



## CITY COUNCIL REGULAR MEETING

Monday, April 10, 2023 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.*

#### MEETING PROCEDURE

***Public notice is hereby given that the City Council of the City of Port Lavaca, Texas, will hold a regular meeting Monday, April 10, 2023 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.***

***(After publication, any information in a council packet is subject to change during the meeting)***

*The meeting will also be available via the video conferencing application "Zoom",*

*Join Zoom Meeting:*

<https://us02web.zoom.us/j/84385279705?pwd=Nzh1V3pFbW5CYzR3N3RyREpUNWhKUT09>

*Meeting ID: 843 8527 9705*

*Passcode: 313902*

*One Tap Mobile*

*+13462487799,,81793583407#,,, \*995664# US (Houston)*

*Dial by your location*

*+1346 248 7799 US (Houston)*

**I. ROLL CALL****II. CALL TO ORDER****III. INVOCATION****IV. PLEDGE OF ALLEGIANCE****V. PRESENTATION(S)**

- Mayor Whitlow made the following presentations:
  - Government Finance Officers Association (GFOA):
    - Certificate of Achievement for Excellence in Financial Reporting presented to the City of Port Lavaca for its Annual Comprehensive Financial Report for the fiscal year ended September 30, 2021

**VI. COMMENTS FROM THE PUBLIC**

*(Limited to 3 minutes per individual unless permission to speak longer is received in advance. You may make public comments as you would at a meeting by logging on with your computer and using "Join Zoom Meeting" information on first page of this agenda).*

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

- A. Minutes of March 13, 2023 Regular Meeting
- B. Minutes of March 27, 2023 Special and Workshop
- C. Review of Credit Card Statement
- D. Receive Monthly Financial Highlight Report
- E. Review Quarterly Investment Report ending March 31, 2023

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

- 1. Receive report from Calhoun County Appraisal District Chief Appraiser. Presenter is Jesse Hubbell
- 2. Consider approval of GLO Contract No. 20-065-071-C1998 Supplemental Agreement No. 1, Subcontract for Consultant Services agreement with CivilCorp, LLC for material testing/inspection on the Community Development Block Grant – Disaster Relief (CDBG-DR) Project, in the amount of \$15,000. Presenter is Jody Weaver
- 3. Consider award of construction contract for the Rehabilitation of Chevy Chase Street Project. Presenter is Wayne Shaffer
- 4. Consider request of Sylvia Chapa for a Variance Request to Chapter 26 - Manufactured Housing and Recreational Vehicles for the placement of a manufactured home to be placed on 515 S. Ann Street, Lot 2 parcel ID #17270. Presenter is Derrick Smith
- 5. Consider recommendation of the Planning Board for approval of a Conceptual Apartment Complex (Desilos Real Estate Living) to be located at 206 Bonorden Street, Blasingim Subdivision (PL), Lot 1, Acres 1.599. Property identification #81143. Presenter is Derrick Smith

6. Consider First Reading of an Ordinance (G-2-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 36 Signs; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Derrick Smith
7. Consider First Reading of an Ordinance (G-3-23) of the City of Port Lavaca amending the Code of Ordinances, Part II, Appendix A – Fees, Rates and Charges (Chapter 36 – Signs, Sec. 36-7 Temporary Signs (e) Banners, Flags, Pennants and Inflatables; and providing an effective date. Presenter is Derrick Smith
8. Consider First Reading of an Ordinance (G-4-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 42 Subdivisions and Plats, Article VII Group Housing and Commercial Development, Section 42-160 Minimum Design Standards, adding (5) Landscaping; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Derrick Smith
9. 9. 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
10. 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, April 10, 2023**, beginning at 6:30 p.m., was posted at city hall, easily accessible to the public, as of **5:00 p.m. Thursday, April 6, 2023**.

