPENDITURES	14,861,007	896,900	13,964,107	81,329.17	651,713.71	41,683.78	203,502.51	77.3
REVENUES OVER/(UNDER) EXPENDITURES	(252,857)	(238,750)	(14,107)	(27,910.05)	(48,911.05)	(41,683.78)	(148,155.17)	37.9

0.*

0.*

0.*

2,261,782.-

916,322.+

478,038.-

58,769.-

48,911.-

- 1,931,178.*

0.*

0.*

CITY OF PORT LAVACA
REVENUE AND EXPENDITURES REPORT (UNAUDITED)
AS OF: AUGUST 31ST, 2021

Section VII. Item #E.

2

001-GENERAL FUND
REVENUES

		ORIGINAL BUDGET	AMENDED BUDGET	BUDGET ADJUSTMENT	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBRANCE	BUDEGT BALANCE	% OF BUDGE
<u>TAXES</u>									
411.01	PROPERTY TAXES-CURRENT	3,946,060	3,946,060	0	30,071.34	4,161,544.83	0.00 (	215,484.83)	105.4
411.02	PROPERTY TAXES-DELINQU	90,000	90,000	0	6,618.17	99,936.75	0.00 (	9,936.75)	111.0
412.01	SALES TAX REVENUE	2,943,000	2,943,000	0	329,289.77	3,235,444.56	0.00 (	292,444.56)	109.9
413.01	NATURAL GAS FRANCHISE	40,000	40,000	0	900.00	40,871.22	0.00 (	871.22)	102.1
413.02	ELECTRICAL FRANCHISE T	340,000	340,000	0	34,012.20	263,443.44	0.00	76,556.56	77.4
413.03	TELEPHONE FRANCHISE TA	35,000	35,000	0	7,633.34	23,730.00	0.00	11,270.00	67.8
413.04	CABLE TV FRANCHISE TAX	58,000	58,000	0	12,129.38	36,630.40	0.00	21,369.60	63.1
413.05	WASTE COLLECTION FRAN	95,000	95,000	0	9,219.94	92,013.82	0.00	2,986.18	96.8
413.90	OTHER FRANCHISE TAX	500	500	0	0.00	0.00	0.00	500.00	0.0
414.01	ALCOHOLIC BEVERAGE TAX	25,000	25,000	0	3,098.40	24,552.98	0.00	447.02	98.2
415.15	INTERGOVERNMENTAL REVE	0	0	0	0.00	697,128.93	0.00 (	697,128.93)	0.0
TOTAL TAXES		7,572,560	7,572,560	0	432,972.54	8,675,296.93	0.00 (	1,102,736.93)	114.5
<u>LICENSES & PERMITS</u>									
421.01	ELECTRICAL LICENSES	0	0	0	0.00	0.00	0.00	0.00	0.0
421.02	BUILDER LICENSES	5,000	5,000	0	200.00	7,650.00	0.00 (	2,650.00)	153.0
422.01	ELECTRICAL PERMITS	7,500	7,500	0	1,330.00	10,427.21	0.00 (	2,927.21)	139.0
422.02	BUILDING PERMITS	60,000	60,000	0	8,726.90	62,867.99	0.00 (	2,867.99)	104.7
422.03	PLUMBING PERMITS	7,500	7,500	0	823.00	9,061.00	0.00 (	1,561.00)	120.8
422.04	MECHANICAL PERMITS	10,000	10,000	0	145.00	8,336.68	0.00	1,663.32	83.3
422.05	FOUNDATION PERMITS	0	0	0	0.00	0.00	0.00	0.00	0.0
422.06	PEDDLER & SOLICITOR PE	0	0	0	0.00	0.00	0.00	0.00	0.0
422.07	ALCOHOL IN THE PARK PE	0	0	0	0.00	0.00	0.00	0.00	0.0
423.01	TRAILER PERMITS	0	0	0	0.00	0.00	0.00	0.00	0.0
423.02	FOOD HANDLER'S PERMITS	1,000	1,000	0	85.00	1,945.00	0.00 (	945.00)	194.5
423.03	LIENS	0	0	0	0.00	1,688.82	0.00 (	1,688.82)	0.0
423.90	OTHER PERMITS & FEES	25,000	25,000	0	425.00	49,931.57	0.00 (	24,931.57)	199.7
424.01	ALCOHOLIC BEVERAGE PER	2,500	2,500	0	0.00	1,755.00	0.00	745.00	70.2
424.02	AMUSEMENT PERMIT FEES	0	0	0	0.00	0.00	0.00	0.00	0.0
424.03	SUBDIVISION & PLAT FEE	0	0	0	0.00	0.00	0.00	0.00	0.0
424.04	ENVIRONMENTAL & HEALTH	0	0	0	0.00	0.00	0.00	0.00	0.0
425.01	ANIMAL LICENSES & FEES	200	200	0	0.00	390.00	0.00 (	190.00)	195.0
426.01	ALARM FEES	0	0	0	0.00	25.00	0.00 (	25.00)	0.0
TOTAL LICENSES & PERMITS		118,700	118,700	0	11,734.90	154,078.27	0.00 (	35,378.27)	129.8
<u>USER & SERVICE CHARGES</u>									
435.06	BAUER CENTER RENTALS	35,000	35,000	0	5,025.00	50,945.00	0.00 (	15,945.00)	145.5
435.07	BAYFRONT RENTALS	0	0	0	0.00	0.00	0.00	0.00	0.0
439.01	POLICE SERVICES	1,000	1,000	0	240.00	935.00	0.00	65.00	93.5
439.05	POLICE TRAINING FEES	0	0	0	0.00	525.00	0.00 (	525.00)	0.0
TOTAL USER & SERVICE CHARGES		36,000	36,000	0	5,265.00	52,405.00	0.00 (	16,405.00)	145.5

CITY OF PORT LAVACA
REVENUE AND EXPENDITURES REPORT (UNAUDITED)
AS OF: AUGUST 31ST, 2021

Section VII. Item #E.

3

001-GENERAL FUND
REVENUES

		ORIGINAL BUDGET	AMENDED BUDGET	BUDGET ADJUSTMENT	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBRANCE	BUDEGT BALANCE	% OF BUDGE
FINES & FORFEITURES									
441.01	PENALTIES & INTEREST	80,000	80,000	0	7,991.59	76,734.63	0.00	3,265.37	95.9
441.02	TAX ATTORNEY FEES	30,000	30,000	0	8,044.33	35,555.98	0.00	(5,555.98)	118.5
443.01	COURT FINES	125,000	125,000	0	7,035.36	90,775.36	0.00	34,224.64	72.6
443.02	MUNI COURT- COLLECTION	13,000	13,000	0	634.65	9,275.89	0.00	3,724.11	71.3
443.03	LOCAL TIME PAYMENT FEE	4,000	4,000	0	205.07	2,671.99	0.00	1,328.01	66.8
449.02	ARREST FEES	10,000	10,000	0	595.04	6,309.18	0.00	3,690.82	63.0
449.03	CASH OVER-MC	0	0	0	0.00	0.00	0.00	0.00	0.0
449.05	RECOVERY ADJUSTMENT FE	0	0	0	(6.86)	29.14	0.00	(29.14)	0.0
TOTAL FINES & FORFEITURES		262,000	262,000	0	24,499.18	221,352.17	0.00	40,647.83	84.4
OTHER REVENUE									
451.01	INTEREST INCOME	60,000	60,000	0	235.31	6,741.02	0.00	53,258.98	11.2
455.01	OTHER FINANCING SOURCE	0	0	0	0.00	0.00	0.00	0.00	0.0
459.02	PHOTO COPIES	500	500	0	43.50	547.75	0.00	(47.75)	109.5
459.05	DONATION- POLICE (JEDL	0	9,540	(9,540)	0.00	9,539.55	0.00	0.00	100.0
459.07	DONATION- FIRE (JEDLIC	0	9,540	(9,540)	0.00	9,539.55	0.00	0.00	100.0
459.08.1010	DONATION-PARK-MUSIC PA	0	0	0	0.00	0.00	0.00	0.00	0.0
459.08.1011	DONATION-PARK-MUSIC PA	0	0	0	0.00	0.00	0.00	0.00	0.0
459.10	DONATIONS	0	11,549	(11,549)	0.00	11,548.78	0.00	0.00	100.0
459.11	AUCTION/SALE PROCEEDS	0	0	0	0.00	0.00	0.00	0.00	0.0
459.12	TML REIMBURSEMENTS	5,000	8,531	(3,531)	0.00	21,864.19	0.00	(13,333.26)	256.2
459.15	HURRICANE	0	0	0	0.00	0.00	0.00	0.00	0.0
459.17	FIRE TRAINING REIMBURS	0	0	0	0.00	2,450.00	0.00	(2,450.00)	0.0
459.20	RESTITUTION PAYMENTS	0	0	0	0.00	0.00	0.00	0.00	0.0
459.90	MISCELLANEOUS INCOME	5,000	13,691	(8,691)	0.00	11,509.84	0.00	2,181.24	84.0
459.91	TOWER OF TEX USAGE RIG	6,000	6,000	0	0.00	6,000.00	0.00	0.00	100.0
459.92	EQUITY BALANCE FORWARD	3,852,494	3,928,153	(75,659)	0.00	0.00	0.00	3,928,152.85	0.0
TOTAL OTHER REVENUE		3,928,994	4,047,503	(118,509)	278.81	79,740.68	0.00	3,967,762.06	1.9
GRANT AND CONTRIBUTION R									
482.00	GRANT REVENUE	0	0	0	0.00	4,607.73	0.00	(4,607.73)	0.0
482.01	STATE GRANT- PARKS	0	0	0	0.00	0.00	0.00	0.00	0.0
484.53	OPERATION STONE GARDEN	0	0	0	0.00	0.00	0.00	0.00	0.0
484.54	CONTRIBUTION LEOSE- PD	1,800	1,800	0	0.00	1,726.46	0.00	73.54	95.9
484.59	CALHOUN COUNTY-FIRE	185,000	185,000	0	0.00	200,664.01	0.00	(15,664.01)	108.4
484.60	CALHOUN COUNTY-ANIMAL	65,000	65,000	0	0.00	65,000.00	0.00	0.00	100.0
484.61	POINT COMFORT-ANIMAL	6,000	6,000	0	0.00	6,000.00	0.00	0.00	100.0
TOTAL GRANT AND CONTRIBUTION R		257,800	257,800	0	0.00	277,998.20	0.00	(20,198.20)	107.8
INTERGOVERNMENTAL REVENUE									
492.01	XFER IN- 504 PORT COMM	35,583	35,583	0	2,965.25	32,617.75	0.00	2,965.25	91.6
492.02	XFER IN- 501 UTILITY F	238,775	238,775	0	19,897.92	218,877.12	0.00	19,897.88	91.6
492.04	XFER IN- 503 BEACH FUN	10,310	10,310	0	859.17	9,450.87	0.00	859.13	91.6
493.85	XFER IN- FD 134 JUSTIC	0	0	0	0.00	0.00	0.00	0.00	0.0
493.87	XFER IN- FD 161 BAYFRO	0	0	0	0.00	0.00	0.00	0.00	0.0
493.88	XFER IN- 206 FARF FUND	413,700	413,700	0	0.00	0.00	0.00	413,700.00	0.0
493.89	XFER IN- 101 HOTEL/MOT	277,142	277,142	0	23,095.17	254,046.87	0.00	23,095.13	91.6
493.90	XFER IN- OTHER	0	0	0	0.00	0.00	0.00	0.00	0.0
TOTAL INTERGOVERNMENTAL REVENUE		975,510	975,510	0	46,817.51	514,992.61	0.00	460,517.39	52.7

COMMUNICATION

SUBJECT: Receive Budget Report from the Guadalupe-Blanco River Authority (GBRA) for the Port Lavaca Water Treatment Plant for the 2023 Fiscal Year pursuant to the Water Supply Contract. Presenter is Jody Weaver

INFORMATION:

June 15, 2022

Jody Weaver, City Manager
City of Port Lavaca
202 North Virginia Street
Port Lavaca, Texas 77979

RE: GBRA Fiscal Year 2023 Work Plan and Budget - Port Lavaca WTP

A copy of the preliminary budget for the Port Lavaca Water Treatment Plant for the 2023 fiscal year is submitted herewith pursuant to Section 6 of the Water Supply Contract between Guadalupe-Blanco River Authority and the City of Port Lavaca, Texas.

The City's estimated payments, as shown in the Work Plan and Budget, are:

Raw Water Delivery Charges (Canal only)	\$108,530
Operating and Maintenance Expenses	1,182,509
Administrative and General Expenses	112,950
Total Estimated City Payments	\$1,403,989

The raw water charges above do not include the payment by the City for source water that GBRA delivers to the Plant for the City's use because that charge is billed directly by GBRA's Water Resource Division.

The Fiscal Year 2023 budget is \$117,043 or 6.6% more than the Fiscal Year 2022 budget.

Inquiries concerning the proposed budget may be directed to Stephanie Shelly at GBRA's Port Lavaca WTP (361) 552-9751 or David Harris at GBRA's Seguin office (830) 560-3929.

Sincerely,



Sandra Terry
Deputy CFO-Finance and Administration
Enclosure: (12 copies)

Copy to: GBRA - Kenneth Motl, Kevin Patteson, Darrell Nichols, Jonathan Stinson, David Harris, Mike Urrutia, Stephanie Shelly (2 copies)

Main Office: 933 East Court Street ~ Seguin, Texas 78155
830-379-5822 ~ 800-413-4130 ~ 830-379-9718 fax ~ www.gbra.org



Guadalupe-Blanco River Authority
flowing solutions



PORT LAVACA WATER TREATMENT PLANT DIVISION

WORK PLAN AND BUDGET

Fiscal Year Ending August 31, 2023

Preliminary as submitted by
Guadalupe-Blanco River Authority
June 15, 2022

PORT LAVACA WATER TREATMENT PLANT DIVISION

WORK PLAN AND BUDGET

Fiscal Year Ending August 31, 2022

DIRECTORS

Dennis L. Patillo
Chair
Don B. Meador
Vice-Chair
William R. Carbonara
Secretary-Treasurer
Kenneth Motl
Stephen B. "Steve" Ehrig
Oscar H. Fogle
Sheila L. Old
Andra M. Wisian
Emanuel Valdez

EXECUTIVE STAFF

Kevin Patteson
General Manager/Chief Executive Officer
Darrell Nichols
Senior Deputy General Manager
Jonathan Stinson
Deputy General Manager
Tommy Hill
Senior Advisor to the General Manager
David Harris
Executive Manager of Operations
Charlie Hickman
Executive Manager of Project Engineering & Development/C.E.
Randy Staats
Executive Manager of Finance/Chief Financial Officer
Vanessa Guerrero
Executive Manager of Administration
Nathan Pence
Executive Manager of Environmental Science
Joe Cole
General Counsel

Port Lavaca Water Treatment Plant Division

Operating Plan for Fiscal Year Ending 8/31/23

BACKGROUND

The GBRA Port Lavaca Water Treatment Plant (WTP) is a surface water treatment plant that supplies the City of Port Lavaca, the Calhoun County Rural Water Supply System, and the Port O'Connor Improvement District (POC ID) with treated drinking water for residential and commercial use. The City of Port Lavaca, the Rural Water System, and the POC ID have contracts with GBRA's Water Supply Division for water from Canyon Reservoir, run-of-river water rights, and from other sources available to GBRA. The non-potable water is delivered from the Guadalupe River through GBRA's Water Supply and Calhoun Canal Systems to the WTP where it is treated to the high standards of the State of Texas and the stringent and ever evolving requirements of the federal Safe Drinking Water Act. The WTP has a capacity of 6.08 million gallons per day.

This Work Plan and Budget describes the operations, maintenance and capital additions to be performed during the upcoming fiscal year. The objective is to provide a safe and dependable supply of treated water at reasonable cost and in compliance with all state and federal water quality standards. The clarity and pathogen reduction risk "log" measurement of the treated water produced by the WTP are significantly better than current federal standards and closely approach the ultimate objective of optimized treatment considered desirable by industry experts.

The WTP is managed by the Division Manager – Calhoun/Refugio Counties. Employees of the Division responsible for daily operating and maintenance activities include a Chief Operator, four shift Operators, and a Maintenance Chief. Administrative duties are performed by a Secretary assigned to this division and support received from the Seguin office. Several of these employees also work in the two other divisions of GBRA that are headquartered at GBRA's Port Lavaca office. Additional support is received from the Seguin office in the form of engineering and administrative functions.

REVENUE SOURCES AND TRENDS

Each wholesale customer receiving a drinking water supply from the GBRA Port Lavaca Water Treatment Plant pays a pro-rata share of the total operating expenses of the Plant. The FY 2023 revenue is budgeted at \$1,887,915 which is a \$117,043 or 6.6% increase over the previous year.

Total treated water purchased by the City of Port Lavaca is forecast at 477.10 million gallons per year. The Port O'Connor ID will purchase an estimated 98.90 million gallons of treated water. The Calhoun County Rural Water Supply System will purchase an estimated 80.98 million gallons of treated water, based on that Division's forecast of customer connections. The total treated water forecast by the WTP for all three wholesale customers therefore sums to 656.97 million gallons or an average of 1.799 million gallons per day. The raw source or feed water delivered to the WTP by the Calhoun Canal Division for all three customers for treatment to potable drinking quality will cost 20.5¢ per 1,000 gallons. Raw water received from the GBRA Canal Division for the three wholesale customers as metered at the WTP's intake will total an estimated 759.961 million gallons.

CAPITAL ADDITIONS AND OPERATING EXPENDITURES

Significant operating expenses for the upcoming Fiscal Year include \$138,979 for power and utilities. Alum, used as a coagulant, is budgeted at \$165,000. Potassium permanganate is used from time to time to control

taste and odor and to further enhance palatability of the finished water. The total operating and maintenance expenditure budget for FY 2023 amounts to \$1,887,915.

Employee training will continue in order to maintain technical competence and to enhance knowledge of pending rules and regulations pertaining to drinking water production and quality. Training will include courses to upgrade or maintain the required surface water treatment licenses issued by the State.

FUND BALANCE

The operating expenditures that are summarized in the following pages, will be provided by revenues from the City of Port Lavaca, the Calhoun County Rural Water Supply System, and the Port O'Connor ID. Port Lavaca Water Treatment Plant division is a contract operation therefore the net change in fund balance for FY 2023 is \$0.

Guadalupe-Blanco River Authority
Work Plan & Budget
Fiscal Year Ending August 31, 2023

060 - Port Lavaca WTP
Department *

	FY 2022	FY 2023	FY 2023-2022
	BUDGET	BUDGET	DIFFERENCE
OPERATING BUDGET			
OPERATING REVENUES			
Water Treatment			
41110 PL-RAW WATER DELIVERY	123,808	108,530	(15,278)
41111 PL-PLANT O&M INCOME	1,008,242	1,182,509	174,267
41112 PL-PLANT A&G INCOME	109,389	112,950	3,561
41115 POC-RAW WATER PURCHASES	22,613	27,585	4,972
41116 POC-PLANT O&M INCOME	250,966	207,201	(43,765)
41117 POC-PLANT A&G INCOME	26,436	20,541	(5,895)
41125 RW-RAW WATER PURCHASE	21,220	19,659	(1,561)
41126 RW-WATER TREATMENT	187,983	190,550	2,567
41127 RW-PLANT A&G INCOME	20,215	18,390	(1,825)
Total Water Treatment	1,770,872	1,887,915	117,043
Total Operating Revenue	1,770,872	1,887,915	117,043
OPERATING EXPENSES			
Salaries			
51101 LBR-REGULAR WAGES	420,264	412,340	(7,924)
51102 LBR-OVERTIME	52,583	47,899	(4,684)
Total Salaries	472,847	460,239	(12,608)
Benefits			
51298 BEN-BENEFIT ALLOCATION	191,503	186,397	(5,106)
Total Benefits	191,503	186,397	(5,106)
Operating Supplies & Services			
52101 OPR-POWER & UTILITIES	112,080	138,979	26,899
52103 OPR-CHEMICALS	241,800	313,000	71,200
52110 OPR-SMALL TOOLS AND SUPPLIES	960	960	-
52113 OPR-LAB SUPPLIES	26,440	32,000	5,560
52114 OPR-LABORATORY SERVICES-GBRA	2,400	2,400	-
52115 OPR-LABORATORY SERVICES-OUTSOURCED	3,500	3,500	-
52120 OPR-UNIFORMS	4,800	4,800	-

	FY 2022 BUDGET	FY 2023 BUDGET	FY 2023-2022 DIFFERENCE
52121 OPR-SAFETY & EMERGENCY EXPENSE	4,000	4,000	-
52122 OPR-SECURITY EXPENSE	2,760	2,760	-
52124 OPR-EQUIPMENT EXPENSE	5,764	5,764	-
52125 OPR-VEHICLE EXPENSE	5,340	5,340	-
52126 OPR-FLEET LEASE EXPENSE	9,600	9,600	-
52133 OPR-SCADA	1,550	2,550	1,000
52145 OPR-CONTRACT LABOR	40,000	43,000	3,000
52150 OPR-WATER PURCHASES/DELIVERY	167,641	175,092	7,451
Total Operating Supplies & Services	628,635	743,745	115,110
Professional Services and Fees			
52205 OPR-PROFESSIONAL SERVICES-OTHER	6,000	6,000	-
52217 OPR-INSPECTION FEES	360	360	-
52222 OPR-MEMBERSHIPS & PUBLICATIONS	1,200	1,200	-
52223 OPR-LICENSE & TRAINING	4,495	4,495	-
52224 OPR-TRAVEL & MEETINGS	4,000	5,000	1,000
Total Professional Services and Fees	16,055	17,055	1,000
Office Expenses			
52301 OPR-OFFICE SUPPLIES	4,600	4,600	-
52302 OPR-COMPUTER & SOFTWARE EXPENSE	5,950	7,450	1,500
52306 OPR-COMMUNICATIONS	10,200	15,300	5,100
52322 OPR-MEDIA EXPENSE	1,067	-	(1,067)
Total Office Expenses	21,817	27,350	5,533
Other Operating Expenses			
52403 OPR-OFFICE/BUILDING RENTAL	2,112	-	(2,112)
52420 OPR-INSURANCE EXPENSE	92,073	92,400	327
52430 OPR-MISC EXPENSE	9,550	9,550	-
Total Other Operating Expenses	103,735	101,950	(1,785)
SUBTOTAL OF OPERATIONAL EXPENSES	1,434,592	1,536,736	102,144
Maintenance and Repair Equipment			
53101 M&R-EQUIPMENT	109,000	120,800	11,800
53105 M&R-GENERATORS	6,000	9,000	3,000
53110 M&R-CONTROL SYSTEMS	6,480	8,000	1,520
53115 M&R-METERS	2,160	3,500	1,340
Total Maintenance and Repair Equipment	123,640	141,300	17,660
Structures			
53201 M&R-BUILDING	14,700	15,200	500
53202 M&R-CLEARWELLS	1,800	1,800	-
53205 M&R-PUMPS AND MOTORS	13,680	13,680	-
53210 M&R-GATES AND VALVES	5,640	5,640	-

		FY 2022 BUDGET	FY 2023 BUDGET	FY 2023-2022 DIFFERENCE
53238	M&R-FILTERS	8,000	8,000	-
	Total Structures	43,820	44,320	500
	Other Maintenance & Repairs			
53301	M&R-ROADS	100	1,000	900
53310	M&R-GROUNDS/ROW	1,200	1,200	-
53320	M&R-PONDS AND LAGOONS	8,000	8,000	-
53399	M&R-MISC EXPENSE	3,480	3,480	-
	Total Other Maintenance & Repairs	12,780	13,680	900
	SUBTOTAL OF M&R EXPENSES	180,240	199,300	19,060
	Administrative & General			
54100	ADMINISTRATIVE & GENERAL	156,040	151,879	(4,161)
	Total Administrative & General	156,040	151,879	(4,161)
	TOTAL OPERATING AND M&R EXPENSES	1,770,872	1,887,915	117,043
	Net Operating Income	-	-	-

DEBT SERVICE BUDGET

	Capacity Charge Revenue			
41119	POC-DEBT SERVICE	17,542	-	(17,542)
41129	RW-DEBT SERVICE	13,104	-	(13,104)
	Total Capacity Charge Revenue	30,646	-	(30,646)
	Total Debt Revenue	30,646	-	(30,646)
	Principal Payments Expense			
21105	LOAN-2008 CLEARWELL, Frost	30,284	-	(30,284)
	Total Principal Payments Expense	30,284	-	(30,284)
	Interest Expense			
57102	INT-CLEARWELL, Frost	362	-	(362)
	Total Interest Expense	362	-	(362)
	Total Debt Expense	30,646	-	(30,646)
	Net Change in Debt Service Budget	-	-	-

	FY 2022 BUDGET	FY 2023 BUDGET	FY 2023-2022 DIFFERENCE
Net Change in Fund Balance	-	-	-

COMMUNICATION

SUBJECT: Consider request of the Chamber of Commerce for parade permit, traffic control assistance and closing off several streets, for the Annual “Lighted Christmas Parade” on Friday, December 02, 2022, beginning at 6:30 p.m. and also request waiver of any fees associated with the event. Presenter is Tania French

INFORMATION:

COMMUNICATION

SUBJECT: Consider request of Port Lavaca Main Street, Inc. for closure of Main Street from Virginia Street to Commerce Street; and if needed, also close Colorado Street and Guadalupe Street between Live Oak Street and Railroad Street for “Merry on Main” event on Saturday, December 03, 2022 and also request waiver of any fees associated with the event. Presenter is Tania French

INFORMATION:

COMMUNICATION

SUBJECT: Consider request of Our Lady of the Gulf Catholic Church for a parade permit and traffic control assistance for the “Marian Rosary” procession parade on Sunday, October 9, 2022 beginning at 5:00 p.m. and also request waiver of any fees associated with the event.
Presenter is Colin Rangnow

INFORMATION:

COMMUNICATION

SUBJECT: Consider request of Our Lady of the Gulf Catholic Church for a parade permit and traffic control assistance for their annual “Christ the King Eucharistic Procession Parade” on Sunday, November 20, 2022 beginning at 5:00 p.m. and also request waiver of any fees associated with the event. Presenter is Colin Rangnow

INFORMATION:

COMMUNICATION

SUBJECT: Consider request of Calhoun County Fair Association (CCFA) for a parade permit and traffic control assistance on Saturday, October 01, 2022 beginning at 9:00 a.m.; the parade route will be from Sandcrab Stadium, San Faubion, N. Virginia, Main streets and ending at the Bayfront Peninsula; and also request waiver of any fees associated with the event.
Presenter is Colin Rangnow

INFORMATION:

Subject: CC Fair Parade 2022

From: "Amanda Gonzalez/FTP2SF" <AmandaG@ftpc.fpcusa.com>

Sent: 9/8/2022 10:29:09 AM

To: "Ldiaz@portlavaca.org" <Ldiaz@portlavaca.org>;

CC: "mgrant@portlavaca.org" <mgrant@portlavaca.org>; "amandag5178@gmail.com" <amandag5178@gmail.com>;

Good Morning,

It is at the request of the Calhoun County Fair Association that we get in the agenda for approval of the 2022 Fair Parade scheduled for October 1, 2022. The theme this year will be "Remember When". We will have a lineup at the CHS Stadium and using the Hwy 35 entrance only. The parade route will be start up at Sam Fabion, right on Virginia, left on Main, and end at the Bayfront. The parade will begin line up at 9:00 am and start-up to begin at 10:00 am. We will need police escort for securing a roadblock.

Thanks

Amanda Gonzalez



Formosa Plastics'

Administrative Assistant II – PPII

Phone 361/987-8426

Fax 361/987-8425

Cell 361/482-8464

Email: amandag@ftpc.fpcusa.com

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COMMUNICATION

SUBJECT: Consider proposed City Compensation plan for the 2022-2023 fiscal year.
Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: September 12, 2022AGENDA ITEM _____

DATE: September 8, 2022

TO: THE HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: CONSIDER CITY COMPENSATION PLAN FOR THE 2022-23 FISCAL YEAR

BACKGROUND:

These are annual updates to the City’s compensation plan that have been discussed and generally agreed to during the budget workshops and are presented for Council final approval.

As recommended by Public Sector Personnel Consultants in their Salary survey completed in January 2021, the City has embarked on a compensation plan update for the fiscal year beginning October 1, 2023. The latest pay plans from comparator cities were obtained, benchmark job classes were re-assigned to the salary ranges whose midpoints most closely matched the prevailing rates (+/- 2%), non-benchmark job classes were adjusted by the same number of salary ranges as their linked benchmark job class, professional judgement was utilized in job class re-assignment to prevent internal inequities and relationships not supported by relative job complexity, and employees whose current salary was less than their job’s new minimum were identified.

FINANCIAL IMPLICATIONS:

This year’s budget included approximately \$232,888 (including benefits) earmarked for merit increases in an amount equal to 4% of the current salary and benefit expense. Additionally, we are proposing another \$73,437 (including benefits) to be utilized to update the salary ranges in the City’s compensation plan. The additional amounts to be funded from the remaining balanced budget excesses are as follows: \$49,991 in the General Fund, \$22,458 in the Public Utility Fund, and \$988 in the Port & Harbors Fund. This will bring all employees to the minimum levels of the new paygrade, as well as provide an allowance for department heads to issue merit increases for their highly performing employees.

The budgeted full-time positions for FY22-23 are 99 and the full-time equivalent (FTE) part-time positions are 3.31. Note the budgeted full-time positions for FY21-22 was 98, however there was a mathematical error, and it was supposed to be 99. We are NOT adding any new positions in the FY22-23 budget. The only position being added to the FY22-23 budget is a part-time Animal Shelter Attendant in an amount equal to 0.5 FTEs. The job description is attached.

In addition, there is one (1) position being proposed for changes to title, duties and responsibilities and salary range, as shown on the attached job description.

Additionally, the Development Services Coordinator/Permit Technician job description is being provided as this substantially revised for scope and job duties in FY2022 and was not formally presented to City Council for confirmation.

Attached is a copy of the City’s updated salary ranges per job classification for formal adoption.

RECOMMENDATION:

Effective October 1, 2022, staff recommends City Council approve the compensation plan for FY 2022-23 as follows:

- Confirm the Salary Structure as presented
- Confirm the amendment of the existing job positions as previously described in this memo
- Confirm the creation of a new part-time position as previously mentioned in this memo
- City Headcount is remaining the same at 99 full-time employees and 3.31 part-time FTEs

Job Class/Title	2020 Salary Survey Range	Proposed Range
BENCHMARK OCCUPATIONS		
Janitor	28	28
Part-time Animal Shelter Attendant	-	28
CVB Maintenance Worker	31	34
Utility Maintenance Worker	31	34
Utility Billing Customer Service Representative	31	34
Street Maintenance Worker	31	34
Municipal Court Clerk	33	33
Dispatcher	34	34
Accounting Clerk	32	34
Parks Maintenance Worker	31	34
Meter Technician	32	34
Utility Maintenance-Construction	31	34
Utilities Maintenance - WWTP	31	34
Animal Control Officer	32	35
Heavy Equipment Operator	35	35
Utilities Operator - WWTP C	36	36
Lead Dispatcher/Administrative Assistant	36	36
Records Clerk/Dispatcher	36	36
Development Coordinator/Permit Technician	34	35
Code Enforcement Officer	35	36
Administrative Assistant	34	36
PARKS CREW LEADER	37	37
Utilities Operator - WWTP B	37	37
Utility Crew Leader	37	37
Utilities Crew Leader -WWTP	37	37
Utilities Operator - WWTP B	37	37
Senior Animal Control Officer	-	37
Streets Crew Leader	37	37
Utilities Operator - WWTP A	38	38
Customer Service Supervisor	37	37
Exec. Assistant to CM/HR Coordinator	34	38
Assistant City Secretary	36	40
Accountant	36	40
Firefighter/Engineer	40	41
Patrol Officer	40	42
Police Corporal	42	44
Senior Accountant	40	42
Streets Superintendent	45	45
Utilities Superintendent	45	45
Parks Superintendent	44	45

Job Class/Title	2020 Salary Survey Range	Proposed Range
Fire Lieutenant	43	44
Detective-Sergeant	44	46
Patrol Sergeant	44	46
Patrol Lieutenant	46	48
CID LIEUTENANT	46	48
Fire Captain	46	47
Harbor Master	46	46
City Secretary/Court Manager	45	49
Director of Finance	53	53
Director of Development Svs	53	53
Director of Public Works	53	53
Police Chief	53	55
Fire Chief	53	55
City Manager	61	61



CITY OF PORT LAVACA

JOB TITLE: Lead Animal Control Officer
DEPARTMENT: Animal Control (Police Department)
JOB CODE: 5130a

JOB DEFINITION:

To perform a variety of duties involved in enforcing City and state laws governing the care and upkeep of animals in the City and to impound, care for, and dispose of animals as appropriate. Investigates animal cruelty and neglect charges and performs related duties to promote compliance with laws regulating animal treatment by performing the following duties.

ESSENTIAL FUNCTIONS:

Essential functions, as defined under the Americans with Disabilities Act, may include any of the following representative duties and responsibilities. This list is ILLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and duties performed by incumbents of this class. Essential duties and responsibilities may include, but are not limited to, the following:

- Enforce the Port Lavaca Animal Control Ordinances and State Health Department regulations governing animal control issues.
- Respond to calls and complaints regarding dead and loose animals.
- Patrol City streets and roads, search for stray dogs and other domestic animals and livestock.
- Enforce City Animal Control laws, explain ordinances related to the care and upkeep of animals, issue citations for violations of Animal Control ordinances, appear in court on applicable cases.
- Impound, Quarantine, and dispose of animals as appropriate, transport injured animals to a veterinarian to be treated. Euthanize sick, injured or stray animals as necessary.
- Investigate reports or complaints of dogs, cats, or other animals creating nuisances, take appropriate actions, investigate reports of animal abuse, investigate animal bite reports, and prepare rabies specimens as necessary.
- Assist in conducting education programs including making presentations at schools, educating citizens in the neighborhoods and responding to questions on the telephone.
- Assist with the care and maintenance of the shelter and the animals including cleaning the shelter, feeding the animals and preparing the animals for euthanasia.
- Remove animals from inhumane conditions and drive vehicle to transport animals to shelter for treatment and care.
- Document activities through the City's tracking system.

- Coordinate with the Police Department or other legal officials as needed, sign affidavits as appropriate.
- Maintains assigned vehicle and equipment according to City standards
- Supports the relationship between the City and the general public by demonstrating courteous and cooperative behavior when interacting with clients, visitors, and City staff, maintains absolute confidentiality of work-related issues, client records, and City information; performs related duties as assigned or required.
- Perform other duties as assigned.
- Issue citations to violators and appear in Municipal Court.

Knowledge and Skills Required:

Knowledge of:

- City policies and procedures
- Applicable Texas state rules and regulations, and City ordinances.
- General safety practices, and animal capture and restraint techniques and equipment.
- Symptoms, causes, procedures, and reporting requirements for rabies control and other common animal diseases.
- Regional animal care resources available to citizens.
- Geography, roads, and landmarks of City and surrounding areas.
- Basic principles of record keeping and records management.

Skill in:

- Capturing, controlling, containing, and transporting sick, injured, and diseased animals.
- Identifying various types of animals, and symptoms of abnormal behavior and animal diseases.
- Exercising patience, care, and compassion in dealing with animals.
- Care, maintenance, and safe operation of specialized animal control tools and equipment.
- Explaining City policies and procedures.
- Following and communicating verbal and written instructions.
- Dealing tactfully and courteously with the public and handling stressful situations and angry people.
- Establishing and maintaining cooperative working relationships with co-workers.
- Using a personal computer and basic software applications.
- Communicating effectively verbally and in writing.

Supervisory Responsibilities:

Supervises Animal Shelter employees.

Education and/or Experience:

High school diploma or general education degree (GED); or one to three months related experience and/or training; or equivalent combination of education and experience. Animal Control Officer certification preferred. Must have supervisory experience.

Certificates, Licenses, Registrations:

Valid Class C Driver's License. Must obtain a certification as a Basic Animal Control Officer through the Texas Department of Health within six months of employment. Obtain Euthanasia certification from an accredited training agency within six (6) months of employment.

Physical Demands and Working Environment:

Work is performed outdoors, at an animal shelter, and in a standard office environment, may be exposed to wild animals and potential physical harm; required to capture and physically restrain animals.



CITY OF PORT LAVACA

JOB TITLE: Animal Shelter Attendant
DEPARTMENT: Animal Control (Police Department)
JOB CODE: 5130c

JOB DEFINITION:

To perform a variety of duties involved in enforcing City and state laws governing the care and upkeep of animals in the City and to impound, care for, and dispose of animals as appropriate. Investigates animal cruelty and neglect charges and performs related duties to promote compliance with laws regulating animal treatment by performing the following duties.

ESSENTIAL FUNCTIONS:

Essential functions, as defined under the Americans with Disabilities Act, may include any of the following representative duties and responsibilities. This list is ILLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and duties performed by incumbents of this class. Essential duties and responsibilities may include, but are not limited to, the following:

- Assist in conducting education programs including making presentations at schools, educating citizens in the neighborhoods and responding to questions on the telephone.
- Perform light office work including: answering phone, taking messages and complaints.
- Take lost/found reports and call owners about lost/found animals.
- Checks out humane traps and calls residents about overdue traps.
- Check-in owner surrenders, resident drop-offs, and euthanasia drop offs.
- Retrieve owner redemptions.
- Fill out and process out impoundment cards.
- Assist residents with dead animal drop offs.
- Assist with the care and maintenance of the shelter and the animals including cleaning the shelter and feeding the animals.
- Supports the relationship between the City and the general public by demonstrating courteous and cooperative behavior when interacting with clients, visitors, and City staff, maintains absolute confidentiality of work-related issues, client records, and City information; performs related duties as assigned or required.
- Perform other duties as assigned.

Knowledge and Skills Required:

Knowledge of:

- City policies and procedures
- Applicable Texas state rules and regulations, and City ordinances.
- General safety practices, and animal capture and restraint techniques and equipment.
- Regional animal care resources available to citizens.
- Basic principles of record keeping and records management.

Skill in:

- Exercising patience, care, and compassion in dealing with animals.
- Basic customer service skills.
- Good working knowledge of computer operations and general office procedures.
- Care, maintenance, and safe operation of specialized animal control tools and equipment.
- Explaining City policies and procedures.
- Following and communicating verbal and written instructions.
- Dealing tactfully and courteously with the public and handling stressful situations and angry people.
- Establishing and maintaining cooperative working relationships with co-workers.
- Using a personal computer and basic software applications.
- Communicating effectively verbally and in writing.

Education and/or Experience:

High school diploma or general education degree (GED); ability to work flexible work schedule as required by the department, some experience with animals, their care and diseases is preferred.

Certificates, Licenses, Registrations:

Valid Class C Driver's License.

Physical Demands and Working Environment:

Exposed to confined animals that may have diseases. May use hazardous chemicals in cleaning and euthanasia. Exposed to adverse environmental conditions to include, but not limited to, fumes, dust/mites, noxious odors, chemicals, solid waste substances, animal feces, urine, saliva, and blood. Ability to lift a minimum of 50 lbs.



City of Port Lavaca

JOB TITLE : Development Services Coordinator/Permit Technician
DEPARTMENT : Code Enforcement
JOB CODE : 1220

JOB DEFINITION:

Under basic supervision, provides administrative and clerical support for City programs.

ESSENTIAL FUNCTIONS:

Essential functions, as defined under the Americans with Disabilities Act, may include any of the following representative duties and responsibilities. This list is /LLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and duties performed by incumbents of this class. Essential duties and responsibilities may include, but are not limited to, the following:

Administrative:

- Performs technical support functions for the Director of Development Services, requiring understanding of municipal government operations, open meeting procedures, and City services and priorities.
- Front counter customer service to the general public.
- Maintain and update a variety of computer databases and files; enters, edits, and retrieve data
- Complete monthly reports
- Receives complaints and responds to information requests from the general public.
- Supports the relationship between the City and the general public by demonstrating courteous and cooperative behavior when interacting with clients, visitors, and City staff.
- Maintains absolute confidentiality of work-related issues, client records and City information.
- Maintains building files, alarm files, pet registrations and plats.
- Excellent verbal and written communication skills
- Update website and with necessary changes as needed
- Assists the Director of Development Services as directed.

Permitting:

- Review submitted site plans and permit applications for completeness, accuracy, and conformance with applicable codes and to verify complete application.
- Explain City rules, policies and procedures, requirements and provide information to permit applicants
- Issue approved building, electrical, plumbing, mechanical, and other City permits
- Prepare requests for inspections
- Issue contractor licenses and maintains files.

- Use, maintain and update segments in permitting software
- Receive telephone and in person inquiries regarding ordinances, applications, and other related matters.
- Monthly reports to Director, Census Bureau and other agencies monthly and yearly

Boards and Committees:

- Publish legal notice and prepares agenda packets for Planning Board and other committee meetings.
- Record and transcribe meeting minutes.
- Distribute planning packets to appropriate City staff and board members for variances and other zone changes.
- In absence of the Director, present projects before the Planning Board
- Maintain manual and computerized records of planning projects, prepare maps and charts exhibits for inclusion as exhibits in planning reports.
- Keep record of members attendance, service and contact information
- Assist in planning and coordinating development projects, marketing and research to implement the plan.
- Participate and coordinate various special projects involving research and data collection.
- Set up, participate/take minutes in pre-development and pre-application conferencing.
- Perform related duties as assigned or required.

KNOWLEDGE AND SKILLS REQUIRED:

Knowledge of:

- City policies and procedures.
- Applicable Texas state rules and regulations, and City Ordinances.
- Geography, roads, and landmarks of City and surrounding areas.
- Basic principles of record keeping and records management.
- Setting up and running virtual meetings

Skill in:

- Customer Service
- A successful candidate will have excellent verbal, presentation, interpersonal, and writing skills, and will be exceptional at coordinating multiple priorities and deadlines
- Communicating effectively verbally and in writing.

MINIMUM QUALIFICATIONS:

High School Diploma or GED equivalent; AND one year of customer service experience; OR an equivalent combination of education, training, and experience.

- State of Texas driver's license may be required.

PHYSICAL DEMANDS AND WORKING ENVIRONMENT:

Work is performed in a standard office environment.

COMMUNICATION

SUBJECT: Consider Second and Final Reading of an Ordinance (G-6-22) of the City of Port Lavaca amending the Code of Ordinances Chapter 32, Parks and Recreation, Article III. Park Designations and Article IV. Park Regulations, Section 32-73 Skate Park and Section 32-74 Splashpad Rules Established; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Jody Weaver

INFORMATION:

ORDINANCE #G-6-22

AN ORDINANCE OF THE CITY OF PORT LAVACA AMENDING THE CODE OF ORDINANCES CHAPTER 32, PARKS AND RECREATION, ARTICLE III. PARK DESIGNATIONS AND ARTICLE IV. PARK REGULATIONS, SECTION 32-73 SKATE PARK AND SECTION 32-74 SPLASHPAD RULES ESTABLISHED; 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:

Section 1. Purpose.

The following amendments are to be made to the following Section of Chapter 32 of the Code of Ordinances. All insertions are made with colored letters and all deletions are shown as bold text-strikethroughs.

Chapter 32 – PARKS AND RECREATION

ARTICLE III. – PARK DESIGNATIONS

Sec. 32-44 – City parks enumerated.

(8) Sultan Park

Sec. 32-47 – Legal description of city parks.

(8) Sultan Park. Port Lavaca Original Townsite Block 80, Lot 2 thru 7

ARTICLE IV. – PARK REGULATIONS

~~Sec. 32-73 – Alcohol and illegal drugs prohibited.~~

~~Sec. 32-74 – Penalty.~~

Sec. 32-73 – Skate Park rules established.

For the conduct of persons using the City's Skate Park located within Wilson Sports Complex City Park, the following rules and regulations are hereby established and are to be observed and enforced within said park.

The Skate Park will be open to the public daily from 6:00 a.m. to dark, unless the Skate Park has lighting, at which time it will close at 11:00 p.m.

- (1) It is recommended that all skaters wear protective gear including helmets, proper shoes, knee and elbow pads.
- (2) No Skating during rain or if the surface is wet. The Skate Park will be closed as such times.
- (3) No personal ramps or rails are allowed.
- (4) No fighting or foul language.
- (5) No gum, food or drinks on the Skate Park surface.
- (6) No graffiti allowed. The Skate Park may be closed until graffiti is removed.
- (7) All other rules of Sec. 32-72 apply

Sec. 32-74 – Splashpad rules established.

- (1) Non-service animals are prohibited.
- (2) Changing diapers within 6 feet of the Water Feature is prohibited.
- (3) Use of the Water feature if ill with a contagious disease is prohibited.
- (4) Do Not drink water from the Water Feature.
- (5) Use of the Water Feature when ill with diarrhea is prohibited.
- (6) Climbing or standing on the Water Feature is Prohibited.
- (7) All other rules of Sec. 32-72 apply.

RESERVED: Sec. 32-75 to Sec. 32-78

Sec. 32-79 Alcohol and illegal drugs prohibited.

Sec. 32-80 Penalty.

Section 2. Severability.

It is specifically declared to be the intention of the City Council that sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any unconstitutional or invalid phrase, clause, sentence, paragraph or sections.

Section 3. Effective Date

THAT this ordinance shall become effective on the date of its passage.

First Reading this the 8th day of August, 2022.

Jack Whitlow, Mayor

Second Reading this the 12th day of September, 2022.

Jack Whitlow, Mayor

PASSED AND APPROVED this the 12th day of September, 2022.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

APPROVED AS TO FORM AND CONTENT:

Anne Marie Odefey, City Attorney

RECORD OF VOTE

	First Reading	Second Reading	Approved/ Adopted
Councilman Smith	Aye		
Councilman Dent	Aye		
Councilman Tippet	Aye		
Councilwoman Padron	Aye		
Councilman Ward	Aye		
Councilman Barr	Aye		

Record of approval by City Council: City Council Minute Records, Volume 3H, Page ____.

COMMUNICATION

SUBJECT: Consider Second and Final Reading of an Ordinance (G-7-22) 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 50-67 - Utilities; and providing for an effective date. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: SEPTEMBER 12, 2022**AGENDA ITEM _____****DATE:** 9/8/2022**TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS**FROM:** SUSAN LANG, FINANCE DIRECTOR **SUBJECT:** CONSIDER INCREASE IN GUADALUPE-BLANCO RIVER AUTHORITY (GBRA) FEE

2nd and Final Reading

The City of Port Lavaca has contracted with the Guadalupe-Blanco River Authority (GBRA) to reserve its full commitment of 4,480 A/F by fiscal year 2025. Currently, the City holds 2,688 A/F, and increases its commitment each year by 448 A/F. Next year's commitment will be 3,136 A/F. The GBRA provided notice on June 27, 2022 of an increase for firm water from the current \$157.00 per acre-foot per year to \$165.00 per acre-foot per year.

As a result in both the increased increment of total acre feet of commitment and the increase in cost per acre-foot, we find it necessary to increase the current fee for GBRA water "raw water storage" from \$7.54 per month per customer to \$9.42 per month per customer, or a 25% increase effective October 1, 2022.

ORDINANCE #G-7-22

AN ORDINANCE AMENDING THE ORDINANCE CODIFIED AND DESCRIBED IN THE CITY OF PORT LAVACA CODE OF ORDINANCES AS PART II, APPENDIX A – FEES, RATES AND CHARGES; AND PROVIDING AN EFFECTIVE DATE

ARTICLE I. GENERAL

WHEREAS, the City Council on March 12, 2012 approved and adopted Ordinance Number G-1-12 which is codified and described in the City of Port Lavaca Code of Ordinances as Part II, Appendix A – Fees, Rates and Charges; and

WHEREAS, the City of Port Lavaca staff has evaluated current fees, rates and charges and find the need to make some amendments and changes.

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

ARTICLE II. FEES TO BE AMENDED

The fees, rates and charges to be amended are in the Chapters listed below and described in full in the attached appendix marked in red or blue and highlighted in yellow:

Chapter 50: Utilities

Sec. 50-67 Water User Rates

Guadalupe Blanco River Authority (GBRA) fee

ARTICLE III.- EFFECTIVE DATE

This ordinance shall become effective upon adoption by City Council.

FIRST READING this 6th day of September, 2022.

Jack Whitlow, Mayor

SECOND AND FINAL READING this 12th day of September, 2022.

Jack Whitlow, Mayor

APPROVED AND ADOPTED this 12th day of September, 2022.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey, City Attorney

RECORD OF VOTE

	First Reading	Second and Final	Passed and Approved
Councilman Smith	Aye		
Councilman Dent	Aye		
Councilman Tippit	Aye		
Councilwoman Padron	Aye		
Councilman Ward	Aye		
Councilman Barr	Aye		

Record of approval by City Council: City Council Minute Records, Volume 3H, Page ____.

APPENDIX A

Section Number	Subject	Fee Amount
50-52(b)	Inspection fee	
<i>Water table</i>		
50-67	<i>Water user rates:</i>	
50-67	<i>Residential:</i>	
	Base charge 0—2,000 gallons	\$17.00 per month
	Guadalupe-Blanco River Authority (GBRA) fee	\$7.54 per month \$9.42 per month
	2,001—5,000 gallons	\$4.78 per 1,000 gallons
	5,001—25,000 gallons	\$5.26 per 1,000 gallons
	Over 25,000 gallons	\$5.97 per 1,000 gallons
50-67	<i>Small Commercial:</i>	
	Base charge 0—2,000 gallons 5/8 — 1½-inch meter	\$19.50 per month
	Guadalupe-Blanco River Authority (GBRA) fee	\$7.54 \$9.42 per month
	2,001—5,000 gallons	\$4.95 per 1,000 gallons
	5,001—25,000 gallons	\$5.26 per 1,000 gallons
	Over 25,000 gallons	\$5.97 per 1,000 gallons
50-67	<i>Large commercial:</i>	
	Base charge 2—6-inch water meter	\$37.00 per month
	Guadalupe-Blanco River Authority (GBRA) fee	\$7.54 \$9.42 per month
	0—5,000 gallons	\$4.95 per 1,000 gallons

CITY OF PORT LAVACA

	5,001—25,000 gallons	\$5.26 per 1,000 gallons
	Over 25,000 gallons	\$5.97 per 1,000 gallons
50-67	<i>Outside city limits:</i>	
	For residential and commercial customers located outside the city limits, the charge for water shall be 1½ times the rate charged to customers inside the city limits	

COMMUNICATION

SUBJECT: Consider Second and Final Reading of an Ordinance (S-2-22) approving the annual Budget for the City of Port Lavaca, Texas and adopting the budget document for the fiscal year October 01, 2022 thru September 30, 2023. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: SEPTEMBER 6, 2022

AGENDA ITEM _____

DATE: 9/8/2022

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: SUSAN LANG, FINANCE DIRECTOR 

SUBJECT: CONSIDER ORDINANCE APPROVING THE ANNUAL BUDGET

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 25 (CIP) and August 22, 2022, the City Council held budget workshops to review recommendations from the City Manager for the FY 2022-2023 budget. The proposed budget was filed with the City Secretary and published on the City's website on August 8th.

On August 22, 2022, the City Council announced a public hearing on the FY 2022-2023 Budget to be held on September 6, 2022. 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 24, 2022 and posted the same notice on the City's website.

The budget, as presented in the August 22, 2022 workshop and further discussed at the Sept. 6, 2022 Special Meeting, has been modified to accommodate the compensation plan update, and is recommended for the City Council's approval. The Combined Revenues and Expenditures statement (attached) includes Revenues of \$20,854,531 followed by combined Expenditures of \$21,351,963, which includes one-time Capital Expenditures of \$2,763,313 and leaves a remaining combined Fund Balance reserve of \$7,419,954.

The Ordinance to adopt the budget includes 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.

Legislation does require specific language on the vote to adopt the budget, only that it must be a record vote. Staff provides a recommended motion as follows:

➤ ***Motion: "I move to adopt the FY 2022-2023 Annual Budget as presented by the City Manager."***

○ ***Must be a Record Vote of each member of the governing body by name.***

City of Port Lavaca
Annual Budget
FY 2022-2023

Combined Revenues and Expenditures
General, Debt Service, PUF, Beach, Port and Hotel/Motel Funds
For the Fiscal Year ending September 30, 2023

Revenues Description	Actual 2020-2021	Budget 2021-2022	Estimate 2021-2022	Budget 2022-2023
Taxes	\$10,059,469	\$8,846,875	\$9,933,318	\$9,373,654
Licenses & Permits	\$163,486	\$227,745	\$160,476	\$174,010
User & Service Charges	\$6,230,788	\$6,062,366	\$6,383,565	\$7,255,131
Fines & Forfeitures	\$280,582	\$371,000	\$306,672	\$381,000
Other Revenue	\$1,282,348	\$1,216,131	\$1,450,498	\$623,255
Grants and Contributions	\$277,998	\$907,050	\$488,228	\$1,296,845
Intergovernmental (Xfers)	\$873,784	\$1,127,289	\$1,059,494	\$1,750,636
Total Revenues	\$19,168,455	\$18,758,456	\$19,782,251	\$20,854,531
Expenditures				
Salaries & Benefits	\$5,829,459	\$7,103,679	\$6,512,637	\$7,750,308
Materials & Supplies	\$360,001	\$440,996	\$493,138	\$555,721
Services	\$4,977,192	\$5,296,167	\$5,124,585	\$5,977,458
Maintenance	\$1,726,141	\$1,963,788	\$1,788,396	\$2,098,433
Sundry	\$4,447,529	\$1,109,987	\$1,744,972	\$1,643,756
PUF Transfers Less Debt Xfers	\$1,661,875	\$0	\$0	\$562,974
Capital Expenditures	\$1,050,412	\$4,044,301	\$3,371,962	\$2,763,313
Subtotal Expenditures	\$20,052,609	\$19,958,918	\$19,035,690	\$21,351,963
Debt Service	\$1,376,051	\$1,380,393	\$1,380,393	\$1,212,530
Debt Service - Public Utility	\$795,785	\$791,410	\$791,410	\$103,275
Debt Service - Port Revenue	\$260,329	\$257,721	\$257,721	\$255,389
	\$2,432,165	\$2,429,524	\$2,429,524	\$1,571,194
Total Expenditures	\$22,484,774	\$22,388,442	\$21,465,214	\$22,923,157
Net Change In Fund Balance	(\$3,316,319)	(\$3,629,986)	(\$1,682,963)	(\$2,068,626)
Beginning Fund Balance	\$14,487,861	\$11,171,543	\$11,171,543	\$9,488,580
Ending Fund Balance	\$11,171,543	\$7,541,557	\$9,488,580	\$7,419,954

AN ORDINANCE APPROVING THE ANNUAL BUDGET FOR THE CITY OF PORT LAVACA, TEXAS AND ADOPTING THE BUDGET DOCUMENT FOR THE FISCAL YEAR OCTOBER 1, 2022 THROUGH SEPTEMBER 30, 2023; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council has approved a budget for the City of Port Lavaca, Texas, for the fiscal year October 1, 2022 through September 30, 2023, and accordingly held a public hearing for same, at which time all interested citizens were given an opportunity to be heard for or against any item or amount of any item contained in said budget; and

WHEREAS, all approved adjustments, if any, have been made in said budget and said public hearing has been officially closed:

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

SECTION 1. That the annual budget for the City of Port Lavaca, Texas for the fiscal year October 1, 2022 through September 30, 2023 is hereby approved and the budget document is hereby in all things adopted and made a part of this ordinance as if set forth in full herein and is hereby declared to be the financial plan for the City of Port Lavaca, Texas for the fiscal year 2022/2023.

SECTION 2. That in accordance with the City Charter, Section 8.03 Transfer of Appropriations, the City Council hereby approves the City Manager to transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION 4. This ordinance shall become effective on the date of its passage by the City Council of the City of Port Lavaca, Texas.

FIRST READING this 6th day of September, 2022

Jack Whitlow, Mayor

SECOND AND FINAL READING this 12th day of September, 2022

Jack Whitlow, Mayor

APPROVED AND ADOPTED this 12th day of September, 2022.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey, City Attorney

RECORD OF VOTE

	First Reading	Second and Final	Passed and Approved
Councilman Smith	Aye		
Councilman Dent	Aye		
Councilman Tippet	Aye		
Councilwoman Padron	Aye		
Councilman Ward	Aye		
Councilman Barr	Aye		

Record of approval by City Council: City Council Minute Records, Volume 3H, Page ____.



**CITY OF
PORT LAVACA**

202 N. Virginia, Port Lavaca, Texas 77979
Main Number: 361-552-9793

www.portlavaca.org
Main Facsimile: 361-552-6062

August 8, 2022

Honorable Mayor and City Council Members
City of Port Lavaca
202 N. Virginia Street
Port Lavaca, TX 77979

Honorable Mayor and City Council Members,

The City staff is pleased to present for your review and consideration, the Proposed Annual Operating Budget for fiscal year beginning October 1, 2022 and ending September 30, 2023. The budget has been prepared in accordance with Texas Statutes and the City of Port Lavaca Charter Article 7.

We would like to thank the City Council for its leadership and support. Staff has put in a great deal of time and effort into bringing forward numerous projects that align with the City's Strategic Plan and Comprehensive Plan priorities and focus of future growth of the City.

BUDGET PREPARATION AND PRIORITIES

With recovery from Hurricane Harvey well in our rearview mirror and the COVID pandemic waning, the City's department heads, division superintendents and various consultants began switching gears back towards future planning, the City's Comprehensive Plan priorities and Strategic Plan, Master Sidewalk Plan and the future Downtown Waterfront Master Plan. During this year's budget kick-off, emphasis was placed on the necessity to maintain our existing assets and infrastructure.

Departments were asked again to focus on the maintenance of completed projects as well as increase other maintenance projects which may have suffered while re-construction efforts were prioritized over the last five years. Furthermore, a focus was placed upon the Information Technology infrastructure creating a proactive plan, rather than a reactive approach.

MAJOR CHALLENGES AND ACCOMPLISHMENTS

The COVID pandemic has been a major challenge with supply chain disruptions and labor pool deficiencies. While the City has seen minimal impact we also were fiscally sound to withstand the economic impacts brought by the pandemic, while still maintaining a healthy reserve to weather future storms.

Our accomplishments, however far exceed our challenges as we progressed through Phase I of our CDBG-DR grant for street and drainage improvements, which ultimately required a sizable inflow of funds due to the

current economic climate in order to award the project, and barreled through to Phase 2, which again found the need for additional funds due to escalated costs. Luckily, the City was able to utilize excess fund balance reserves to keep the project moving forward. Additionally, the City received a CDBG-MIT grant to construct a living shoreline, received it's long awaited new fire apparatus, completed construction of the long talked about Skatepark, broke ground on and has almost completed the security upgrades at the police department, and finished the grant funded Bayfront Park and biking trails.

The City has been extremely fortunate to have received multiple grants that will leverage the taxpayer's investment in sustaining the community for years to come. The City has received funding for critical projects which will be taking place over the next few years. Through the General Land Office (GLO) we have received \$5.1 million for street and drainage improvements, and another \$13.6 million for the living shoreline grant to reduce storm surge and protect the City's delicate shoreline ecosystem, for a total of \$18.7 million. Additionally, as part of the American Rescue Plan Act (ARPA), the City was awarded \$2.9 million as a non-entitlement entity, which is to be distributed via the State in two tranches. The City received it's first tranche of \$1.46 million and will receive the second tranche in fiscal year 2023. These funds will be used to address water and wastewater infrastructure projects that are necessary to meet TCEQ requirements and strengthen the City's water distribution and wastewater treatment processes.

Furthermore, we are set to kick-off the mass water meter swap around mid-October, now that most of the supply chain issues causing a delay have been worked out. We should see a major recovery in lost water revenue due to failing water meters. We would like to thank the efforts of numerous staff members who have put many hours of effort into this project.

ECONOMIC OUTLOOK

The City continues to utilize Hotel Occupancy Tax (HOT) dollars to promote tourism to our beautiful coastal community. The new Hampton Inn is almost complete and will increase the City's hotel/motel count to 18. Additionally, the City is working to ensure HOT taxes are collected from the numerous short-term rental properties in and round the City's extraterritorial jurisdiction (ETJ).

We are excited to partner with the Victoria Economic Development Council in order to leverage our presence in the market throughout Calhoun County. Additionally, the expansion of the Port of Calhoun, which will widen the Matagorda ship channel, the City sees the potential to capitalize on the increase of fishing and cargo vessel traffic throughout the area by offering safe harbors and easy access to local accommodations and unique restaurants.

EMPLOYEE COMPENSATION AND BENEFITS

City Council recently re-affirmed its commitment to a sound health insurance package to their most valuable asset, its employees, by absorbing a 7.64% increase in rate while maintaining the employee premiums. By doing so, the City continues to utilize strong benefits to maintain and recruit highly skilled employees to serve the community.

Compensation Plan update and keeping pace with inflation, the proposed budget also provides provide a funding mechanism for to update the compensation plan and for merit increases for highly performing employees. We have earmarked 4% of total salary expense to be allocated for the merit increases based upon job performance with a minimum of 2% increase.

Another compensation tool is the city's retirement plan through the Texas Municipal Retirement System (TMRS). This year's matching contribution decreased to 5.85% from 6.11%. The City's funded ratio is an extremely healthy 96%. The TMRS system is a stable system and differs from other larger municipal-managed systems.

USER FEES

This budget includes adjustments to the raw water storage (GBRA) rates which are necessary to provide safe drinking water to our customers. Additionally, the budget reflects the previously approved adjustments to the bulk waste collection fees for the increase in pick-up which are also reflected in the budget.

FINANCIAL SUMMARY

Total ad valorem values, have seen healthy growth with an average increase of approximately 7% over the last several years, while we continue to see our exempt properties slightly increase from 31% to an estimated 32% for FY2023. Total taxable values are expected to increase by \$16,568,727, or 3%, when comparing values at certification from last year to this year. New improvement values added to the tax roll for FY 2023 amounted to \$5,274,051, and average home values increased from \$126,836 in FY2022 to \$136,148 for FY2023, which is a 7% increase from last year.

The City's sales tax revenue rebound from the pandemic has waned and has settled at pre-pandemic levels and projections indicate we will see the trend remain relatively stagnant for FY2023, even though we have new commercial businesses opening in the future as the national economy enters a technical recession.

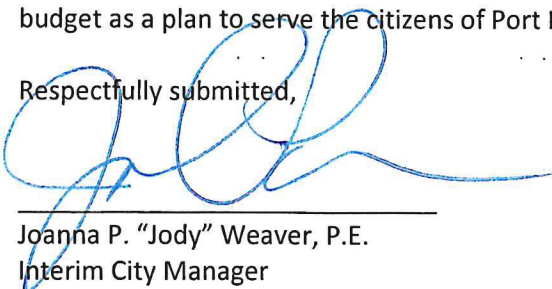
Unemployment for our Metropolitan Statistical Area is 6.1% which is 1% greater in comparison to the 5.1% unemployment rate in the Victoria-Port Lavaca Combined Statistical Area.

The combined expenditures of the General, Debt Service, Enterprise and Hotel/Motel Tax funds amount to \$22,9923,157, which represents an increase of 2%, or \$534,715 from the FY 2021-22 adjusted budget. This increase is primarily due to an increase in salaries and benefits as well as transfers from the public utility fund. As always, we strive to operate the City in a conservative manner, while continuing to deliver an excellent level of service to our citizens.

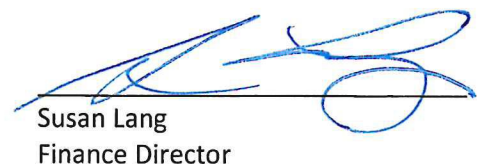
We believe the efforts of all involved have resulted in a sound financial plan that aligns the ever-increasing demands with the City's limited financial resources. This budget also provides flexibility should economic or natural disasters occur. One-time purchases of larger items such as vehicles can always be stalled, which provides flexibility should conditions warrant changes to our current budget plan. The cooperation and commitment of the City Council and employees is greatly appreciated in preparing this financial plan.

This budget was prepared in conjunction with the Comprehensive Plan priorities, Strategic Plan, Sidewalk Master Plan and guidance as set forth by the City Council. We thank you for the opportunity to provide this budget as a plan to serve the citizens of Port Lavaca.

Respectfully submitted,

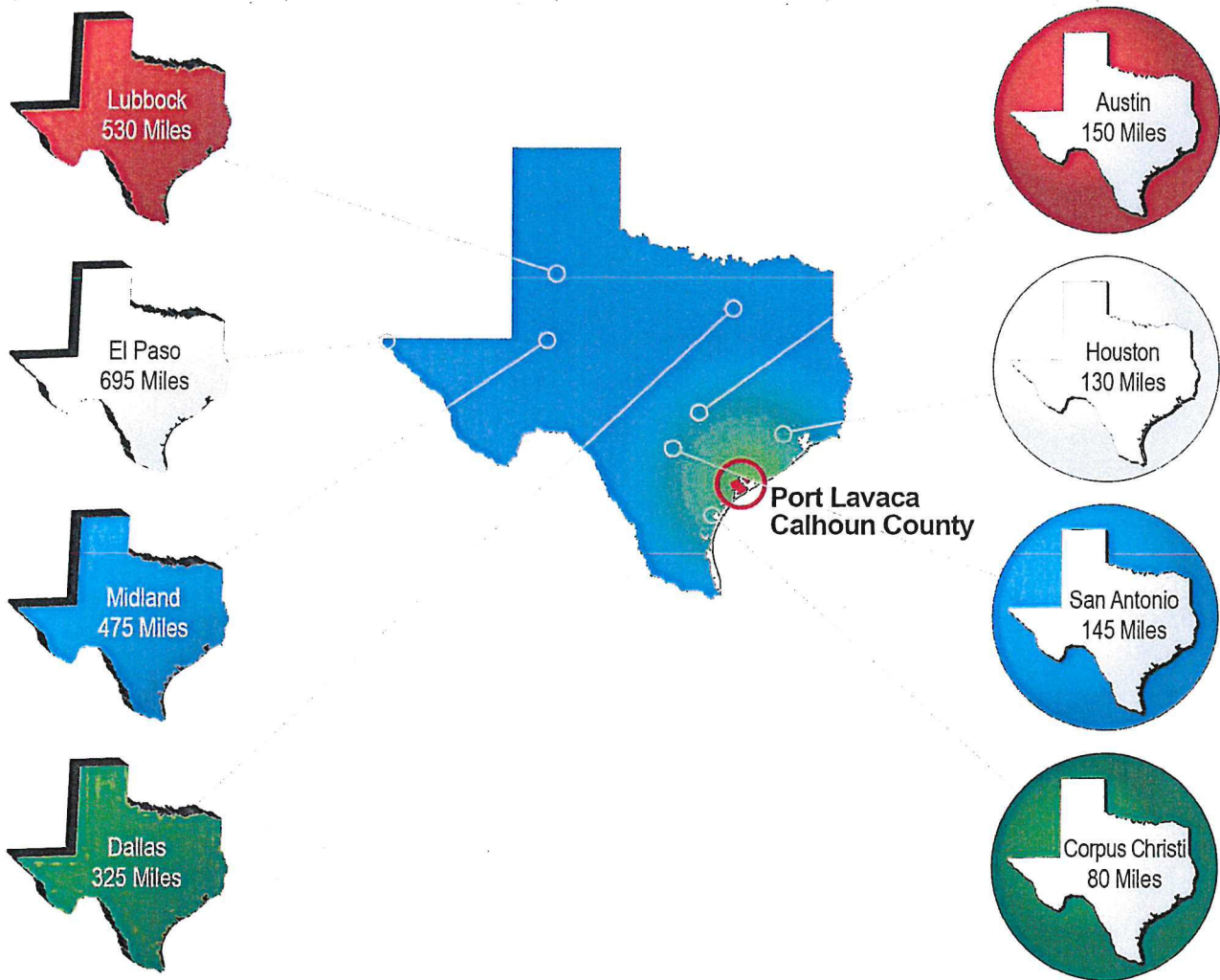


Joanna P. "Jody" Weaver, P.E.
Interim City Manager



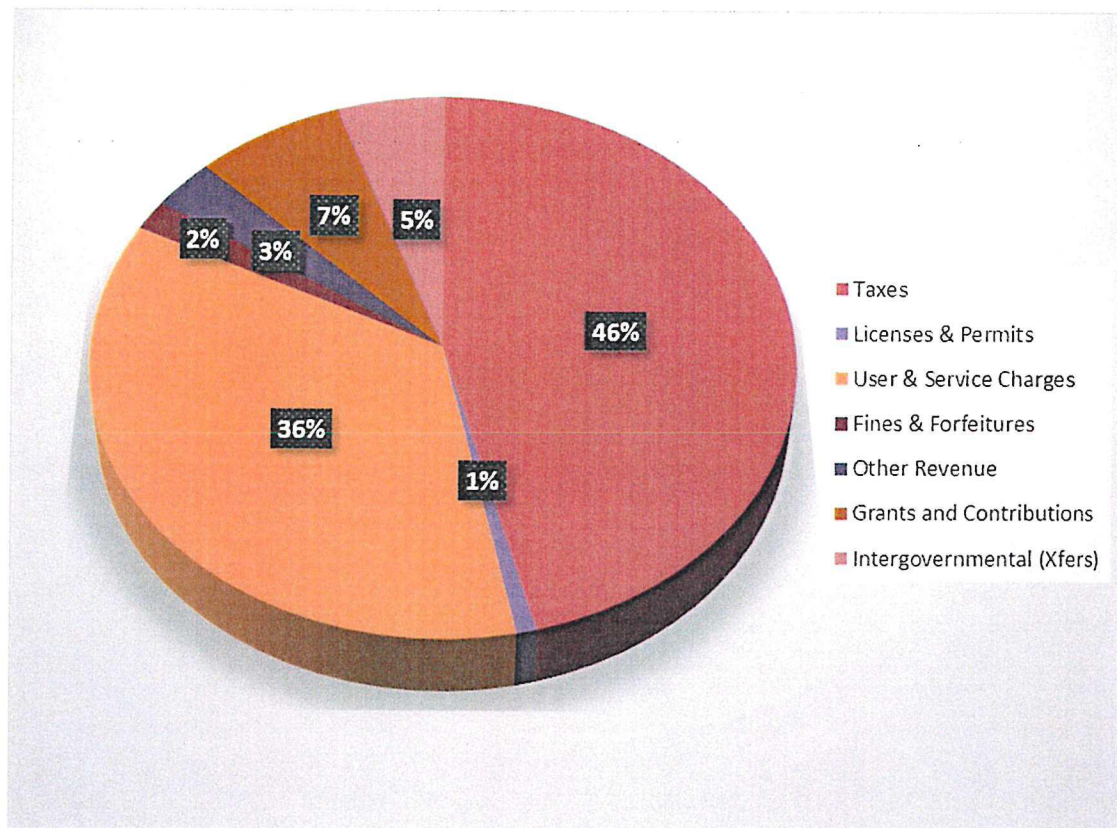
Susan Lang
Finance Director

FINANCIAL SUMMARY SECTION



Executive Summary

Revenue sources for the City total \$20,854,531 and can be represented into seven (7) different categories: Taxes, Licenses & Permits, User & Service Charges, Fines & Forfeitures, Other Revenue, Grants and Contributions, and Intergovernmental.

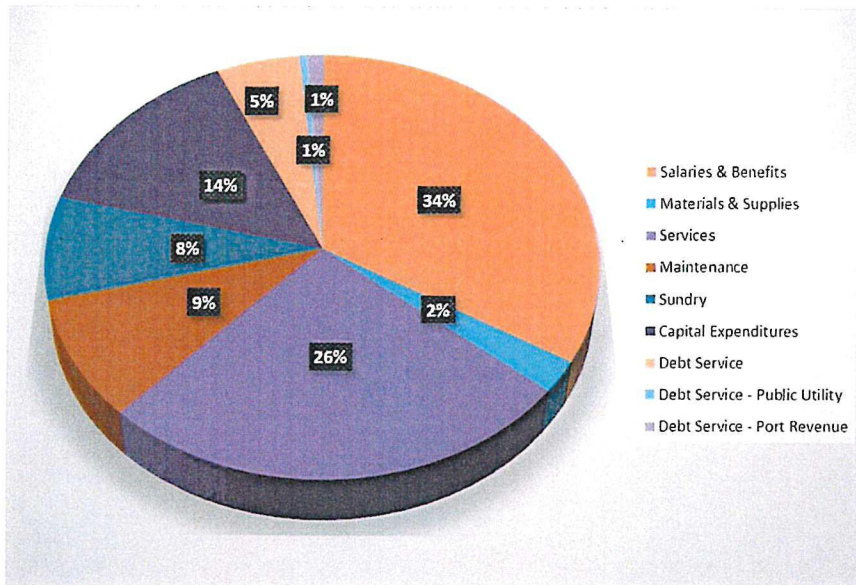


Taxes

Property Tax: Of the combined total tax category, almost half of the 46% are revenues from ad valorem or property taxes, which represent 21% of the overall combined budgeted revenue at \$4,441,232. Property tax collection is authorized by the State of Texas up to \$2.50 per \$100 of assessed valuation for maintenance and operations and debt service. The budget assumes an annual collection rate of 96%.

Sales Tax: Another major component of the combined total tax category are revenues derived from sales tax, which make up 33% of the Taxes category and amount to \$3,134,772. The total sales tax rate within Port Lavaca is 8.25%, of that total, 6.25% is collected and retained by the Texas Comptroller's office, 0.5% is remitted to Calhoun County and the remaining 1.5% is remitted to the City.

The combined expenditures of the General, Debt Service, Enterprise and Hotel/Motel Tax funds amount to \$22,923,157, which represents an increase of 2%, or \$534,715 from the FY 2021-22 adjusted budget. This increase is primarily due to an increase in salaries and benefits as well as a resumption of transfers from the public utility fund.. As always, we strive to operate the City in a conservative manner, while continuing to deliver an excellent level of service to our citizens.



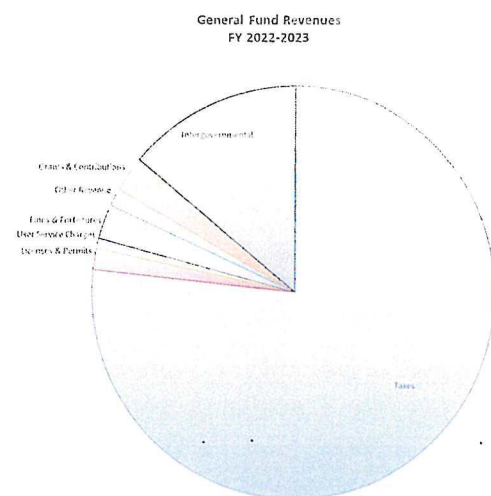
GENERAL FUND

The General Fund revenue of \$10,373,653 can be categorized into seven (7) major sources of revenue as follows:

Taxes	\$7,957,878
Licenses & Permits	\$174,010
User Service Charges	\$82,500
Fines & Forfeitures	\$279,000
Other Revenue	\$140,950
Grants & Contributions	\$296,845
Intergovernmental	\$1,442,470

This year's revenue represents an increase over last year's budget of 9.93%, or \$937,460. This is primarily due to a projected growth in interest income, and User & Service Charges.

At certification, taxable ad valorem values for FY 2022-2023 are \$569,249,359. This includes \$21,943,899 still under ARB review as of certification. The values represent a 4% increase from FY 2021-22 as of the latest supplemental adjustment. Some of this can be attributed to \$5,274,051 in new improvements. Other factors to the increase are a result of re-valuations of existing property.



The tax rate for FY 2022-23 is proposed to remain the same at \$0.7944 per \$100 valuation. The proposed tax rate is greater than the No-New-Revenue tax rate of \$0.7767, but less than the Voter-Approval tax rate of \$0.8141. The tax rate, if approved by the City Council, will be divided so that \$0.7307 will be utilized in the General Fund for maintenance and operations (M&O) and the remaining \$0.0637 will be reserved for debt service (I & S). General Fund Ad Valorem tax collections are estimated to be \$4,085,106 (including penalties and delinquent taxes) or 39% of total general fund revenues.

Sales tax revenue is estimated to be \$3,134,772 which is a slight decrease of ½ % from estimated collections for FY2021-22 due to conservative budgeting. It is estimated that the City will slightly exceed the FY2021-22 budget projection for sales tax. The estimate for fiscal year 2022-23 will remain extremely conservative based upon current trends and economic forecasts of inflation and talks of a “technical” recession..

The total FY 2021-22 General Fund expenditures are planned to be \$10,342,316, a decrease of 0.57% from the FY 2021-22 budget and primarily due to a decrease in capital expenditures. Revenues in the General Fund are projected to exceed operating expenditures by \$31,338, with one-time capital expenditures utilizing existing unassigned reserves of \$1,368,150. The City Charter and Budgetary & Financial Management Policies allow for unassigned resources to be appropriated for one-time expenditures, such as capital purchases, and not for ongoing operating expenditures. It is anticipated that the General Fund will begin the fiscal year with fund balance (cash on hand) of \$8,111,963, a part of which is available to fund excess capital and one-time expenditures. A 180-day fund balance reserve, or \$5,100,320 is classified as “assigned.” The fund balance is expected to decrease by \$1,336,812 from the budgeted ending fund balance for FY2021-22. The projected ending fund balance for FY2021-22 is anticipated to be \$6,775,150 or total reserves for 239 days of operations.

GENERAL FUND – PROPOSED REQUESTS:

In addition to the capital expenditures funded by the General Fund, a total of \$555,304 in one-time projects, equipment and technology expenditures are being proposed. Reoccurring expenses, which are supported by the operating revenue of the General Fund, amount to \$1,542,389. An additional \$189,842 in re-occurring expenditures is reserved for merit increases based upon performance evaluations of existing personnel. An additional 27,425 has also been budgeted for compensation plan up dates for all pay grades.

Highlights of enhancements include software upgrades to a combined platform operating with Calhoun County which will integrate the operations of 911, exterior renovations to City Hall, new equipment for public safety, and major improvements to the animal control shelter.

PUBLIC UTILITY FUND

The Public Utility Fund provides for the overall public health needs by providing clean drinking water, collection and treatment of wastewater and sanitary solid waste collection services to the citizens and businesses in Port Lavaca. The public utility fund continues to struggle due to failing water meters and large unexpected repairs due to the extreme draught and other system failures. Supply chain issues have delayed the complete meter replacement project, however we still anticipate revenues to come in where projected. This year, revenues are anticipated to be \$6,617,751, which reflects a complete meter replacement at the beginning of the fiscal year. This is a 9% increase over FY 2021-22 budgeted revenues, and only a 5% increase then the actual anticipated revenue for FY22.

The City is participated in a utility rate study, but data was unreliable and it is anticipated that another, more in-depth study will take place once we have a complete years' worth of data history.

Expenditures in the Public Utility Fund are proposed at \$7,260,515, which will leave a surplus of \$819,656, or 46 working days. The available fund balance is presented in a working capital basis, which nets the current assets against current liabilities. The fund balance is expected to decrease by 65% from the fiscal year 2021-22 budget, which represents an decrease of 1,567,098 in fund balance reserves.

PUBLIC UTILITY FUND – PROPOSED REQUESTS:

In addition to the capital expenditures funded by the Public Utility fund, a total of \$126,999 in one-time expenditures are being proposed. Reoccurring expenses, which are supported by the operating revenue of the Public Utility fund, amount to \$78,388. An additional \$4,158 in re-occurring expenditures is reserved for merit increases based upon performance evaluations of existing personnel.

COMMUNICATION

SUBJECT: Consider ratification of property tax increase reflected in the budget. Presenter is Susan Lang

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: SEPTEMBER 12, 2022

AGENDA ITEM _____

DATE: 9/8/2022**TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS**FROM:** SUSAN LANG, FINANCE DIRECTOR **SUBJECT:** CONSIDER RATIFICATION OF THE ANNUAL BUDGET

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.

Staff provides a recommended motion as follows:

- ***Motion: "I move to ratify the property tax revenue increase reflected in the 2022-2023 Budget."***

COMMUNICATION

SUBJECT: Consider Second and Final Reading of an Ordinance (S-3-22) fixing the Tax Rate and Tax Levy for the City of Port Lavaca, Texas for the year 2022. Presenter is Jody Weaver

INFORMATION:


CITY OF PORT LAVACA

CITY COUNCIL MEETING: SEPTEMBER 12, 2022

AGENDA ITEM _____

DATE: 9/8/2022

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: SUSAN LANG, FINANCE DIRECTOR 

SUBJECT: CONSIDER ORDINANCE FIXING THE TAX RATE AND TAX LEVY – 2nd READING

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 22, 2022, the City Council took a record vote to propose the same tax rate (\$0.7944) as levied on properties as the previous year. Because the proposed tax rate exceeded 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 6, 2022.

The City published a notice of public hearing on the tax increase in the newspaper of general circulation (Port Lavaca Wave) on August 31, 2022 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:

City Council held the Public Hearing on September 6, 2022 and made the first reading to adopt the Tax Rate at the same meeting.

- **MOTION:** "I move that the property tax rate be increased by the adoption of a tax rate of \$0.7944, which is effectively a 2.27% increase in the tax rate."

- **Must be a Record Vote by each member of the governing body by name.**

Additionally, the tax rate consists of two components, each of which must be approved separately:

Maintenance and Operations:	\$0.7307
Interest & Sinking (Debt):	\$0.0637

- **MOTION:** "I move to adopt a Maintenance and Operations rate of \$0.7307."
- **MOTION:** "I move to adopt an Interest & Sinking rate of \$0.0637."

ORDINANCE #S-3-22

AN ORDINANCE FIXING THE TAX RATE AND TAX LEVY FOR THE CITY OF PORT LAVACA, TEXAS, FOR THE YEAR 2022, UPON ALL TAXABLE PROPERTY IN SAID CITY OF PORT LAVACA, TEXAS SUBJECT TO TAXATION BY SAID CITY ON THE FIRST DAY OF JANUARY, 2022 IN CONFORMITY WITH THE CHARTER PROVISIONS AND ORDINANCES OF SAID CITY OF PORT LAVACA; APPROPRIATING THE FUNDS DERIVED FROM SAID TAX LEVY TO VARIOUS FUNDS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE

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

SECTION 1. That there shall be and there is hereby levied and assessed for the year 2022 upon all property of every description subject to taxation by the City of Port Lavaca, Texas on the 1st day of January, 2022, the following tax rate, to-wit:

An Ad Valorem Tax at the rate of \$0.7944 on the \$100.00 assessed value, based on 100% assessment thereof estimated in lawful currency of the United States of America, for the purpose of paying the general expenses of the City government and for payment of principal and interest on outstanding bonds and certificates of obligation for the fiscal year ending September 30, 2023.

- (A) THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.
- (B) THE TAX RATE WILL EFFECTIVELY BE RAISED BY TEN AND 8/10 PERCENT (10.8%) AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$77.88.

SECTION 2. All taxes collected pursuant to this ordinance shall be deposited in the funds known as the General Fund and the Tax Supported Debt Service Fund, and said monies shall be appropriated and distributed as follows:

	Rate	Percentage
GENERAL FUND	\$ 0.7307	91.98 %
TAX SUPPORTED DEBT SERVICE FUND:		
2012 GO Refunding & 2022 COs	\$ 0.0637	8.02 %
TOTALS:	\$ 0.7944	100.00 %

SECTION 3. The duly authorized official responsible for the assessment and collection of taxes for the City of Port Lavaca is hereby directed to assess, extend and enter upon the tax rolls of the City of Port Lavaca, Texas, for the current taxable year the amount and rates herein levied, and to keep a correct account of same, and when so collected, to deposit same in the depository of the City of Port Lavaca to be distributed in accordance with this ordinance.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION 5. This ordinance shall become effective on the date of its passage by the City Council of the City of Port Lavaca, Texas.

FIRST READING this 6TH day of September, 2022

Jack Whitlow, Mayor

SECOND AND FINAL READING this 12th day of September, 2022

Jack Whitlow, Mayor

APPROVED AND ADOPTED this 12th day of September, 2022.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey, City Attorney

RECORD OF VOTE

	First Reading	Second and Final	Passed and Approved
Councilman Smith	Aye		
Councilman Dent	Aye		
Councilman Tippet	Aye		
Councilwoman Padron	Aye		
Councilman Ward	Aye		
Councilman Barr	Aye		

Record of approval by City Council: City Council Minute Records, Volume 3H, Page ____.

COMMUNICATION

SUBJECT: Consider recommendation of Selection Committee to award Construction Contract for the Phase II City Hall Improvement Project. Presenter is Derrick Smith

INFORMATION:

CITY OF PORT LAVACA

COUNCIL MEETING: SEPTEMBER 12, 2022**AGENDA ITEM __****DATE:** 09.07.2022**TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS**FROM:** DERRICK SMITH, DIRECTOR OF DEVELOPMENT SERVICES**SUBJECT: CITY HALL IMPROVEMENTS – PHASE 2 – CONSTRUCTION AWARD**

BACKGROUND:

The Fiscal year 2022-23 General Fund budget includes \$300,000 of capital improvements for Phase II renovations to City Hall.

Bids were originally due on August 25, but to increase the likelihood of receiving at least two proposals, the due date was extended by addendum to September 1. Two proposals were received and were considered by the Selection committee on September 6.

FINANCIAL IMPACT: An award of the recommended contract amount of \$319,500 will require \$19,500.00 of additional funds to be allocated from General Fund reserves.

RECOMMENDATION: The Selection committee recommends a construction contract be awarded to Barefoot Construction in the amount of \$319,500.00, being the sum of the base bid plus Additive Alternate No. 1. The committee further recommends Council authorize a budget amendment in the amount of \$19,500.00 from General Fund Reserves to fully fund the project.

Note: Additive Alternate No. 1 is the cost to relocate the existing hurricane shutter system to the new exterior storefront on the south wall. The new storefront glazing is impact resistant glass, however the additional protection of the hurricane shutters is recommended especially at this cost.

ATTACHMENTS:

- Bid Tabulation
- Evaluation for Award form

BID TABULATION

City of Port Lavaca - City Hall Master Plan
Phase 2 - Entry, Patio, and Exterior Renovations

Project #954-1021
Proposal Opening: Tuesday, September 1, 2022 @ 2:00 p.m.

Architect:
Rawley McCoy & Associates, PLLC
1908 N. Laurent, Suite 540
Victoria, TX
(361)573-1642 Fax: (361)573-2114

	Bid Bond (If Req.)	Addendum No. 1&2	Base Bid	Alternate 1	Proposer Qualifications	Cert of Authority	Conflict Of Interest	Non Colusion	Governmental Cert. Israel	Calendar Days
Barefoot Construction 312 Davis Ave Port Lavaca, Texas 77979 361 655 1138	Yes	Yes	\$316,000.00	\$3,500.00	Yes	N/A	Yes	Yes	Yes	180
BLS Construction Inc. 207 Fahrenthold St #4319 El Campo, Texas 77437 979 543 2696	Yes	Yes	\$369,400.00	\$12,300.00	Yes	Yes	Yes	Yes	Yes	180

Evaluation for Award

City Hall Master Plan Phase 2 - Entry, Patio, and Exterior Renovations
City of Port Lavaca

Points

Weight

Weighted
Points

Points: High=10 Low=1

Barefoot Construction

Price of proposals	10	50%	5.00
Proposer qualifications	10	40%	4.00
Proposed calendar days to complete construction	10	10%	1.00

Total

10.00

BLS Construction

Price of proposals	9	50%	4.50
Proposer qualifications	10	40%	4.00
Proposed calendar days to complete construction	10	10%	1.00

Total

9.50

1. Barefoot Construction	10.00
2. BLS Construction	9.50

RECOMMENDED CONTRACT AWARD TO:

Barefoot Construction

RECOMMENDED CONTRACT AMOUNT:

\$319,500.00

EVALUATION COMMITTEE:

Jody Weaver - City Manager

Mandy Grant - City Secretary

Derrick Smith - Director of Development Services

Tim Dent - Councilman

Brian Parker - Architect's Project Manager

D. S. Fle 9/6/22

COMMUNICATION

SUBJECT: Consider recommendation of the Port Commission for approval of Lease for Suite 3 of Nautical Landings Office Building to Edward Jones. Presenter is Jim Rudellat

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL REGULAR MEETING: September 12, 2022

DATE: 9.09.2022

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: CONSIDER RENTAL RATES, TERMS AND LEASE AGREEMENT FOR SUITE 3
EDWARD JONES

- Edward Jones has leased Suite 3 from the City since September 1, 2003. As such they have been a long-time steady tenant and have always to my knowledge paid their rent on time without issue. The original 2003 lease was a standard Edward Jones lease document and had a term of 5 years with a 5-year option. There have been 5 amendments that extended the lease until it's current expiration date of August 31, 2022. The lease amount they contracted for in 2003 was \$765.00/month. The MCI in September 2003 was 166.8. The MCI in July 2022 (last date published) was 309.81, or an increase of 185.7%. So, \$765.00 in today's dollars per the MCI is \$1,420.89. Edward Jones currently pays a total of \$1,150/month comprised of \$1,035/month rent (0.98/sf) and \$115.00 for utilities.
- After much discussion with the real estate division of Edward Jones, the proposal that was initially offered by Edward Jones and presented to the Port Commission at the August meeting was for a 5-year lease with a starting rent of \$1,085.00 (4.8% increase) with a fixed 3.5% increase each year, plus an agreed upon \$135.00/month for utilities, subject to increase per actual KWHr costs and water rates borne by the City. The proposed lease agreement document is based upon Edward Jones' standard agreement with some edits on our part and not the City's standard lease document. Anne Marie has reviewed the proposed document and is satisfied with the lease language.
- After rejecting this proposal from Edward Jones, **Port Commission** unanimously voted to recommend to Council that the following lease agreement be made with Edward Jones: a two (2) -year lease with year 1 at \$1,095.50 + \$135 utilities = \$1,230.50 (7% overall increase) and Year 2 \$1,181.64 + \$135.00* utilities = \$1,316.64 (7% overall increase) AND the requirement that the City's standard lease document must be used.
- The opinion of the real estate division of **Edward Jones** was that a 7% increase was too great and has countered with the following: a 5-year lease with a starting rent of \$1,092.00 (5.5% incr) with a fixed 4% increase each year on the rent rate PLUS the \$135.00/month for utilities, which is subject to increase per actual KWHr costs and water/sewer base rates borne by the City.
- Being able to secure a 5-year lease would certainly simplify staff's workload for this lease over the next 5-years and to be able to show known future income is a POSITIVE when advocating our financial position as stable for bond ratings. Communication with Edward Jones this year has been sporadic, but based upon my conversations two years ago, they want upfront known increases and not the inconsistency of the MCI.
- If we have hope that the inflation rate will normalize, and we recognize that the MCI has in fact begun to drop after a peak in April, and we reflect back on "normal" inflation rates prior to 2021, I have no issue with a 4% guaranteed increase in the rental rate each year for the next 5 years. For consideration, the monthly Yr-Yr % change in the MCI in the following years ranged from:
 - 2020: -.086% to 1.77%
 - 2019: 0.5% to 2.01%
 - 2018: 2.63% to 4.47% (annual average was about 3%)
 - 2017: 2.05% to 3.63%
 - 2016: -0.87% to 2.74%
 - 2015: -1.1% to .43%

- If the Council requires that only the City's standard lease document be used, OR is unwilling to agree to a 5-year term, then I suggest that a one-year amendment to the existing lease be offered at the suggested Year 1 increase and we provide them written notice of these facts so they have a year to find a new location. (Note: the language of the original contract states that in the event that the Lessee should holdover or be permitted to holdover, the lessee shall be deemed a tenant wholly at will of the City).
- Note the following provisions in the edited Edward Jones agreement as presented:
 - An Early Termination clause is included but provides for a Four (4) month rent liquated Damages payment, which matches the original 2003 lease.
 - The scheduled payment for water/sewer and electrical are subject to increase with changes to the KW/hr cost and/or the Base Water and/or Sewer Rate.
 - Lessee is responsible for payment of any ad valorem taxes assessed on the leased property if any.
 - 2 parking spaces are provided in the front and 2 in the back
 - Edward Jones has included in the proposed lease the following restrictions on the City's rental of units in the building as follows. This list is the same as that included in the 2003 lease except with the addition of A(e) and A(f) :
 10. Restricted Use
 - A. The Lessor shall not lease or sell any units within the Building, Shopping Center or Property to the following user(s):
 - a) Adult video/Adult entertainment stores;
 - b) Abortion offices/facilities;
 - c) Alcohol/Drug rehabilitation offices/facilities;
 - d) Off-track betting establishments;
 - e) Offices or entities that sell, barter, trade, buy, or dispenses marijuana, for medical use or otherwise; or
 - f) Probation/parole offices.
 - B. The Lessor shall not lease or sell the units within fifty (50) feet of Lessee's demising wall to the following users(s):
 - a) Bars, taverns, billiard halls;
 - b) Pawn shops;
 - c) Dance studios or Karate studios;
 - d) Beer or wine-making stores;
 - e) Psychological counseling offices/facilities;
 - f) Unemployment or Social Security offices;
 - g) Liquor stores; h) Nail Salons.
- Port Commission Recommendation: a two (2) -year lease with year 1 at \$1,095.50 + \$135 utilities = \$1,230.50 (7% overall increase) and Year 2 \$1,181.64 + \$135.00* utilities = \$1,316.64 (7% overall increase) AND the requirement that the City's standard lease document must be used.
- Edward Jones proposal: a five (5)-year lease with a year 1 rent of \$1,092.00 (5.5% incr) with a fixed 4% increase each year on the rent rate PLUS the \$135.00*/month for utilities, *which is subject to increase per actual KWHr costs and water/sewer base rates borne by the City. (Note: If the utilities remain at \$135.00, the overall annual increase including the cost of utilities will be 3.6%)

Attached:

- proposed draft lease agreement

EDWARD D. JONES & CO., L.P.
d/b/a EDWARD JONES
TERM LEASE AGREEMENT

THIS AGREEMENT (herein referred to as the "Lease") made and entered into this the 13th day of July 2022, by and between **City of Port Lavaca**, having principal offices at P.O. Box 105 in Port Lavaca, TX 77979, hereinafter referred to as the Lessor,

and

EDWARD D. JONES & CO., L.P. d/b/a EDWARD JONES, having principal offices at 12555 Manchester Road, in St. Louis, Missouri 63131, hereinafter referred to as Lessee,

WITNESSETH, that said Lessor does by these presents lease and demise unto the said Lessee the following described property hereinafter known as:

"Premises": 106 S COMMERCE ST STE 3, PORT LAVACA, TX 77979

Square Feet: 1,055

With appurtenances for the term of Five (5) Five ~~Five~~ (5#) years beginning the first day of September 2022, and ending the last day of August ~~#####~~ 2027 ~~2027~~, at the monthly schedule of:

09/01/2022 – 08/31/2023	One Thousand Eighty-Five and No/100 Dollars (\$1,092.00)
09/01/2023 – 08/31/2024	One Thousand One Hundred Twenty-Two and 98/100 Dollars (\$1,135.68)
09/01/2024 – 08/31/2025	One Thousand One Hundred Sixty-Two and 28/100 Dollars (\$1,181.11)
09/01/2025 – 08/31/2026	One Thousand Two Hundred Two and 96/100 Dollars (\$1,228.35)
09/01/2026 – 08/31/2027	One Thousand Two Hundred Forty-Five and 06/100 Dollars (\$1,277.49).

Lessor agrees to accept payment of the Monthly Rent via electronic funds transfer (EFT). Upon execution of this Lease by both parties, enrollment details will be sent to Lessor. In order to implement payment via EFT, Lessor agrees to enroll in the EFT program within 30 days of execution of this Lease. If Lessee changes to another vendor for its electronic funds transfer processing, Lessor will upon Lessee's request, complete and return another EFT Form to Lessee within at least (30) calendar days before the next scheduled Monthly Rent payment. Lessor must notify Lessee in writing of any changes to its banking account to which the Monthly Rent payment is sent that would affect transmission of an electronic funds transfer at least (30) calendar days prior to the next scheduled Monthly Rent payment. Lessee shall not be deemed to be in breach of the Term Lease Agreement if payment to Lessor is late or never received by Lessor due to any of the following reasons: (i) Lessor fails to submit an EFT Form; (ii) Lessor fails to submit an EFT Form within the requisite time period set forth herein, or (iii) the EFT Form submitted by Lessor is incomplete and/or contains inaccurate information.

1. Form W-9

Under Section 6109 of the Internal Revenue Code, Lessor is required to provide Lessee with the correct Taxpayer Identification Number (TIN) in order for Lessee to file information returns to the IRS to report income paid to Lessor. Lessor shall complete all IRS required forms and return to Lessee as requested. Notwithstanding anything to the contrary herein, if Lessor fails to submit a properly completed Form W-9 as requested by Lessee, Lessor agrees that Lessee has the right (but not the obligation), pursuant to Section 3406 of the Internal Revenue Code, to withhold and pay to the IRS a percentage of the total monthly rent payment.

In the event that Lessor shall have a change in its business or legal name, Lessor agrees to notify Lessee in writing, within 30 days of any such change, and submit a new Form W-9 reflecting such change(s).

2. **Notice to Lessee**

a) It is expressly understood between the parties hereto that Lessee's employees stationed at the Premises are not empowered to give instruction regarding the leasehold and furthermore that all notices to be served by the Lessor upon the Lessee shall be in writing addressed to:

Edward D. Jones (Headquarters)
12555 Manchester Road
St. Louis, MO 63131
Attention: Branch Leasing; BR# 1840

Notices to either party shall be considered served when deposited with the United States Postal Service via Certified Mail, return receipt requested, or other nationally recognized courier. The refusal of a party to accept a notice shall not affect the giving of notice.

b) Only Principals or Authorized Officers/Agents of Lessee employed at its Headquarters are empowered to give any instruction or notice regarding the Lease and any notice or instruction issued by any other party is null and void.

c) Due to the nature of Lessee's business, any access to or entrance into the Premises by the Lessor or its employees, agents or contractors shall require 24 hours prior notice to Lessee, except in cases of an emergency.

3. **Notice to Lessor**

Notwithstanding anything contained to the contrary in the Lease, all notices, demands, requests or other writings that are required or permitted to be given, made or sent under this Lease or by law must be given by U.S. certified mail, return receipt requested, postage prepaid or via nationally recognized overnight carrier, addressed in the case of the Lessor as follows:

City of Port Lavaca
P.O. Box 105
Port Lavaca, TX 77979

Attention: City Manager
Email: jweaver@portlavaca.org
Phone: 361-827-3601
Fax: 361-552-6062

4. **Voice & Data Communications**

Lessor shall grant Lessee access to any part of the Building, including common areas, hallways, and telephone/equipment rooms, needed to install phone line, cable, or fiber circuits for voice and data communication. Lessee requires either ADSL or cable communication lines to operate its business. In the event Lessee's telecommunications provider, as selected by Lessee, cannot furnish these lines, or the cost is unreasonable (in Lessee's reasonable opinion), then Lessee shall have the right to terminate (without penalty and without further obligation to pay rent per the Lease to the Lessor) by giving written notice to Lessor.

5. **Occupancy and Commencement of Term**

In the event the Premises are ready for occupancy prior to September 1, 2022, ("Commencement Date") Lessor will allow Lessee to take early occupancy. All terms and conditions of this Lease shall be in effect during any said early occupancy period. Additionally, if Lessee shall occupy the Premises prior to the Commencement Date of this Lease, with Lessor's consent, all other provisions of this Lease shall be in full force and effect as soon as Lessee occupies the Premises and the Lease expiration date shall not change.

6. Early Termination

Notwithstanding anything to the contrary contained elsewhere in this Lease it is expressly understood and agreed between the parties hereto that Lessee is granted an option to cancel this Lease and any renewals or extensions thereof at any time upon Ninety (90) days prior written notice to Lessor. Lessee shall pay to Lessor as liquidated damages, a sum equivalent to Four (4) months base rent. Upon payment of aforesaid sum, Lessor shall hold harmless and relieve Lessee from any further liability or obligation under this Lease.

7. Option to Renew ~~Three is no option to renew this Lease~~

~~Provided Lessee is not in default of the Lease, Lessor will grant Lessee an option to renew this Lease for One (1) One (1) additional period of Five (5) Five (5) years with Three (3) months' notice at a mutually agreeable Fair Market Rental at the time of renewal. Lessor shall provide written notice of the then Fair Market Rental within ten (10) days of receipt of Lessee's notice to renew. Lessor and Lessee shall reach agreement on the renewal rate within an additional twenty (20) days, or the renewal shall become voidable by Lessee.~~

8. Delivery Upon Termination

Upon expiration of the Lease term, or any subsequent renewal term, or other sooner termination of this Lease, Lessee shall deliver to Lessor possession of the Premises, together with all improvements or additions in or to the Premises, in the same condition as received, ordinary wear and tear excepted.

Lessee shall not be required to remove any of said improvements or return the Premises to its original condition upon any termination of this Lease. All said improvements shall remain in place as the Property of the Lessor. Lessee shall remove its furniture, fixtures and equipment and make any repairs occasioned by said removal upon any termination of this Lease.

9. Use

Lessee shall use said Premises for general office space in connection with investment brokerage, insurance sales and related financial services and Lessee shall be the only business in the Building to engage in investment brokerage, insurance sales and related financial services.

Lessee, its employees, customers, invitees, contractors, and agents shall have access and the right to use the Common Areas, if any, including but not limited to: corridors, sidewalks, restrooms, parking lots, entryways, lobbies and elevators, subject to Lessor's reasonable written rules and regulations which shall not adversely affect Lessee's right to use the Premises.

10. Restricted Use

A. The Lessor shall not lease or sell any units within the Building, Shopping Center or Property to the following user(s):

- a) Adult video/Adult entertainment stores;
- b) Abortion offices/facilities;
- c) Alcohol/Drug rehabilitation offices/facilities;
- d) Off-track betting establishments;
- e) Offices or entities that sell, barter, trade, buy, or dispenses marijuana, for medical use or otherwise; or
- f) Probation/parole offices.

B. The Lessor shall not lease or sell the units within fifty (50) feet of Lessee's demising wall to the following users(s):

- a) Bars, taverns, billiard halls;
- b) Pawn shops;
- c) Dance studios or Karate studios;
- d) Beer or wine-making stores;
- e) Psychological counseling offices/facilities;

- f) Unemployment or Social Security offices;
- g) Liquor stores;

h) Nail Salons.

C. Each party acknowledges that Lessee may suffer irreparable damage in the event of a breach or threatened breach of any paragraph of this Article. Accordingly, in such event, Lessee shall be entitled to seek preliminary and final injunctive relief, as well as any and all other applicable remedies at law or equity, including the recovery of damages for a breach of the paragraphs of this Article. Additionally, Lessee shall have the right, but not the obligation, to cancel/terminate the Lease, without further liability to Lessor, if Lessor breaches the paragraphs of this Article.

11. Utilities

Commencing on the Commencement Date, the following utility costs for the Premises shall be paid as follows:

Lessee will pay, to Lessor, **\$115.00 per month for electric and \$20.00 per month for water and sewer**. These utility rates are based upon a base energy rate of \$0.03883/kWh and City of Port Lavaca Base Utility Rates as follows: Water- \$19.50/mo; GBRA fee- \$7.54; Sewer- \$17.75/mo. The rates paid to Lessor by Lessee are subject to change with any increase in these base utility rates.

Lessor will provide a dumpster for use by all tenants in the building for disposal of trash/solid waste. If required by Lessor, Lessor shall provide any necessary metering devices, any utility tap fees, and any impact fees at Lessor's sole expense, without reimbursement from Lessee.

Lessee shall have the right to choose its phone/data service provider. Lessor shall be responsible for providing phone service to the building.

If permitted by law, Lessee, without Lessor's consent, shall have the right at any time and from time to time during the Lease Term, to contract for service from a different company or companies providing utility service (including but not limited to, electric, water, sewer, heat (natural gas; oil; steam or electric) and waste or trash removal, etc.) for said Premises.

12. Real Estate Taxes, Common Area Maintenance, and Insurance

- Lessee shall be responsible for paying all ad valorem taxes assessed on the leased property, if any
- Lessor shall provide, at its sole cost and expense, all reasonable Common Area Maintenance.
- See attached Insurance Addendum to Lease.

13. Hours of Operation

Lessee's standard hours of operation shall be 8:00 a.m. to 5:00 p.m., Monday through Friday ("Standard Business Hours"), provided that, Lessee may operate evenings and weekends. Lessee and its employees shall have 24-hour access to the Premises and the Common Areas. Lessee and its employees may give its prospects, clients, agents and contractors temporary access to the Premises and the Common Areas. Lessee and its employees may conduct business on the premises during days and times outside of the Standard Business Hours. Lessee's employees are not required by this Lease to continuously occupy the Premises during Standard Business Hours due to the nature of Lessee's business operation. Lessee shall not be obligated to light the Premises or its signage beyond the Standard Business Hours. The Lessor is responsible to light and maintain the Common Areas, including the sidewalks and parking area, if applicable, at all times in a safe and secure manner.

14. Parking

Lessor will provide Lessee with Two (2) unallocated parking spaces along Commerce Street and Two (2) unallocated spaces behind the building.

15. Signage

Lessee shall have the exclusive right to erect and maintain in, or about the exterior and interior of the Premises, at its own expense, all signs (electrical or otherwise) necessary or appropriate to the conduct of the business of Lessee. Lessor hereby approves of Lessee installing its standard signage as per proposal to be sent under separate cover. Upon full execution of this Lease, Lessee shall be allowed to install a temporary banner at the Premises until such time that Lessee's permanent sign is installed. Lessee's signage shall conform to all applicable local, city and county requirements.

Notwithstanding anything contained to the contrary herein, Lessor shall, at its sole cost and expense, remove any and all existing previous Lessee signage. Lessor shall make any and all necessary repairs caused by said sign removal. This includes, but is not limited to ant patch, repair, and paint to the Building, Fascia, or Multi-Tenant Signage. All sign removal and repair shall be completed prior to the Lease Commencement Date.

Any signs erected or placed in or on the Premises by Lessee may be removed by Lessee at any time during the term or on the expiration or sooner termination of this Lease. Any damage caused by the erection, maintenance or removal of any and all such signs shall be fully repaired at the expense of the Lessee.

Lessor shall also allow Lessee to place regulatory agency mandated signage (stickers) on or near the front entrance of the Premises. Further, if applicable, Lessor transfers to Lessee, Lessor's statutory authority as the owner of the Premises to post signage (stickers) on or near the front entrance of the Premises prohibiting concealed firearms. At any time during the term of this Lease, or any extension hereof, Lessee reserves the right to change its name. In the event Lessee does change its name, Lessee may, at its expense, change its signage to reflect the new name.

Lessor shall not place a "For Rent", "For Lease" or similar signage on the Premises prior to fifteen (15) days before the expiration of this Lease.

16. Zoning

Lessor hereby warrants that the Property/land/Premises are zoned for the use intended in this Lease.

17. Peaceable and Private Enjoyment

Lessor agrees to permit the Lessee to peaceably and quietly have and enjoy the use of the Premises and Common Areas for the purpose and for the term aforesaid. In addition, Lessor agrees to provide Lessee with access and ability to conduct business during normal business hours with the same peaceable and private enjoyment during any repairs, maintenance, and improvements.

18. Estoppels: Subordination and Attornment

Lessor agrees to use Lessee's standard Estoppel Certificate (attached hereto as Exhibit B)._____.

This Lease shall be subordinate to any ground lease, mortgage, deed of trust, or any other hypothecation of security now or hereafter placed upon the Premises or Project and to any and all advances made on the security thereof and to all renewals, modifications, consolidations, replacements and extensions thereof. Notwithstanding such subordination, Lessee's right to quiet possession of the Premises shall not be disturbed if Lessee is not in default beyond any applicable cure period and so long as Lessee shall pay the rent and observe and perform all of the provisions of this Lease, unless this Lease is otherwise terminated pursuant to its terms. If any mortgagee, trustee or ground Lessor shall elect to have this Lease prior to the Lien of its mortgage, deed of trust or ground lease, and shall give written notice thereof to Lessee, this Lease shall be deemed prior to such

mortgage, deed of trust or ground lease, whether this Lease is dated prior to or subsequent to the date of said mortgage, deed of trust or ground lease or the date of the recording thereof.

Lessee agrees to execute any reasonable documents, within ten (10) days of written receipt of said request, required to effectuate an attornment, a subordination, or to make this Lease prior to the lien of any mortgage, deed of trust or ground lease, as the case may be. In the event of any foreclosure, sale, or transfer in lieu of foreclosure, Lessee shall attorn to the purchaser, transferee or Lessor as the case may be, and recognize that party as Lessor under this Lease, provided such party acquires and accepts the Premises subject to this Lease.

19. Lease Modification and Assignment

This Lease may be modified only upon the written and signed Agreement of Lessor and Lessee. Lessee expressly covenants that it shall not assign or sublet the Premises, except to affiliates or parent companies, without the prior written consent of the Lessor, which consent shall not be unreasonably withheld, conditioned, or delayed.

20. Tenant Improvements

Intentionally deleted.

21. Repair and Maintenance

a) Lessor shall be responsible, at its expense, for all repair, maintenance or replacement of the following Building, Common Area and Premise elements: roof, foundation, outside walls, sidewalks, parking lot, common corridors and restrooms, windows, drainage system, heating and air conditioning, electrical wiring, snow/ice removal, landscaping, pest including termite control, lighting.

b) Notwithstanding anything to the contrary herein, Lessee shall only be responsible, at its expense, for all repair and maintenance of the following: interior walls and construction, plumbing. Additionally, Lessor shall assign to Lessee or allow and participate with Lessee with regard to any warranty applicable to such items in the Building.

c) In the event Lessor should fail to address the repairs and maintenance issues as required in a timely manner, Lessee shall have the right to terminate this Lease upon thirty (30) days written notice with no further liability to Lessee.

d) Lessor warrants that all fixtures and equipment are in good working order at the commencement of this Lease and Lessor warrants that all fixtures and equipment shall be under warranty for one hundred eighty (180) days after commencement of this Lease. Additionally, Lessor shall assign to Lessee or allow and participate with Lessee regarding any warranty applicable to such fixtures or equipment in the building.

22. Contractor Lien

In the event a lien is filed on the Premises by a contractor under the control of the Lessee, Lessee shall have the option to satisfy the lien.

23. Condemnation

In the event of the condemnation or purchase in lieu of all or any substantial part of the Premises by any public or private corporation with the power of condemnation, Lessee reserves the right to seek a separate award due to such condemnation. Additionally, Lessee shall have the right to cancel the Lease, with no further liability to Lessor if said condemnation affects Lessee in any manner.

24. Damage or Destruction to the Premises

In the event of damage or destruction to the Premises, the Lessor or the Lessee shall be allowed to cancel the Lease if the Lessor cannot restore the Premises within 60 days. If the Lessor can restore the Premises within said 60 days, the Lessor shall commence to do so diligently. Lessor shall notify Lessee in writing within 15 days of said damage or destruction of its ability to restore the Premises within 60 days or not. If restoration is not completely restored within 60 days, or cannot be restored within 60 days, Lessee shall have the immediate right to cancel the Lease effective from the date of occurrence of said damage or destruction, and Lessee shall have no further liability to Lessor. Rent payable hereunder for the period during which such damage, repairs or restoration continues shall be abated.

25. Compliance with Laws and Ordinances

Lessor shall be responsible for making the Premises, Building and its Common Areas comply with all laws, ordinances or regulations.

26. Hazardous Materials

To the best of Lessor's knowledge, the Building, its Common Areas, and Premises contain no Hazardous Materials (as defined by the US Environmental Protection Agency), and/or harmful mold, and/or harmful contaminants, and is in compliance with all applicable local, state and federal material rules, regulations, laws and ordinances. In the event that Hazardous Materials, and/or harmful mold, and/or harmful contaminants are identified as present in the Premises, Building, its Common Areas, and/or Property during the term of this Lease, Lessor shall be responsible for the removal of said Hazardous Materials, and/or harmful mold, and/or harmful contaminants by a licensed professional. Lessor shall hold harmless and indemnify Lessee for any hazardous waste, mold, and/or contaminant costs, clean-up, fine, damage, or judgment caused by Lessor or its agents. Lessee shall be responsible for removal of any Hazardous Materials, and/or harmful mold, and/or harmful contaminants Lessee introduces into the Premises. Lessor shall be responsible for the removal of any Hazardous Materials, and/or harmful mold, and/or harmful contaminants introduced to the Building, its Common Areas, or Premises by third parties not controlled by Lessee. Additionally, Lessor shall continue to comply with all applicable local, state and federal material rules, regulations, laws, and ordinances.

27. Insurance - [See Insurance Addendum to Lease](#)**28. Indemnification**

Lessee agrees to indemnify and hold harmless Lessor for any risk of loss, injury or damage of any kind or nature to the Property, Building, or its Common Areas, or persons at the Property, Building, its Common Areas, or Premises that results from the negligence of Lessee except when such injury or damage is a result of a malfunction of or damage to items to be maintained, repaired or provided by Lessor, or when such injury or damage is the result of Lessor's negligent act and/or willful misconduct.

To the extent allowed by Texas law, but not otherwise, Lessor agrees to indemnify and hold harmless Lessee for any risk of loss, injury or damage of any kind or nature to the Property, Building, or its Common Areas, or persons at the Property, Building, its Common Areas, or Premises that results from the negligence of Lessor except when such injury or damage is a result of a malfunction of or damage to items to be maintained, repaired, or provided by Lessee, or when such injury or damage is a result of Lessee's negligent act and/or willful misconduct.

29. Default

a) In the event of any non-monetary default by either party, the defaulting party shall cure or commence to cure and diligently conclude said cure, within thirty (30) days of non-defaulting party's written notice of said default. In the event that the default cannot reasonably be cured within said thirty (30) day timeframe, as long as the defaulting party has diligently commenced to cure said default within thirty (30) days from receipt of notice of

default from the other party, then in such case, the defaulting party shall not be considered in default by reason of non-compliance of the thirty (30) day timeframe requirement.

b) In the event of a monetary default, Lessee shall cure said default within ten (10) days of receipt of written notice from Lessor.

30. Late Fees

Lessee will pay said rents in a manner and form herein before specified. Lessee shall pay to Lessor the sum equal to 10% of any Rent not received by Lessor by the tenth day after it is due.

31. Holdover

Provided Lessee has not vacated the Premises, and provided Lessee has not exercised any option to renew, or has not entered into a new Lease regarding the Premises, then if Lessee holds over after the Lease term, the Lessee becomes a Tenant at will and the Lease will revert to a month-to-month agreement upon expiration of the lease term. Lessee must vacate the Premises on receipt of notice from Landlord. No holding over by Tenant, whether with or without the consent of the Lessor, will extend the Term. All other terms and conditions of the original Lease would remain in effect during this month-to-month tenancy, including the rental amount paid during the last month of the Lease term.

32. Lessor's Default

In the event Lessor breaks a clause in this Lease, omits to undertake what is stated it will undertake, or acts in a manner in which the Lease states it shall not act, Lessee has the right of setoff in a subsequent month's rent for the fair value of said act, omission, repair or maintenance that hinders Lessee's leasehold interests. In addition, Lessee shall have the option to cure a default/breach of Lease by Lessor, if (a) Lessee has sent written notice to Lessor of Lessee's intent to cure, and (b) Lessor fails to cure said default/breach within thirty (30) days following Lessor's receipt of such notice from Lessee.

33. Interruption of Lease

If any required service to be provided by Lessor is interrupted or otherwise ceases to be provided, and a substantial part of the Premises are deemed unfit for Lessee's normal use for more than three (3) days, all rent payable by Lessee shall abate until such interruption ceases. Said three (3) day period shall not begin until Lessor receives written notice from Lessee of said interruption. In the event said interruption continues for more than 15 days, Lessee shall have the option to terminate this Lease without further liability to Lessor.

34. Remedies

Lessor and Lessee shall have all remedies available at law or equity to enforce this Lease, and to proceed against the other party for any default of this Lease.

35. Attorney's Fees

If either party becomes a party to any litigation concerning this Lease, the Premises, or the Building or other improvements in which the Premises are located, by reason of any act or omission of the other party or its authorized representatives, the party that causes the other party to become involved in the litigation shall be liable to that party for the reasonable attorneys' fees and court costs incurred by it in the litigation.

If either party commences an action against the other party arising out of or in connection with this Lease, the prevailing party shall be entitled to have and recover from the losing party reasonable attorneys' fees and costs of suit.

36. Agency Disclosure

Lessor represents and warrants that it has not consulted or negotiated with any broker, finder or agent with regard to this Lease except- Cushman & Wakefield U.S., Inc., who shall be paid a commission by the Lessee pursuant to a separate agreement between Lessee and Cushman & Wakefield U.S., Inc.

37. Force Majeure

In the event that either party shall be delayed or hindered in or prevented from doing or performing any act required in this Lease by reason of strikes, lock-outs, casualties, Acts of God, labor troubles, inability to procure materials, failure of power, governmental laws or regulations, riots, insurrection, war or other causes beyond the reasonable control of such party, then such party shall not be liable or responsible for any such delays and the doing or performing of such act shall be excused for the period of the delay and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay.

38. Consent or Approval

In each and every instance where the consent or approval of either party is required by the other party, said consent or approval shall be given in a prompt manner, and shall not be unreasonably withheld, conditioned or delayed.

39. Heirs and Assigns

All of the covenants, agreements, terms and conditions contained in this Lease shall inure to and be binding upon Lessor and Lessee and their respective heirs, executors, administrators, successors and assigns.

40. Entire Agreement

This Lease sets forth all the covenants, promises, agreements, conditions and understandings between Lessor and Lessee concerning the Premises and there are no covenants, promises, agreements, conditions or understandings either oral or written, between them other than as are herein set forth.

41. Substitution/Relocation of Premises

Lessor may, upon giving Lessee sixty (60) days prior written notice, relocate Lessee to other space within the same Building, which space shall have comparable visibility, be approximately the same size, and include similar leasehold improvements. In no event shall the monthly base and/or additional rental increase or exceed the monthly base and/or additional rental outlined herein for the original space, and the Lessor shall be responsible for all costs associated with the relocation including, but not limited to, the physical relocation, equipment relocation, printing of new stationary, advertising costs and new signage. Lessor agrees that such relocation shall be made during evenings, weekends or at such other time requested by Lessee so as to incur the least amount of inconvenience to Lessee's business. However, said relocation shall not occur during the last six (6) months of the Lease term.

42. CPI Increases

Not applicable.

43. Continuous Occupancy

Notwithstanding anything to the contrary in the Lease, if during the term of this Lease and any extensions hereof, so long as Lessee shall continue to pay rent as outlined herein, Lessee shall not be considered in default of this Lease by reason of abandonment or non-use in the event the Lessee's employee(s) vacates or fails to initially occupy the Premises. Lessee will use its best efforts to locate other employees to occupy the Premises. Lessee shall maintain the interior appearance of the Premises in a clean and orderly fashion at all times.

This Lease is not in effect until duly signed by Lessor and Lessee.

Insurance Addendum to Lease

This insurance addendum is part of the lease.

A. Tenant agrees to maintain -

1. Causes of loss - special form insurance on Tenant's leasehold improvements and personal property in the Premises in an amount equal to the full replacement cost.

2. Business income insurance insuring the loss of rent for a period of twelve months. Such insurance shall contain an agreed evaluation provision, and the amount of coverage shall be adjusted annually to reflect the rent payable for the next twelve-month period. Tenant shall be responsible for the deductible amount payable in respect of such insurance.

3. Commercial general liability insurance, including contractual liability insurance coverage, covering Tenant's operations within the Premises, with combined single limits of not less than \$1,000,000 per occurrence for bodily injury or property damage, naming Landlord as additional insured.

4. Worker's compensation insurance in the amount of \$500,000 with a waiver of subrogation in favor of Landlord.

B. Landlord agrees to maintain -

1. Causes of loss - special form insurance upon the building in which the Premises are located in an amount equal to the full replacement cost.

2. Commercial general liability insurance, including contractual liability insurance coverage, covering the property in which the Premises are located and Landlord's operations with combined single limits of not less than \$1,000,000 per occurrence for bodily injury or property damage.

C. Landlord and Tenant agree that -

1. The causes of loss - special form insurance policies maintained by them shall contain (a) an agreed evaluation provision in lieu of a co-insurance clause, (b) an increased-cost-of-construction clause, (c) debris removal coverage, and (d) a waiver-of-subrogation clause in favor of the party not carrying the insurance.

2. The commercial general liability insurance shall be primary to the maintaining party and not contributory to any similar insurance carried by the other party and shall contain a severability-of-interest clause.

ESTOPPEL CERTIFICATE

THIS ESTOPPEL CERTIFICATE (hereinafter referred to as "Certificate") is made this ____ day of _____, 20__, by and between Edward D. Jones & Co., L.P. d/b/a Edward Jones ("Tenant") to _____ ("Potential Lender") and _____ ("Landlord") in connection with _____, (the "Premises").

To the best of the Tenant's knowledge, as of the above referenced date, the Tenant hereby acknowledges the following:

1. Tenant is the current tenant per the Lease dated _____, which has been amended by _____ (Said Lease and the referenced amendments thereto are collectively referred to herein as the "Lease").
2. The original term of the Lease commenced on _____.
3. The Lease is due to expire on _____.
4. The square footage of the Premises is _____ sq. ft.
5. Tenant has accepted and is now in possession of the Premises as outlined in the Lease.
6. The amount of the current monthly base rent is \$ _____. Additional rent as outlined per the Lease is paid monthly as follows: \$ _____. All amounts have been paid in full through _____.
7. The amount of the Security Deposit (if any) is \$ _____.
8. Except for unknown defects, as of the date hereof, all improvements, alterations and space required to be furnished according to the Lease have been completed to the satisfaction of Tenant, except: _____. All sums required to be paid by Landlord to Tenant in connection with the improvements (including, without limitation, any tenant allowance or rebate) have been paid in full, except: _____.
9. As of the date hereof, Landlord has performed all of its obligations under the Lease, except as follows: _____.
10. Tenant has no option to renew or extend the Lease term, except as follows: _____ as outlined in the Lease.
11. Tenant does not have the option or right of first refusal to purchase the Building/Property or to expand, the Leased Premises except as outlined per Lease.
12. Tenant has not sublet or assigned any portion of the Leased Premises as outlined per the Lease, except as follows: _____.
13. Currently there exists no breach, default, or condition which, with the giving of written notice or the passage of time or both, would constitute a breach or default under the Lease either by Tenant or Landlord.
14. The person signing this Certificate on behalf of Tenant is a duly authorized agent of the Tenant.
15. This statement does not cover facts or conditions not within the Tenant's actual knowledge at the time of execution.

16. Tenant's execution of this Certificate does not constitute a formal written notice or evidence of a Landlord/Ownership change which is required to be delivered to Tenant from Landlord in writing at Tenant's notice address pursuant to the Lease.
17. Any notices which may or shall be given to Tenant under the terms of the Lease are to be sent to Tenant at the following address:

Edward D. Jones & Co., L.P. (Headquarters)
 12555 Manchester Road
 St. Louis, MO 63131
 Attn: Edward Jones Branch # _____

Edward D. Jones & Co., L.P. d/b/a Edward Jones
 By: Cushman & Wakefield U.S., Inc., a Missouri Corporation,
 d/b/a Cushman & Wakefield, as Agent

By: _____

Its: _____

EDWARD JONES LEASE OF SUITE 4 NAUTICAL LANDINGS OFFICE

Comparison of Rent options (N.I.C. allocation for utilities)

	Option 1: Port Commission Recommendation		Option 2: Edward Jones proposal		Difference
	Monthly	Annual	Monthly	Annual	
YR 1:	\$1,095.50	\$13,146.00	\$ 1,092.00	\$ 13,104.00	
YR 2:	\$ 1,181.64	\$ 14,179.68	\$ 1,135.68	\$ 13,628.16	
Sum:		\$ 27,325.68		\$ 26,732.16	\$ (593.52)
	Unknown Revenue for Year 3 thru 5; Assume find renter with 7% increase ea. Yr		known revenue for 3 thru 5 increase ea. Year		Yr 4%
YR 3:	\$ 1,264.35	\$ 15,172.26	1181.11	\$ 14,173.32	
YR 4:	\$ 1,352.86	\$ 16,234.32	1228.35	\$ 14,740.20	
YR 5:	\$ 1,447.56	\$ 17,370.72	1277.49	\$ 15,329.88	
		\$ 48,777.29		\$ 44,243.40	\$ (4,533.89)
					\$ (1,511.30) per year avg

NAUTICAL LANDINGS OFFICE BUILDING LEASES: SEPT 2022

Suite 1D	PL Plumbing	205 sf
Rent:	\$ 1.59 /sf	\$ 325.00
Elect:	\$ 0.37 /sf	\$ 75.00
Breakroom/restroom:	\$	\$ 50.00
1+1; yr 2 MIC incr 2% min/5% max	\$ 2.20	\$ 450.00
Suite 1E/F	ALLIED UNIV	320 sf
Rent:	\$ 1.56 /sf	\$ 500.00
Elect:	\$ 0.31 /sf	\$ 100.00
Breakroom/restroom:	\$	\$ 50.00
1-Mar-22 1+1; yr 2 MIC incr 2% min/5% max	\$ 2.03	\$ 650.00
Suite 2	Spiretek	1440 sf
Rent:	\$ 1.13 /sf	\$ 1,630.00
Elect:	\$ 0.14 /sf	\$ 200.00
Water:	\$	\$ 20.00
Breakroom/restroom:	\$	\$ 25.00
1-Nov-21 2+1; annual MCI incr 2% min 5% max	\$ 1.30	\$ 1,875.00
Suite 3	Edward Jones	1055 sf
Rent:	\$ 0.981 /sf	\$ 1,035.00
Elect:	\$ 0.095 /sf	\$ 100.00
Water:	\$	\$ 15.00
Active tenant since August 2003	\$ 1.09	\$ 1,150.00
Suite 4	SMM	622 sf
Rent:	\$ 0.920 /sf	\$ 572.00
Elect:	\$ 0.109 /sf	\$ 68.00
Water:	No charge	
1-Oct-21 2+1; annual MCI incr 2% min 5% max	\$ 1.03	\$ 640.00

Proposed New Lease:

1.038	\$ 1,095.50	105.85%	5% increase
\$ 0.109	\$ 115.00	subject to increase with Kw/hr cost increase	
\$ 1.17 /sf	\$ 1,230.50	\$ 1.17 /sf	7% overall increase

Note: Sept 1, 2003 = \$765.00/mo MCI=166.8 CPI=183.9

July 2022 MCI=308.81

Overall rent comparison

\$ 1,416.30 <=== 308.81 185% MCI June 2022

\$ 1,230.50 ==> 268.30 161% CPI increase since Sept 2003

(268.30 is approx the MCI in April 2021)

Suite 5	Bay Ltd	1160 sf
Rent:	\$	1.069 /sf \$ 1,240.00
Elect:	\$	0.164 /sf \$ 190.00
Water:	\$	20.00
1-Nov-21 1+1; annual MCI incr 2% min 5% max	\$	1.25 \$ 1,450.00

** This can be estimate for Day Rm and part of HM to be paid by Marina Rates)

** This would account for the conference roomand common areas

Avg Elect. North end:	\$664	\$	573.00	\$	(91.01)
Avg Elect. South end:	\$269	\$	175.00	\$	(94.00)
	\$933	\$	748.00	\$	(185.01)
Avg water North end:	\$80	\$	60.00		
Avg water South end:	\$45	\$	100.00		
	\$125	\$	160.00	OK!	

COMMUNICATION

SUBJECT: 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

INFORMATION:

COMMUNICATION

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

INFORMATION:

