



## CITY COUNCIL REGULAR MEETING

Monday, July 11, 2022 at 6:30 PM

City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

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### PUBLIC NOTICE OF MEETING

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**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, July 11, 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/82625886845?pwd=eUtMMTNsd0Y5UVpUWEIbDTnBoaGc5Zz09>*

*Meeting ID: 826 2588 6845*

*Passcode: 476275*

*One tap mobile*

*+13462487799,,82625886845#,,, \*476275# 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 June 13, 2022 Regular Meeting
- B. Minutes of June 27, 2022 Special and Workshop
- C. Review of the Credit Card Statement
- D. Receive monthly Financial Highlight Report
- E. Receive Investment Report for Quarter ending June 30, 2022

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

1. Consider cancellation of the order approved by City Council on March 28, 2022 for the purchase of a 2022 Air Burner, Model S220E from Air Burners, Inc., Palm City, FL, in the amount of \$160,591.61 per GSA quote reference # S220E032210. Presenter is Jody Weaver
2. Consider Second and Final Reading of an Ordinance (G-5-22) 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 12 – Buildings and Building Regulations, Sec. 12-22(e) Mechanical Contractors – Registration Fee) and providing an effective date. Presenter is Jody Weaver
3. Consider Budget Amendment No. GF-008 for 2021-2022 Fiscal Year and authorizing the Purchase of Materials for the Reconstruction of Seadrift Street. Presenter is Susan Lang
4. Consider Resolution No. R-071122-1 of the City of Port Lavaca Transferring Ownership of Fire Truck to the City of Point Comfort, Texas. Presenter is Joe Reyes
5. 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
6. 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 foregoing notice of a Regular Meeting of the City Council of the City of Port Lavaca, Texas, to be held Monday, July 11, 2022 beginning at 6:30 p.m., was posted at City Hall, easily accessible to the Public, as of 5:00 p.m., Thursday, July 07, 2022.

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*/s/ 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.

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# COMMUNICATION

SUBJECT: Minutes of June 13, 2022 Regular Meeting

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## INFORMATION:

**CITY COUNCIL REGULAR MEETING**

Monday, June 13, 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 13<sup>th</sup> day of June, 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 6:35 p.m. and presided.

**III. INVOCATION**

- Former Councilman Ward gave the invocation.

**IV. PLEDGE OF ALLEGIANCE**

- Mayor Whitlow – Pledge of Allegiance.

**V. PRESENTATION(S) by:**

- Margaret Somereve, Executive Director, Texas Coalition for Affordable Power (TCAP) and Gary Broz, TCAP Board of Directors.

*Ms. Somereve said "In 2001, the City of Port Lavaca passed a resolution to join with other cities working together for the benefit of all, to form the South Texas Aggregation Project (STAP) to help cities save money on electric bills. Fast forward and the South Texas Aggregation Project and the Cities Aggregation Power Project merged and became TCAP in 2011 with the same purpose, find energy rates that saves its members money and in turn saves tax dollars. With 170 members, TCAP is the largest organization of its kind in Texas.*

*As we continue to celebrate our 20th year, we want to thank our founding members, those members that were there from the start and who have continued to be the leaders in working together for savings.*

*On behalf of the Board of Directors and myself, I want to present this to the City of Port Lavaca as a thank you for your membership in the Texas Coalition for Affordable Power."*

**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 May 09, 2022 Regular Meeting
- B. Minutes of May 23, 2022 Special and Workshop
- C. Review of the Credit Card Statement
- D. Receive monthly Financial Highlight Report

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 all consent agenda items as listed:

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

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

1. **Call annual corporate meeting to order for Port Lavaca Channel & Dock Company and consider and take any action deemed necessary for adoption of unanimous written consent. Presenter is Mayor Whitlow**

Mayor Whitlow called the annual corporate meeting to order at 7:01 p.m. for Port Lavaca Channel and Dock Company. City Attorney Odefey advised Council that there was no activity and that the slate of Corporate Officers and Registered Agent of Port Lavaca Channel and Dock Company, owned by the City of Port Lavaca remain the same and are as follows:

President	Jack Whitlow,	Mayor
Secretary	Mandy Grant,	City Secretary
Director	Jerry Smith,	Council Member District 1
Director	Tim Dent,	Council Member District 2
Director	Allen Tippit,	Council Member District 3
Director	Rosie Padron,	Council Member District 4
Director	Jim Ward,	Council Member District 5
Director	Ken Barr,	Council Member District 6
Registered Agent	Anne Marie Odefey	City Attorney

Mayor Whitlow adjourned the annual corporate meeting to order at 7:03 p.m.

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 City Attorney, Council hereby accepts any activity taken by the corporation and accepts the slate of Corporate Officers and Registered Agent of Port Lavaca Channel and Dock Company, owned by the City of Port Lavaca, as listed above, for adoption of unanimous written consent.

Seconded by Councilman District 5 Ward

Voting Yea:

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

2. **Call annual corporate meeting to order for Clement Cove Harbor Company and consider and take any action deemed necessary for adoption of unanimous written consent. Presenter is Mayor Whitlow**

Mayor Whitlow called the annual corporate meeting to order at 7:04 p.m. for Clement Cove Harbor Company. City Attorney Odefey advised Council that there was no activity and that the slate of Corporate Officers and Registered Agent of Clement Cove Harbor Company, owned by the City of Port Lavaca remain the same and are as follows:

President	Jack Whitlow,	Mayor
Secretary	Mandy Grant,	City Secretary
Director	Jerry Smith,	Council Member District 1
Director	Tim Dent,	Council Member District 2
Director	Allen Tippit,	Council Member District 3
Director	Rosie Padron,	Council Member District 4
Director	Jim Ward,	Council Member District 5
Director	Ken Barr,	Council Member District 6
Registered Agent	Anne Marie Odefey	City Attorney

Mayor Whitlow adjourned the annual corporate meeting to order at 7:05 p.m.

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 recommendation of City Attorney, Council hereby accepts any activity taken by the corporation and accepts the slate of Corporate Officers and Registered Agent of Clement Cove Harbor Company, owned by the City of Port Lavaca, as listed above, for adoption of unanimous written consent.

Seconded by Councilman District 6 Barr

Voting Yea:

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

3. **Consider 2023 proposed Budget from the Calhoun County Appraisal District (CCAD) as required by Sec. 6.06 (A) of the Texas Property Tax Code to the Governing bodies of the Taxing Units within. Presenter is Jesse Hubbell**

Council Members received a 2023 proposed budget report of the Calhoun County Appraisal District (CCAD) from Jesse Hubbell, Chief Appraiser.

No action necessary and none taken.