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**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 March 13, 2023 Regular Meeting

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## INFORMATION:



# CITY COUNCIL REGULAR MEETING

Monday, March 13, 2023 at 6:30 PM

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

## MINUTES

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

On this the 13<sup>th</sup> day of March, 2023, the City Council of the City of Port Lavaca, Texas, convened in a regular session at 6:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following members in attendance:

**I. ROLL CALL**

Jack Whitlow	Mayor
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 6:33 p.m. and presided.

**III. INVOCATION**

- Councilman Ward gave the invocation.

**IV. PLEDGE OF ALLEGIANCE**

- Mayor Whitlow – Pledge of Allegiance.

**V. PRESENTATION(S)** None

**VI. COMMENTS FROM THE PUBLIC**

(Limited to 3 minutes per individual unless permission to speak longer is received in advance. You may make public comments as you would at a meeting by logging on with your computer and using “Join Zoom Meeting” information on first page of this agenda).

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

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

- A. Minutes of February 13, 2023 Regular Meeting
- B. Review of Credit Card Statement
- C. Receive Monthly Financial Highlight Report

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 recommendation of staff, Council hereby approves all consent agenda items as listed.

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

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

1. **Consider request of Pastor Mike Bender from the Cowboy Fellowship of Port Lavaca Church for the use of Bayfront Peninsula Park Pavilion for an Easter Sunday Sunrise Service on April 09, 2023 from 6:00 a.m. to 12:00 p.m. and waive any fees associated with the event. Presenter is Wayne Shaffer**

Interim City Manager Weaver presented this item and advised Council that Pastor Mike Bender from the Cowboy Fellowship of Port Lavaca Church has requested the use of Bayfront Peninsula Park Pavilion for an Easter Sunday Sunrise Service on April 09, 2023 from 6:00 a.m. to 12:00 p.m. and waive any fees associated with the event.

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 staff, Council hereby approves request of Pastor Mike Bender from the Cowboy Fellowship of Port Lavaca Church for the use of Bayfront Peninsula Park Pavilion for an Easter Sunday Sunrise Service on April 09, 2023 from 6:00 a.m. to 12:00 p.m. and waive any fees associated with the event.

Seconded by Councilman District 5 Ward

Voting Yea:

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

2. **Consider request of Our Lady of the Gulf Catholic Church to host a walking procession on “Good Friday,” April 07, 2023, from 12:00 p.m. to 2:00 p.m., assistance with traffic control from the Police Department and waive any fees associated with the event. Presenter is Colin Rangnow**

Police Chief Rangnow advised Council that Our Lady of the Gulf Catholic Church has requested to host a walking procession on “Good Friday,” April 07, 2023, from 12:00 p.m. to 2:00 p.m., assistance with traffic control from the Police Department and waive any fees associated with the event.

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 request of Our Lady of the Gulf Catholic Church to host a walking procession on “Good Friday,” April 07, 2023, from 12:00 p.m. to 2:00 p.m., assistance with traffic control from the Police Department and waive any fees associated with 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

3. **Consider agreement for the temporary closure of State Right-of-Way with Texas Department of Transportation (TxDOT) to close Main Street between Virginia and Commerce Streets for the Iguana Fest, from 6:00 a.m. Saturday, April 01, 2023 to Noon on Sunday, April 02, 2023. Presenter is Tania French**

Tania French, Events Coordinator, advised Council that after being the first community event canceled during 2020 as a result of COVID - 19, Iguana Fest makes its return this year on Saturday, April 1. As in previous years, council approval is required to make application to Texas Department of Transportation (TxDOT) for temporary closure of Main Street between Virginia and Commerce Streets for the Iguana Fest, from 6:00 a.m. Saturday, April 01, 2023 to Noon on Sunday, April 02, 2023. While the event is from 4:00 p.m. to 11:00 p.m. on the first the additional time requested allows for us to safely bring in the stage and set up and also break down the event before reopening the street.

Motion made by Councilman District 5 Ward

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

THAT, Council hereby approves agreement for the temporary closure of State Right-of-Way with Texas Department of Transportation (TxDOT) to close Main Street between Virginia and Commerce Streets for the Iguana Fest, from 6:00 a.m. Saturday, April 01, 2023 to Noon on Sunday, April 02, 2023.

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

4. **Consider temporary closure of Colorado and Guadalupe streets between Railroad and Live Oak streets on Saturday, April 01, 2023 for Iguana Fest. Presenter is Tania French**

Tania French, Events Coordinator, advised Council that in addition to the TXDOT application mentioned in the prior agenda item, they requesting temporary closure of Colorado and Guadalupe streets between Railroad and Live Oak streets on Saturday, April 01, 2023 as needed for the 2023 Iguana Fest.

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 approves temporary closure of Colorado and Guadalupe streets between Railroad and Live Oak streets on Saturday, April 01, 2023 as needed for the 2023 Iguana Fest.

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 moving Juneteenth Celebration scheduled for June 16 thru June 18, 2023 from George Adams Park to the Bayfront Peninsula Park and waive any fees associated with the event, except the Alcohol-in-Park-Permit fee. Presenter is Tania French**

Events Coordinator French advised Council that due to the uncertain status of the drainage construction near George Adams Park during June, council is requested to consider moving the Juneteenth Celebration from George Adams Park to the Bayfront Peninsula Park, June 16, 2023 thru June-18, 2023 and waive any fees associated with the event.

She and Interim City Manager Weaver met with representatives of Calhoun Citizens in Action (CCIA) committee and Wilkin's Alumni and all are agreeable that we can work together to make this switch and allow the 2023 event to be successful and welcoming to all in the community.

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 moving Juneteenth Celebration scheduled for June 16 thru June 18, 2023 from George Adams Park to the Bayfront Peninsula Park and waive any fees associated with the event, except the Alcohol-in-Park-Permit fee.

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

6. **Receive certification of City Secretary that the candidate for the Single District #3 position, in the May 06, 2023 General Officers Election, is unopposed. Presenter is Mandy Grant**

The following was presented by City Secretary Grant (English and Spanish):

I, Mandy Grant, certify that I am the City Secretary of the City of Port Lavaca, Texas and the authority responsible for preparing the ballot for the May 06, 2023 general city election.  
(Yo, Mandy Grant, certifica que soy la secretaria de la ciudad de Port Lavaca, Texas y la autoridad responsable de preparar la balota para la elección general de la ciudad del 6 de Mayo de 2023).

I further certify that no proposition is to appear on the ballot for the May 06, 2023 election, no person has made a declaration of write-in candidacy, and the following candidate is unopposed:  
(Certifico más lejos que no hay asunto aparecer en la balota para la elección del 6 de Mayo de 2023, ninguna persona he hecho un declaración de candidatura inscrita, y el candidato siguiente esta sin oposición):

OFFICE (CARGO)

CANDIDATE (CANDIDATO)

Council Member, District #3 (Miembro de Consejo, Distrito #3)

Allen Tippit

No action necessary and none taken.

7. **Consider adopting an order canceling part of the May 06, 2023 General Officers Election, specifically the Single District #3 position and declaring unopposed candidate, Allen Tippit, duly elected as Council Member. Presenter is Mandy Grant**

The following was presented by City Secretary Grant (English and Spanish):

The City Council of the City of Port Lavaca, Texas hereby cancels the election scheduled to be held on May 06, 2023 in accordance with Section 2.053(a) of the Texas Election Code. The named candidate has been certified as unopposed and is hereby declared elected:

*(El consejo de la ciudad de Port Lavaca, Texas cancela por este medio la elección programar para ser sostenido el 6 de Mayo de 2023 de acuerdo con la sección 2.053 (a) del código de la elección de Texas. Han certificado como sin oposición y por este medio se declara al candidato nombrado elegido):*

<b>CANDIDATE (CANDIDATO)</b>	<b>OFFICE (OFICINA)</b>	<b>TERM (TÉRMINO)</b>
Allen Tippit	Council Member, District #3 <i>(Miembro de consejo, distrito #3)</i>	3 years <i>3 años</i>

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

*(Una copia de esta orden será fijada el día de elección en cada lugar de la interrogación que habría sido utilizado en la elección).*

Motion made by Councilman District 5 Ward

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

THAT, the General Officers Election including any proposition scheduled to be held on May 06, 2023, is hereby cancelled, in accordance with Section 2.053(a) of the Texas Election Code. The named candidate has been certified as unopposed and is hereby elected as follows:

Allen Tippit	Council Member, District #3 <i>(Miembro de consejo, distrito #3)</i>	3 years <i>3 años</i>
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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

8. **Consider Lease Agreement with Calhoun County for use of Electronic Voting Equipment for the City of Port Lavaca General Officers Election held on the uniform date of May 06, 2023. Presenter is Mandy Grant**

City Secretary Grant advised Council that Election Laws require that electronic voting devices be made available to voters. Costs related to these services include expenses related to seven (7) days of early voting and also for voting on Election Day for a total of eight (8) days. The lease proposal for the use of Calhoun County's Electronic Voting Equipment in connection with the May 06, 2023 City of Port Lavaca General Elections would be approximately \$798.00 and this amount has been budgeted for this fiscal year. Staff recommends Council approve this request.

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 a lease agreement with Calhoun County Elections for the use of Electronic Voting Equipment in connection with the May 06, 2023 City of Port Lavaca General Elections, in the amount of \$798.00, a copy of which is on file in the office of the City Secretary, and reference to which is here made for any and all purposes.

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

Seconded by Councilman District 6 Barr

Voting Yea:

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

9. **Consider Resolution No. R-031323-1E of the City of Port Lavaca to appoint Election Judges for the City's General Officers Election held on the uniform date of May 06, 2023. Presenter is Mandy Grant**

Motion made by Councilman District 5 Ward

WHEREAS, in accordance with the City Charter of the City of Port Lavaca, the Texas Election Code and other applicable state and federal laws, the City Council of the City of Port Lavaca, Texas hereby has the authority to appoint the Election Officers for city elections.

WHEREAS, in addition, that the general officers' election has been ordered for Saturday, May 06, 2023 by Resolution #R-010923-1E adopted on January 09, 2023.

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

SECTION 1. THAT, in accordance with the Texas Election Code, a presiding judge and an alternate presiding judge must be appointed for each election precinct [EC §32.001(a)]. The role of the alternate judge is to serve as presiding judge for an election if the presiding judge cannot serve [EC §32.001(b)]. In an election conducted by the presiding judge, the alternate judge serves as one of the election clerks [EC §32.032].

SECTION 2. THAT, such election shall be conducted by the City of Port Lavaca, with Early Voting Days, Extended Hours for Early Voting day on a Saturday and the main Election Day voting to be at the following polling places designated for each City election district and the following citizens, registered to vote in the city, are hereby appointed Election Officers to conduct said election:

All Polling Places: City of Port Lavaca  
City Hall - Main Lobby  
202 N. Virginia Street  
Port Lavaca, Texas 77979

Augustin Rojas	Presiding Judge
Janie Delgado	Alternate Judge
Michael Moehler	Presiding Judge for the Early Voting Ballot Board and the Central Counting Station
Mary Lou Tharling	Alternate Judge for the Early Voting Ballot Board and the Central Counting Station

SECTION 3 THAT, the Office of the City Secretary of the City of Port Lavaca shall consist of the City Secretary and/or the Assistant City Secretary and shall perform all duties necessary to conduct the general officers' election.

SECTION 4. THAT, the Office of the City Secretary is hereby authorized and directed to provide a copy of the RESOLUTION to the judges as written notice of their appointment as required the Texas Election Code [EC §32.009].

If either the Presiding Judge or the Alternate Presiding Judge is unable to perform his/her assigned duties, the Office of the City Secretary is authorized to select an Acting Presiding or Acting Alternate Presiding Judge from the qualified Election Clerks, as needed.

SECTION 5. THAT, the Presiding Judge shall have the authority to appoint two (2) clerks to assist in the holding of such election. Said election officers shall also serve as the Early Voting Ballot Board (EVBB) for such election. The Central Counting Station will be in the City Hall Conference Room.

SECTION 6. THAT, the Election Judge(s) shall be compensated at an hourly rate of \$12.00; early voting clerks and election clerks shall be compensated at an hourly rate of \$11.00 as provided by the State Election Code [EC §32.091(a)].

SECTION 7. THAT, the City Secretary is hereby appointed the Elections Clerk for early voting; and the Assistant City Secretary is hereby appointed the Deputy Election Clerk for early voting in accordance with Section 83.001 *et seq.* of the Texas Election Code. The place for early voting days and election day is hereby designated as the City of Port Lavaca, City Hall - Main Lobby, 202 N. Virginia Street, Port Lavaca, Texas.

SECTION 8. THAT, the Mayor is authorized to sign Writ of Election to the Presiding Judge.

SECTION 9. THAT, this resolution shall be effective immediately upon adoption.

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

10. **Consider recommendation of the City's Court Security Committee to contract with U. S. Court Security Concepts, LLC for a security assessment of City Hall for a fee of \$5,000.00 and consider authorization from Council to pay this expenditure from the Building Security Fund. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the Court Security Committee recently met and is recommending to contract with U.S. Court Security Concepts, LLC of San Angelo, Texas to perform a Security Assessment of not only City Hall chambers when it serves as our courtroom, but also the entirety of City Hall. She spoke with their representative, Mr. Randy Harris, and he can perform this assessment and prepare a report for a fee of \$5,000.00. Weaver said there is an additional fee if we later would like him to make a presentation to Council.

The Court Security Committee is requesting authorization from Council to use the Building Security Funds to pay for this consulting fee. Staff recommends approval of this request.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with the recommendation of the City's Court Security Committee, Council hereby approves contracting with U. S. Court Security Concepts, LLC for a security assessment of City Hall for a fee of \$5,000.00.

BE IT FURTHER RESOLVED, that authorization from Council is given to pay this expenditure from the Building Security Fund.

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

11. **Consider recommendation of the City's Court Security Committee to amend the City of Port Lavaca HR and Workplace Policies Chapter 5 Compensation, Section 5.07 Incentive Pay Program by adding certification pay for Court Bailiffs at \$50.00 month and consider authorization from Council to pay this expenditure from the Building Security Fund. Presenter is Mandy Grant**

City Secretary Grant advised Council that the Court Security Committee met on February 02, 2023 and Chairman, Judge Raymond B. Perez, formed an Ad Hoc Committee consisting of Councilman Dent and City Secretary Grant to meet with Interim City Manager Weaver and Human Resources Garza to discuss an amendment to the HR and Workplace Policies Chapter 5 Compensation, Section 5.07 Incentive Pay Program by adding certification pay for Court Bailiffs.

The Court Ad Hoc Committee met on February 20, 2023 with Weaver and Finance Director Lang. It was the consensus of all that the amount recommended will be \$50.00 per month. Proof of Original Certification and annual Renewal Certification will be provided to Human Resources (HR) in order to be eligible for payment. HR may require Department Head to turn in a Personnel Change Record (PCR).

Finance Director Lang provided an analysis of the Court Building Security Fund paying for three (3) Certified Court Bailiffs and showed that a \$50.00 per month payment should be sustainable using only these funds. Authorization from Council is required to fund the certification pay from the Court Building Security Fund.

Staff recommends approval of amendment to the HR Policy to add certification pay for the Court Bailiffs and authorization from Council to fund the certification pay from the Court Building Security Fund.

Motion made by Councilman District 2 Dent

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

THAT, Council hereby approves recommendation of the City's Court Security Committee to amend the City of Port Lavaca HR and Workplace Policies Chapter 5 Compensation, Section 5.07 Incentive