4. **Consider request of Our Lady of the Gulf Catholic Church for a parade permit to celebrate the National Eucharistic Revival with a "Eucharistic Procession Parade" on Sunday, June 19, 2022 beginning at 7:30 p.m., waiver of parade fees and assistance with traffic control. Presenter is Mandy Grant**

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 grants the request of Our Lady of the Gulf Catholic Church to have their annual Eucharistic Procession parade on Sunday, June 19, 2022 beginning at 7:30 p.m., assistance with traffic control and also waives all applicable fees in connection with this 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 appointment/reappointment of a Municipal Court Judge in accordance with Section 6.03 of the City's Home Rule Charter to serve for a term of two (2) years and for Council to determine compensation. Presenter is Jody Weaver**

City Secretary Grant advised Council that the term for the current Municipal Court Judge, Raymond B. Perez, would be expiring on June 30, 2022. She said that in accordance with Section 6.03 of the City's Home Rule Charter, the Municipal Court shall be presided over by a Judge, to serve a term of two (2) years. She advised that Judge Perez was first appointed in June 2016 and he has sent a letter of interest with the desire to be reappointed for another term.

She also stated that in accordance with Section 29.005 of the Government Code Term of Office, if a Municipal Court Judge is not reappointed by the 91st day following the expiration of a term of office, he/she shall continue to serve for another term of office beginning on the date the previous term of office expired.

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 Section 6.03 of the City's Home Rule Charter stating that the Municipal Court shall be presided over by a Judge, Council hereby reappoints Raymond B. Perez, as Municipal Court Judge, to serve a term of two (2) years commencing on June 30, 2022.

BE IT FURTHER RESOLVED, THAT, compensation for the Municipal Court Judge will be in accordance with the Salary Compensation Study passed and approved by Council at a Special Meeting held on January 25, 2021.

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 First Reading of an Ordinance (G-5-22) 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 12 – Buildings and Building Regulations, Sec. 12-22(e) Mechanical Contractors – Registration Fee) and providing an effective date. Presenter is Jody Weaver**

Motion made by Councilman District 2 Dent

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

THAT, in accordance with recommendation of staff, Council hereby approves the first reading of an Ordinance (G-5-22) 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 12 – Buildings and Building Regulations, Sec. 12-22(e) Mechanical Contractors – Registration Fee).

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

7. **Consider request from the Fire Department to declare City property as Surplus (Noncompliant Bunker Gear) and authorize donation of same to Texas A&M Forest Service Helping Hands Program, who in turn will donate to other Departments in need. Presenter is Joe Reyes**

Fire Chief Reyes advised Council that the City of Port Lavaca Fire Department had purchased personal protective equipment (Noncompliant Bunker Gear) ten (10) years ago. He said the Fire Department would like to declare this equipment surplus and donate it to the Texas A&M Forestry Helping Hands Program, which in turn will then donate to other Volunteer Fire Departments in need. He said staff recommends declaring this city property as surplus and authorize donation of same, as presented.

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 approves request from the Fire Department to declare City property as Surplus (Noncompliant Bunker Gear) and authorizes donation of same to Texas A&M Forest Service Helping Hands Program, who in turn will donate to other Volunteer Fire Departments in need.

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

8. **Consider recommendation of Planning Board for a Replat of property identification number 38503 with intent to separate the Buc-ee's #12 from the TDECU Bank and provide legal lots for each; to-wit: A0035 Maximo Sanchez, Tract PT 33, Acres 2.82, Acres Total & A0034 Felix Sanchez, Tract PT 29 Westerlund Subdivision. Presenter Is Jody Weaver**

Fire Chief Reyes advised Council that the intent of this replat of property 38503 is to separate the Buc-ee's #12 from the TDECU bank and provide legal lots for each.

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

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

THAT, in accordance with recommendation of the Planning Board and staff, Council hereby approves the Replat of property identification number 38503 with intent to separate the Buc-ee's #12 from the TDECU Bank and provide legal lots for each; to-wit: A0035 Maximo Sanchez, Tract PT 33, Acres 2.82, Acres Total & A0034 Felix Sanchez, Tract PT 29 Westerlund Subdivision.

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

9. **Consider amendments to the City of Port Lavaca HR and Workplace Policies Chapter 5 Compensation, Section 5.07 Incentive Pay Program by adding certification pay for a Licensed Herbicide/Pesticide Applicator at \$150.00 per month. Presenter is Jody Weaver**

Public Water Director Shaffer advised Council that certification pay is offered for Water and Wastewater Operators certification in which public and environmental safety is of importance. On that basis, public and environmental safety is also of importance in Herbicide and Pesticide control and abatement. Several Federal and State guidelines govern the application of Herbicides/Pesticides to protect Flora and Fauna, both land based and aquatic, and therefore required operators to be certified in the usage and application. The laws and regulations and ensuing test are equivalent to the knowledge needed to acquire the "B" Water/Wastewater license.

Staff recommends amending the certification pay to reflect Herbicide/Pesticide Applicator License Holders at \$150.00 per/month for the Recreation and Parks Department.

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 amends to the City of Port Lavaca HR and Workplace Policies Chapter 5 Compensation, Section 5.07 Incentive Pay Program by adding certification pay for a Licensed Herbicide/Pesticide Applicator at \$150.00 per month for the Recreation and Parks Department.

Seconded by Councilman District 1 Smith

Voting Yea:

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

10. **Consider approving Third Amendment to Ad Valorem Tax Rebate Agreement entered between Ho Enterprises, LLC and the City of Port Lavaca dated July 18, 2018. Presenter is Jody Weaver**

*(Interim City Manager Weaver was not in attendance but connected via Zoom).*

City Attorney Odefey presented agenda item to Council on behalf of Weaver. She introduced Mr. Scott Gilbert of Century Complete Homes and he gave a presentation on new homes in that subdivision.

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 City Attorney and staff, Council hereby approves the Third Amendment to Ad Valorem Tax Rebate Agreement entered between Ho Enterprises, LLC and the City of Port Lavaca dated July 18, 2018, a copy which is on file, in its entirety in the office of the City Secretary.

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

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. **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.

12. **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 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

Meeting adjourned at 7:24 p.m.

These minutes were approved on July 11, 2022.

ATTEST:

\_\_\_\_\_  
Jack Whitlow, Mayor

\_\_\_\_\_  
Mandy Grant, City Secretary

# COMMUNICATION

SUBJECT: Minutes of June 27, 2022 Special and Workshop

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## INFORMATION:



## CITY COUNCIL SPECIAL/WORKSHOP MEETING

Monday, June 27, 2022 at 5:30 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 27<sup>th</sup> day of June, 2022, the City Council of the City of Port Lavaca, Texas, convened in a special and workshop session at 5:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following members in attendance:

#### I. ROLL CALL

Jack Whitlow	Mayor
Jerry Smith*	Councilman, District 1
Tim Dent	Councilman, District 2
Allen Tippit	Councilman, District 3
Rosie G. Padron	Councilwoman, District 4, Mayor Pro Tem
Jim Ward	Councilman, District 5
Ken Barr	Councilman, District 6

And with the following absent: None

\*Councilman Smith arrived at 5:49 p.m. during agenda item #3 (Review Bids & no action taken). (Mayor Whitlow took agenda in this order: #7, #3, #4, #5, #1, #2 and #6).

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 5:34 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 Resolution No. R-062722-1 authorizing the hiring of Bickerstaff Heath Delgado Acosta LLC (BHDA) of Austin, Texas as Bond Counsel on a Contingency Fee basis. Presenter is Susan Lang**

Motion made by Councilman District 2 Dent

WHEREAS, the City of Port Lavaca, Texas (the “City”) has a substantial need for legal services in connection with the issuance of public securities or the administration of its affairs that pertain to the issuance of public securities as contemplated by Tex. Govt. Code Section 1201.027 (the “obligations”); and

WHEREAS, the legal services cannot be adequately performed by the attorneys and supporting personnel of the City because the issuance of obligations by the City requires specialized skills and experience and the services of a firm that is nationally recognized as bond counsel who can opine on the validity and appropriateness of the obligations, when issued; and

WHEREAS, the services required are not typically available and cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because such a contract would require the City to incur costs and expenses which would need to be borne even if the City ultimately determined not to issue obligations. The nature of the bond counsel engagement with Bickerstaff Heath Delgado Acosta LLP of Austin, Texas (“BHDA”), is feasible only because BHDA is agreeing to provide the services on a contingent fee basis and thus bears the risk if the City ultimately determined that it was not practical or feasible to issue the obligations; and

WHEREAS, absent the issuance of obligations, the City does not have funds to pay the estimated amounts required under a contract providing only for the payment of hourly fees; and

WHEREAS, the City, by and through its City Council (the “Council”) and pursuant to all relevant authority, desires to retain and acquire legal counsel and the professional legal services of BHDA regarding the legal matter (“Legal Matter”) of the City’s sale and issuance of public securities as contemplated by the requirements of Subchapter C of Chapter 2254 of the Texas Government Code, which is further described in the attached Exhibit 1; and

WHEREAS, the Council has duly posted written notice of its consideration of the decision to hire BHDA in accordance with Section 2254.2036 of the Texas Government Code.

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

THAT the City Council, for and on behalf of the City and in the public interest, hereby makes the following findings, which incorporate each of the preceding recitals as if fully stated below, and orders and approves the following:



- (1) It is necessary, proper, and advisable for the City and its City Council to be represented by BHDA regarding the Legal Matter due to the legitimate and principal interests of the City and the public as herein described.
- (2) BHDA is hereby retained by the City Council on behalf of the City and is formally engaged and hired for the Legal Matter, to provide legal counsel and related professional and personal services pursuant to and described in the contract for legal services ("Engagement Agreement"), said agreement being approved in substantially the form attached hereto as Exhibit 1.
- (3) The Mayor of the City is authorized and directed to execute the Engagement Agreement on behalf of the City.
- (4) Unless otherwise designated, the past, present, or future tense shall each include the other, the masculine, feminine, or neuter gender shall each include the other, and the singular and plural number shall each include the other where necessary for a correct meaning in this resolution.
- (5) This resolution shall take effect immediately from and after its passage and enactment.
- (6) All preliminary recitals of this resolution and all attached documents are incorporated by reference as findings of the Council.
- (7) This resolution was considered and approved at a meeting held in compliance with the Open Meetings Act, Chapter 551, Texas Government Code.

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

**2. Consider Resolution No. R-062722-2 authorizing publication of Notice of Intention to issue Combination Tax and Revenue Certificates of Obligation for various Capital Improvement Projects: Construction of Streets and Drainage, including Utility Relocation; Water and Sewer System Improvements; and Construction of Shoreline Protection/Remediation. Presenter is Susan Lang**

Motion made by Councilman District 6 Barr

WHEREAS, the City Council of the City of Port Lavaca, Texas (the "City Council") deems it advisable to give notice of intention to issue combination tax and revenue certificates of obligation of said City, as hereinafter provided; and

WHEREAS, it is officially found and determined that the meeting at which this Resolution has been considered and acted upon was open to the public and public notice of the time, place, and subject of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended;

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

Section 1. FORM OF NOTICE. Attached hereto and marked Exhibit “A” is a form of Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation, the form and substance of which are hereby adopted and approved.

Section 2. PUBLICATION OF NOTICE. Said Notice shall be published, in substantially the form attached hereto, in a newspaper, as defined in Subchapter C of Chapter 2051, Texas Government Code, of general circulation in said City once a week for two consecutive weeks, the date of the first publication thereof to be at least forty-five (45) days prior to the date tentatively set for passage of the ordinance authorizing the issuance of such certificates.

Section 3. POSTING OF NOTICE ON WEBSITE. Further, said Notice shall be posted in substantially the form attached hereto continuously on the City’s website for at least forty-five (45) days prior to the date tentatively set for passage of the ordinance authorizing the issuance of such certificates.

A copy of Exhibit “A” in its entirety is 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

**3. Review Bids for the construction contract of the Street and Drainage Improvement Project Phase No. 2, Community Development Block Grant - Disaster Recovery (CDBG-DR) GLO Contract No. 20-065-071-C198. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council the construction bids received by staff are as follows:

Contractor:	<u>Base Bid</u>	<u>Owner’s Option</u>	<u>Deduct</u>
Brannon	\$ 4,713,459.31	\$ 102,558.45	\$ 660,224.87
Lester	\$ 4,485,844.15	\$ 48,915.00	\$ 688,740.85
K C Lease	\$ 5,687,151.00	\$ 48,915.00	\$ 654,152.00

No action necessary and none taken.

**4. Consider Resolution No. R-062722-3 committing up to \$1,352,289.15 in City Funds towards the construction cost of the Street and Drainage Improvement Project Phase No. 2, Community Development Block Grant - Disaster Recovery (CDBG-DR) GLO Contract No. 20-065-071-C198. Presenter is Susan Lang**

Motion made by Councilman District 1 Smith

WHEREAS, the City Council of the City of Port Lavaca desires to develop a viable community, including descent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

WHEREAS, certain conditions exist related to the damages to the City's street and drainage systems that occurred during Hurricane Harvey, which represent a threat to public health and safety; and

WHEREAS, it is necessary to include local funds in order to complete the scope of work for the street and drainage improvements in the project area – Phase No 2.

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

1. That the City commits up to \$1,352,289.15 from its General Fund towards the construction cost of the street and drainage improvement project – Phase No. 2 for the Community Development Block Grant - Disaster Recovery (CDBG-DR) GLO Contract No. 20-065-071-C198.
2. That the local funds committed to the CDBG-DR grant will be used in accordance with all applicable federal, state, local and programmatic requirements, including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.

Seconded by Councilman District 5 Ward

Voting Yea:

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

**5. Consider award for the construction contract of the Street and Drainage Improvement Project Phase No. 2, Community Development Block Grant - Disaster Recovery (CDBG-DR) GLO Contract No. 20-065-071-C198, to Lester Contracting LLC. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that staff received bids for the Street and Drainage Improvement Project Phase No. 2, Community Development Block Grant - Disaster Recovery (CDBG-DR) GLO Contract No. 20-065-071-C198 project on June 2. The scope of the Phase 2 project consists of:

- New and additional storm sewer piping to drain to Lavaca Bay the area of the Original Townsite generally from Trinity to Virginia St. and Center to South Street
- New Storm Inlets and manholes;
- Complete rebuild of the following streets:
  - Alice Wilkins and South Street from San Antonio to Benavides
  - Chestnut Street from San Antonio to Guadalupe
- All new curb and gutter, sealcoat and Onyx coating on the streets highlighted on the attached exhibit. The streets being rebuilt will have HMAC. The Onyx coating provides a black color to the seal-coated streets and reduces the occurrence of loose rock. The City of Victoria has been using this and is happy with the results.

The construction bids received by staff are as follows:

Contractor:	<u>Base Bid</u>	<u>Owner's Option</u>	<u>Deduct</u>
Brannon	\$ 4,713,459.31	\$ 102,558.45	\$ 660,224.87
Lester	\$ 4,485,844.15	\$ 48,915.00	\$ 688,740.85
K C Lease	\$ 5,687,151.00	\$ 48,915.00	\$ 654,152.00

The Apparent Low Bidder is Lester Contracting with a Base Bid of \$4,485,844.15 and Additive Alternate No. 1 (Onyx) of \$48,915.00, which totals \$4,534,759.15. There is an Alternate Deduct to remove the orange highlighted streets from the project. This deductive bid amount was \$688,740.85.

The available GLO funds for this Phase 2 construction totals \$3,182,470.00. To award the complete scope, the City would need to commit to contribute \$1,352,289.15 of city funds. To award the project accepting the deductive alternate the City would need to commit to contribute \$663,548.30 of city funds.

Staff recommends award of the full project in the amount of \$4,534,759.15 to Lester Contracting and committing to \$1,352,289.15 of City funds towards the construction cost which was done this date via Resolution No. R-062711-3.

Note: Understand that most of these streets are of a good shell base and are not being totally reconstructed. The City Street Department will perform select point repairs that may be warranted prior to the final seal coat and onyx coating. San Antonio Street next to the cemetery is not included because the existing pavement is not fully in the right-of-way.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with recommendation of staff, Council hereby approves award for the construction contract of the Street and Drainage Improvement Project Phase No. 2, Community Development Block Grant - Disaster Recovery (CDBG-DR) GLO Contract No. 20-065-071-C198, to Lester Contracting LLC, in the amount of \$4,534,759.15 for the Base Bid plus Owner's Option and does not accept the Alternate Deduct.

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 Resolution No. R-062722-4 expressing intent to Finance Expenditures to be incurred by the City of Port Lavaca, Texas for various Capital Improvement Projects: Construction of Streets and Drainage, including Utility Relocation; Water and Sewer System Improvements; and Construction of Shoreline Protection/Remediation; reimbursing itself from the proceeds of tax-exempt Certificates of Obligations. Presenter is Susan Lang**

Motion made by Councilman District 5 Ward

WHEREAS, the City of Port Lavaca, Texas (the “Issuer”) is a home rule municipality and political subdivision of the State of Texas authorized to issue obligations to finance its activities pursuant to SUBCHAPTER C OF CHAPTER 271, TEXAS LOCAL GOVERNMENT CODE, and other provisions, the interest on which is excludable from gross income for federal income tax purposes (“tax-exempt obligations”) pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, the Issuer will make, or has made not more than 60 days prior to the date hereof, payments with respect to construction and improvements for the projects listed on Exhibit “A” attached hereto; and

WHEREAS, the Issuer desires to reimburse itself for the costs associated with the projects listed on Exhibit “A” attached hereto from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof; and,

WHEREAS, the Issuer reasonably expects to issue tax-exempt obligations to reimburse itself for the costs associated with the projects listed on Exhibit “A” attached hereto.

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

Section 1. The Issuer reasonably expects to reimburse itself for all costs that have been or will be paid subsequent to the date that is 60 days prior to the date hereof and that are to be paid in connection with the construction and improvements for the projects listed on Exhibit “A” attached hereto from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof.

Section 2. This Resolution is also made to evidence the intent of the Issuer to make such reimbursements under Treas. Reg. Section 1.150-2 and Section 1201.042, Texas Government Code.

Section 3. The Issuer reasonably expects that the maximum principal amount of tax-exempt obligations issued to reimburse the Issuer for the costs associated with the projects listed on Exhibit “A” attached hereto will not exceed \$7,500,000.

Section 4. The Issuer intends to reimburse the expenditures hereunder not later than 18 months after the later of the date the original expenditure is paid or the date the projects are placed in service or abandoned, but in no event more than three years after the original expenditure is paid unless the projects are a construction project for which the Issuer and a licensed architect or engineer have certified on Exhibit “A” that at least five years are necessary to complete the project in which event the maximum reimbursement period is five years after the date of the original expenditure.

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 approval of New Plan Options for the 2022-2023 Fiscal Year, with Texas Municipal League (TML) Multi-State Intergovernmental Employee Benefits Pool, related to the City's group health insurance coverage. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that staff had received and reviewed the Medical, Dental and Vision Insurance Plan options available to the City for the 2022-2023 Fiscal Year (FY) beginning October 01, 2022, as offered by Blue Cross-Blue Shield of Texas (BCBSTX) through the Texas Municipal League Multi-State Intergovernmental Employee Benefits Pool (TML-IEBP).

The 2022-2023 FY Renewal Rate for the same coverage currently offered will increase by 15%, or \$154,920.00. After reviewing the options offered, staff is recommending a plan change that will reduce the increase to 7.64% or \$78,863.00.

Changes to the plan coverage are highlighted below:

- The Individual Deductible will increase from \$500.00 to \$750.00. The City is still far below the State-wide average of other Pool participants whose individual deductibles range from \$1,000.00 to \$1,500.00.
- The Out-of-Pocket (OOP) Maximum from increase from \$3,000.00 to \$4,000.00.

Even with these changes, the City is projecting an increase to the annual budget of approximately \$78,863.00 for the 2022-2023 FY. The City has been absorbing all increases over the past several years, rather than passing on to employees to share. Staff is recommending the same for this coming fiscal year because individual deductibles have increased by 50% and the OOP maximum by 33%.

Overall, the trend for the City's health insurance costs of risen from \$728,040.00 in 2020 FY to a projected \$941,024.00 for 2023 FY. Staff will continue to monitor changes in plan design in order to minimize rising costs to the City. There were no changes or price increase to the Dental or Vision plans offered to employees for the 2022-2023 FY.

Last year's renewal credit amounted to \$2,411.00 per month or \$28,932.00 annually. TML has not made a final decision on this year's credit, but we are hopeful that this will help to offset the increased premiums for the 2022-2023 FY.

Staff recommends the approval of Blue Cross-Blue Shield of Texas (BCBSTX) Option Number 3, as offered by Texas Municipal League Multi-State Intergovernmental Employee Benefits Pool (TML-IEBP), with continued coverage of the same plans for Dental and Vision for the 2022-2023 Fiscal Year (October 01, 2022 thru September 30, 2023).

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 new plan of Blue Cross-Blue Shield of Texas (BCBSTX) Option Number 3, as offered by Texas Municipal League Multi-State Intergovernmental Employee Benefits Pool (TML-IEBP), with continued coverage of the same plans for Dental and Vision for the 2022-2023 Fiscal Year (October 01, 2022 thru September 30, 2023).

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

Seconded by Councilman District 6 Barr

Voting Yea:

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

Absent: Councilman District 1 Smith

#### **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

Special Meeting adjourned at 6:23 P.M.

#### **WORKSHOP SESSION**

#### **VI. CALL TO ORDER**

- Mayor Whitlow called the meeting to order at 6:23 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. **Discuss options on disposition of the Fire Department's 2002 Ford F-550 Rescue Truck.**  
**Presenter is Joe Reyes**

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 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

Workshop adjourned at 6:31 P.M.

These minutes were approved on July 11, 2022.

ATTEST:

\_\_\_\_\_  
Jack Whitlow, Mayor

\_\_\_\_\_  
Mandy Grant, City Secretary



# COMMUNICATION

SUBJECT: Review of the Credit Card Statement

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## INFORMATION:



CITY OF

Section VII. Item #C.

Account Number: XXXX XXXX XXXX 0305

Billing Questions:  
800-367-7576Website:  
www.cardaccount.netSend Billing Inquiries To:  
Card Service Center, PO Box 569120, Dallas, TX 75356FIRST NATIONAL BANK IN PORT LAVACA Credit Card Account Statement  
May 9, 2022 to June 7, 2022

## SUMMARY OF ACCOUNT ACTIVITY

Previous Balance	\$14,591.90
- Payments	\$14,591.90
- Other Credits	\$0.00
+ Purchases	\$11,197.07
+ Cash Advances	\$0.00
+ Fees Charged	\$0.00
+ Interest Charged	\$0.00
= New Balance	\$11,197.07

Account Number XXXX XXXX XXXX 0305  
 Credit Limit \$26,500.00  
 Available Credit \$14,336.00  
 Statement Closing Date June 7, 2022  
 Days in Billing Cycle 30

## PAYMENT INFORMATION

New Balance: \$11,197.07  
 Minimum Payment Due: \$335.92  
 Payment Due Date: July 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](http://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
05/26	05/26	F112700H200CHGDDA	AUTOMATIC PAYMENT - THANK YOU	\$14,591.90-

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: \$11,197.07  
 Minimum Payment Due: \$335.92  
 Payment Due Date: July 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

11273390700003050003359200011197075



CITY OF

Section VII. Item #C.

Account Number: XXXX XXXX XXXX 0305

## 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				\$14,591.90-
05/10	05/11	5548077GK2LS5ZQT0	ACADEMY SPORTS #128 VICTORIA TX	\$56.51
05/19	05/22	8536943GW82EAZ29E	GREAT WOLF LDG GRAPEVI GRAPEVINE TX	\$174.02
		CHECK-IN 05/18/22	FOLIO #0042502643	
ERIC SALES				
TOTAL XXXXXXXXXXXX0776				\$230.53
05/12	05/13	5548872GM2M40N6VB	TCOLE PAYMENT 5129367725 TX	\$36.04
05/12	05/13	5548872GM2M40N6WX	TCOLE PAYMENT 5129367725 TX	\$36.04
06/01	06/02	5545702H82DJWYS76	IDENTOGO BILLERICA MA	\$10.21
KAREN NEAL				
TOTAL XXXXXXXXXXXX0784				\$82.29
06/02	06/03	5542950H9RS48PXNZ	PAYPAL *LCISERVICES 4029357733 CA	\$570.00
06/02	06/03	5543286HA5S9K3X58	TEEX RETAIL COLLEGE STATI TX	\$275.00
JAVIER RAMOS				
TOTAL XXXXXXXXXXXX0867				\$845.00
05/10	05/11	5548872GKBLYG9N6	TEXAS COMM FIRE PROT 5129363842 TX	\$87.17
05/16	05/18	5550629GT60JRG0T6	PIE SOCIETY SAN MARCOS TX	\$24.00
05/17	05/19	0514048GSLM83ALNT	CHICK-FIL-A #02389 SAN MARCOS TX	\$29.94
05/18	05/20	5545370GVP60MY5L7	HOOTERS OF SAN MARCOS SAN MARCOS TX	\$52.22
05/19	05/20	5543286GW5V1GSTNW	BUC-EE'S #17 LULING TX	\$33.91
05/19	05/22	6518013GW1G1TMJXD	EMBASSY SUITES SAN MR SAN MARCOS TX	\$518.76
		CHECK-IN 05/16/22	FOLIO #721929	
06/04	06/05	5543286HB5SL0L3GA	TEEX ECOMMERCE 979-458-6898 TX	\$665.00
JUAN LUNA				
TOTAL XXXXXXXXXXXX0941				\$1,411.00
05/20	05/22	7545491GWS66E1BTX	SOUTHERN FIELD MAINTEN VICTORIA TX	\$206.28
WAYNE SHAFFER				
TOTAL XXXXXXXXXXXX1212				\$206.28
05/12	05/13	0543684GL2X6HMWDK	WALMART.COM AA 800-966-6546 AR	\$60.85
05/12	05/13	5550036GL2DK8YD0J	WALMART.COM AA 8009666546 AR	\$20.96
05/13	05/15	5542036GMJAWKZD5J	2COCOM*EMCLIENT.COM ALPHARETTA GA	\$53.95
MANDY GRANT				
TOTAL XXXXXXXXXXXX1238				\$135.76
05/10	05/11	5548077GJ8B3D477Q	UNT COMMERCE MANAGER 9405652000 TX	\$75.00
05/11	05/11	5543286GK5S9BDPJ4	APPLE.COM/BILL 866-712-7753 CA	\$2.99
05/11	05/11	5543286GK5V4Y1KGB	INT'L CODE COUNCIL INC 888-422-7233 IL	\$762.80
05/20	05/20	5543286GW5SYRK5S2	C.E.A.T. 956-536-1079 TX	\$65.00
JESSICA CARPENTER				
TOTAL XXXXXXXXXXXX1329				\$905.79
05/13	05/15	5513158GM2E0GNXB3	CDW GOVT #X217232 800-808-4239 IL	\$2,888.13
05/22	05/23	0541019GYMJRQRFZT	FEDEX 776870055064 800-4633339 TN	\$34.19
05/25	05/26	5542950H1S0VBR4EZ	GOVERNMENT FINANCE OFF 3129779700 IL	\$460.00
SUSAN LANG				
TOTAL XXXXXXXXXXXX1345				\$3,382.32
05/16	05/17	0230537GR8PMDPNET	TST* K N ROOT BEER DRI CUERO TX	\$12.97
05/16	05/18	5550629GT60JRG0RY	PIE SOCIETY SAN MARCOS TX	\$16.06
05/17	05/19	6518013GS1G1TLWB2	EMBASSY ROCKY RVR GRL SAN MARCOS TX	\$60.00
05/17	05/19	0514048GSLM83AMPR	CHICK-FIL-A #02389 SAN MARCOS TX	\$35.47

Transactions continued on next page



CITY OF

Section VII. Item #C.

Account Number: XXXX XXXX XXXX 0305

**TRANSACTIONS (continued)**

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

Tran Date	Post Date	Reference Number	Transaction Description	Amount
05/18	05/19	5265384GVRBGHJ5TQ	WINGSTOP 1989 SAN MARCOS TX	\$73.33
05/19	05/20	5543286GW5V1GSTFY	BUC-EE'S #17 LULING TX	\$18.78
05/19	05/22	6518013GW1G1TMJXM	EMBASSY SUITES SAN MR SAN MARCOS TX	\$1,037.52
		CHECK-IN 05/16/22	FOLIO #721928	
05/19	05/22	6518013GW1G1TMKJG	EMBASSY SUITES SAN MR SAN MARCOS TX	\$518.76
		CHECK-IN 05/16/22	FOLIO #721931	
06/04	06/05	5543286HB5SL0L3FT	TEEX ECOMMERCE 979-458-6898 TX	\$665.00
			JOE REYES JR	
			TOTAL XXXXXXXXXXXXX0215	\$2,437.89
05/09	05/10	5543286GH5ST1490W	UPS*BILLING CENTER 800-811-1648 GA	\$12.42
05/12	05/12	5543286GL5SF8RM54	AMTEK INFORMATION SERV 281-376-4577 TX	\$99.99
05/16	05/16	5543286GR5SN3X1QQ	GOOGLE *GOOGLE STORAGE 650-253-0000 CA	\$2.12
05/16	05/17	5543286GR5SXSHZ3S	J2 *EFAX CORPORATE SVC 323-817-1155 CA	\$287.92
05/31	06/01	5543286H75SHP034A	AMZN MKTP US*A87G23WA3 AMZN.COM/BILL WA	\$249.00
06/01	06/03	5520739H9004GZ75A	AUTHORIZE.NET SAN FRANCISCO CA	\$30.00
			JOANNA WEAVER	
			TOTAL XXXXXXXXXXXXX0249	\$681.45
05/11	05/12	5543286GK5SQZKV24	AMZN MKTP US*138BX32Q0 AMZN.COM/BILL WA	\$40.86
05/12	05/13	5543286GL5SLBJT9	AMZN MKTP US*132GV8U02 AMZN.COM/BILL WA	\$13.95
05/19	05/20	5543286GV5SVS5N5G	AMZN MKTP US*1L7Q537Y2 AMZN.COM/BILL WA	\$655.99
05/20	05/22	5543286GW5V2BS7P4	AMZN MKTP US*1X2VW4CP1 AMZN.COM/BILL WA	\$14.99
05/20	05/22	5531020GW2DZHGLJ2	AMAZON.COM*1X1DT6F11 A AMZN.COM/BILL WA	\$48.68
05/22	05/23	5531020GY2DZ6GSGA	AMAZON.COM*1R9H45492 A AMZN.COM/BILL WA	\$77.30
05/24	05/25	5543286H05SQPHX25	AMZN MKTP US*1R7RI5X62 AMZN.COM/BILL WA	\$26.99
			CYNTHIA HEYSQUIERDO	
			TOTAL XXXXXXXXXXXXX0264	\$878.76

**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	14.99% (v)	\$0.00	30	\$0.00
Cash Advances	14.99% (v)	\$0.00	30	\$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](http://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.

# COMMUNICATION

SUBJECT: Receive monthly Financial Highlight Report

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## INFORMATION:





CITY OF  
**PORT LAVACA**

202 N. Virginia, Port Lavaca, Texas 77979-0105 [www.portlavaca.org](http://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 **June 30, 2022**  
Date: July 7, 2022

Below are the following reports for the period ending **June 30, 2022**, or **75%** of the year:

The major highlights of the Report are as follows:

*Property Tax* collections as reported by CCAD - are **\$4,664,145** for the year as of May. Collections in FY21-22 are 95.14% of total adjusted tax levy. Total current year Property Taxes Outstanding as of May is **\$237,082**.

In the General Fund, revenues through **6/30/22** are **86.5%** of budget. In addition:

1. *Current Property Tax* collections - are **\$4,317,886** for the year as of June. Collections in FY21-22 are 108.7% of budget.
2. *Sales Tax* collections through June were **\$2,516,913** or 76.5% of budget. Collections through June in FY 20-21 were **\$2,611,312**.
3. *Licenses & Permits* collections are **\$126,597** for the year, or 55.5% of budget. Collections through June in FY 20-21 were **\$137,337**.
4. *Bauer Center Rentals* through June are **\$46,775** or 93.5% of budget. Collections through June in FY 20-21 were **\$42,445**.
5. *Court Fines* are **\$64,748** for the year, or 53.9% of budget. Collections through June in FY 20-21 were **\$77,459**.

Expenditures in the General Fund for the year are **70.9%** of budget.

**Target: 75%**

In the Utility Fund, revenues as of **6/30/22** are **79.9%** of budget. In addition:

1. *Metered Water* sales through June are **\$1,522,928 or 75.7%** of budget.
2. *Residential Sewer* sales through June are **754,659 or 71.1%** of budget.
3. *Garbage Billings* through June are **\$578,955 or 83.3%** of budget.

Expenditures in the Utility Fund for the year are **62.7%** of budget.

---

**Summary – FY 2021-2022 through 6/30/22**

<u>Fund</u>	<u>Revenues</u>	<u>% Budget</u>	<u>Expense</u>	<u>% Budget</u>	Revenues Less <u>Expense</u>
General	\$8,181,754	86.5%	\$8,362,403	70.9%	(\$180,649)
Utility	4,845,876	79.9%	3,830,930	62.7%	1,014,946
HOT	233,298	44.4%	366,146	39.1%	(132,849)
Beach	71,043	40.5%	59,415	70.1%	11,628
Port	492,661	74.8%	527,078	67.6%	(34,417)
Total					678,659

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



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

<b>TAXES DUE AT CERTIFICATION</b>	4,726,568.66
Adjustments to Date	149,979.77
<b>TOTAL TAX LEVY</b>	<b>4,876,548.43</b>

**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			0.00
July (Delinquent as of July 1, 2021)			0.00
August			0.00
September			0.00
<b>TOTAL</b>	<b>4,639,466.86</b>	<b>24,677.88</b>	<b>4,664,144.74</b>

Last Year %  
Collected

	% Collected	95.14%	95.99%
<b>TRANSFERRED TO DELINQUENT ROLL</b>			
July, Aug, and Sept Payments		0.00	

<b>2021 TAXES OUTSTANDING</b>	237,081.57
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	% Current Outstanding	4.86%
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**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			0.00
July			0.00
August			0.00
September			0.00
<b>TOTAL</b>	<b>48,038.74</b>	<b>22,252.61</b>	<b>70,291.35</b>

<b>DELINQUENT TAXES OUTSTANDING</b>	361,979.86
<b>TOTAL TAXES OUTSTANDING</b>	<b>599,061.43</b>

*[Signature]*  
6/29/22



## **COMMUNICATION**

**SUBJECT:** Receive Investment Report for Quarter ending June 30, 2022

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**INFORMATION:**

City of Port Lavaca  
Quarterly Investment Report  
 4/1/2022 - 6/30/2022

Purchase Date	Maturity	CUSIP	Sec Type	Principal	Interest	3/31/2022	6/30/2022	Yield	Par Value	Market Value	Accrued Interest	Date Sold	Paid Interest
Payroll			Acct: XXXXX3110 First National Bank			\$ 141,984	\$ 6,852	0.0000%	\$ 6,852	\$ 6,852			\$ -
Pooled Cash			Acct: XXXXX3129 First National Bank			\$ 8,786,326	\$ 6,326,997	0.3100%	\$ 6,326,997	\$ 6,326,997			\$ 11,449
Fireman's Retirement			Acct: XXXXX3137 First National Bank			\$ 100	\$ 425	0.0000%	\$ 425	\$ 425			\$ -
Checking			Acct: XXXXX3145 First National Bank			\$ -	\$ -	0.0000%	\$ -	\$ -			\$ -
Flip Flip			Acct: XXXXX4125 First National Bank			\$ 1	\$ 1	0.0000%	\$ 1	\$ 1			\$ -
Consolidated Cash			Acct: XXXXX7001 Logic			\$ 13,693,858	\$ 13,721,310	1.1797%	\$ 13,721,310	\$ 13,721,310			\$ 27,452
Total Investments						\$ 22,622,269	\$ 20,055,585	0.8345% Average	\$ 20,055,585	\$ 20,055,585	\$ -		\$ 38,901

Total Interest for April 1, 2022 through June 30, 2022

These Investments are in compliance with the City of Port Lavaca's Investment Policy.

Susan Lang  
 Finance Director

Date

7/6/22

## COMMUNICATION

**SUBJECT:** Consider cancellation of the order approved by City Council on March 28, 2022 for the purchase of a 2022 Air Burner, Model S220E from Air Burners, Inc., Palm City, FL, in the amount of \$160,591.61 per GSA quote reference # S220E032210. Presenter is Jody Weaver

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## INFORMATION:

**COUNCIL MEETING: JULY 11, 2022**

**DATE:** 7.06.2022

**TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS

**FROM:** JODY WEAVER, INTERIM CITY MANAGER 

**SUBJECT: CANCELLATION OF ORDER FOR PURCHASE OF AIR BURNER**

As you know we have been working toward a long-range alternative to storing and chipping brush at the Harbor of Refuge for some time. As we reported in March, we have been working with the County on plans to develop a “one-stop-shop” at the County’s Precinct 2 recycle center for citizens of the City and County to bring their solid waste, including brush for disposal and recycling. Understanding that there was over a 6 month lead time, Council in March authorized to place an order for an air burner at a cost of \$160,600 that we would locate at the County’s recycle center for burning brush. We were told that we could cancel the order within 4 weeks of it’s scheduled delivery without any cost or penalty to the City.

Recently a new opportunity has presented itself that would negate the need for an air burner for at least 5 years. Kevin Riggs and Ben Boone with Alcoa approached us with interest in hauling the chips and using them on their bauxite piles for dust control etc. To verify that these chips will serve the purpose they have in mind, Alcoa has recently hauled away all of the chips that we have been storing at the Harbor of Refuge – over 7,000 cubic yards. Alcoa was satisfied with the chips and is offering the following agreement for consideration:

For the following time period of June 2022 to June 2027 (5 yr window and then review if activities will be continued)

- Alcoa would like to work with the City of Port Lavaca and provide a mechanism for wood mulch removal.
- Alcoa will haul chipped wood mulch from the City of Port Lavaca (two locations: Harbor of Refuge Site and future County recycle center off of Hwy 87) at Alcoa’s expense and at no charge to the City of Port Lavaca
- The mulch removal can be performed on an as needed basis with the expectation that the frequency will likely be on an annual basis.
- Alcoa will coordinate with the City of Port Lavaca prior to annual chipping to arrange transport of the mulch; Alcoa agrees to haul the mulch within 3 months of the annual chipping operation
- Alcoa can only accept the material if it is free of plastics and trash

Alcoa is sourcing mulch from surrounding cities for the same beneficial reuse application and same operational expectation.

Let me know if you want to discuss further.

Ben Boone, Alcoa

## STAFF RECOMMENDATION:

**In light of this beneficial reuse opportunity, staff is recommending cancelling the order for the air burner at this time.** I have confirmed with Air Burners, Inc. that there will be no cost to the City if the order is cancelled at this time. They have many customers in line for this type of burner. By working with Alcoa on the beneficial reuse of these chips, we will no longer need to bring 3-phase power to the Hwy 87 site at a cost of \$100,000.

The County is still interested in working with us on the “one-stop-shop” bulk/brush/recycling. We are recommending that following the annual chipping in a couple months, that Republic does as part of their contract (that Alcoa will haul off within 3 months after that), that we continue to utilize the Harbor of Refuge site to collect brush for at least one more year. During this time we will work with the County to fine tune details of an agreement and make necessary site improvements to utilize their land to store and chip brush.

If at anytime in the future this arrangement with Alcoa is no longer mutually beneficial, we can reconsider the option to purchase an Air burner to burn the brush.

## COMMUNICATION

**SUBJECT:** Consider Second and Final Reading of an Ordinance (G-5-22) 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 12 – Buildings and Building Regulations, Sec. 12-22(e) Mechanical Contractors – Registration Fee) and providing an effective date. Presenter is Jody Weaver

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## INFORMATION:

**ORDINANCE #G-5-22**

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 Chapter(s) listed below and described in full in the attached Exhibit A, marked in red or blue and highlighted in yellow:

Chapter 12: Buildings and Building Regulations  
Sec. 12-22(e) - Mechanical Contractors – Registration Fee

ARTICLE III. - EFFECTIVE DATE.

This ordinance shall be retroactive to the 1<sup>st</sup> day of September, 2021, in accordance with effective date of H.B. 871.

First Reading this the 13<sup>th</sup> day of June, 2022.

\_\_\_\_\_  
Jack Whitlow, Mayor

Second Reading this the 11<sup>th</sup> day of July, 2022.

\_\_\_\_\_  
Jack Whitlow, Mayor

**PASSED AND APPROVED** this the 11<sup>th</sup> day of July, 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 Tippit	Aye		
Councilwoman Padron	Aye		
Councilman Ward	Aye		
Councilman Barr	Aye		

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



EXHIBIT ACHAPTER 12—BUILDINGS AND BUILDING REGULATIONSLicensing and registration fees.

<u>12-22(a)</u>	<i>General Contractors</i>	
	Initial fee	\$100.00
	Renewal fee	\$50.00
	All general contractors license will expire on December 31 each year. Contractor's licenses that are expired for more than 30 days will be charged the initial fee of \$100.00	
<u>12-22(b)</u>	<i>Electrical Contractors and Electricians</i>	
	Registration fee H.B. No. 3329 Texas 85th Legislation, effective September 1, 2017	\$0.00
<u>12-22(c)</u>	<i>Plumbing Contractors and Plumbers</i>	
	Registration fee	\$0.00
	Plumbers shall register the same month their state licenses expire	
<u>12-22(d)</u>	<i>Irrigators</i>	
	Registration fee	\$50.00
<u>12-22(e)</u>	<i>Mechanical Contractors</i>	
	Registration fee	\$50.00
	(Reference H.B. 871 Effective September 1, 2021)	\$0.00
	To prohibit a municipality from charging a registration fee to a person who holds a statewide air conditioning and refrigeration contractor license for the following:	
	<ul style="list-style-type: none"> <li>• work performed in the municipality; or</li> <li>• notice informing the municipality of the person's license.</li> </ul>	
	<del>Mechanical contractors will register the same month their state licenses expire</del>	

## COMMUNICATION

**SUBJECT:** Consider Budget Amendment No. GF-008 for 2021-2022 Fiscal Year and authorizing the Purchase of Materials for the Reconstruction of Seadrift Street. Presenter is Susan Lang

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## INFORMATION:

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**CITY OF PORT LAVACA**

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**CITY COUNCIL MEETING:** July 11, 2022**AGENDA ITEM** \_\_\_\_\_**DATE:** July 7, 2022**TO:** THE HONORABLE MAYOR AND CITY COUNCIL MEMBERS**FROM:** SUSAN LANG, FINANCE DIRECTOR **SUBJECT:** **CONSIDER BUDGET AMENDMENT GF-008 FOR FY 2022 and authorizing the Purchase of Materials for the Reconstruction of Seadrift Street**

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**BACKGROUND:**

The City has the opportunity to partner with Calhoun County Precinct No. 1 and 2 for the reconstruction of Seadrift Street from the Busbarn to FM 1090, 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 \$77,409.

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 \$60,855.

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 \$16,554.

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 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 recommend the reversal of Budget Amendment GF-005 in order to properly reflect the remaining unreserved fund balance available for this request.

**FINANCIAL IMPLICATIONS:**

Accepting this opportunity to work with the County on this project under our MOU agreement will require the City to fund \$77,409 for materials, which was not budgeted.

**COMPREHENSIVE MASTER PLAN:**

Promoting Quality of Life and Protecting Investments

**RECOMMENDATION:**

Approve Budget Amendment number: GF-008 for the reconstruction of Seadrift Street, and authorizing the City Manager to execute purchase orders to Midtex Materials for \$60,855 and Martin Asphalt in the amount of \$16,554.

**ATTACHMENTS:** Budget Amendment #GF-008

**CITY OF PORT LAVACA**  
**Request For Approval of Budgetary Amendment**  
**Fiscal Year 2021-2022**

Amendment # GF-008**FUND:** GENERAL -001

Unreserved Fund Balance \$ 2,872,038  
 Net Increase/(Decrease) this Request 83,183  
 Amended Unreserved Fund Balance \$ 2,955,221

Date Requested: 4/11/2022

Account No.					Original Budget	Increase/ (Decrease)	Amended Budget	Reason
Fund	Dept.	Line-item	DEPT	---- Description ----				
001	50305	564.65	Sanitation	CE - Machinery & Equipment	160,592	(160,592)	\$ -	REMOVE Air Curtain Burner GF-005
001	50410	563.05	Streets	CE - Infrastructure	300,000	77,409	\$ 377,409	Reconstruction of Seadrift St.
NET INCREASE/(DECREASE) TO UNRESERVED FUND BALANCE						83,183		

Approvals:  
 COUNCIL:

YES X NO

Entered: Blake Buller

City Manager

Initials: \_\_\_\_\_

Director of Finance

Date: \_\_\_\_\_

## COMMUNICATION

**SUBJECT:** Consider Resolution No. R-071122-1 of the City of Port Lavaca Transferring Ownership of Fire Truck to the City of Point Comfort, Texas. Presenter is Joe Reyes

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## INFORMATION:

**RESOLUTION NO. R-071122-1****RESOLUTION TRANSFERRING OWNERSHIP OF FIRE TRUCK TO  
THE CITY OF POINT COMFORT, TEXAS**

WHEREAS, on July 11, 2022, during a regular City Council meeting, the City Council of the City of Port Lavaca discussed and approved transferring ownership of the 2002 Ford F550 rescue truck to the City of Point Comfort for use in its mutual aid with the City of Port Lavaca; and

WHEREAS, it is noted that Calhoun County, Texas and the incorporated cities of Port Lavaca, Point Comfort and Seadrift are original parties of the Interjurisdictional Mutual Aid Agreement dated June 21, 2007; and,

WHEREAS, in said Agreement, the parties have determined that it is in the best interest of themselves and their citizens to create a plan to foster communications and the sharing of resources, personnel and equipment; and

WHEREAS, the City of Port Lavaca has recently placed the 2002 Ford F550 rescue truck out of service due to inspections and approvals it would need for recertification and desires to designate the same as surplus;

WHEREAS, the City of Point Comfort has expressed interest in the ownership of the 2002 Ford F550 rescue truck and would assume ownership “AS IS” AND “WITH ALL FAULTS” including any potential inspections and approvals it may need to get for use of the vehicle.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Port Lavaca declares the 2002 Ford F550 rescue truck as surplus property and the City Manager is authorized to sign all documents to transfer ownership to the City of Point Comfort for use in its mutual aid

“AS IS” AND “WITH ALL FAULTS” including any potential inspections and approvals it may need to get for use of the vehicle.

Approved at a duly called meeting of the Port Lavaca City Council on the 11<sup>th</sup> day of July, 2022.

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Jack Whitlow, Mayor

Attest:

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Mandy Grant, City Secretary

Approved:

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Anne Marie Odefey, City Attorney

## COMMUNICATION

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

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### **INFORMATION:**

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





## COMMUNICATION

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

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## INFORMATION:

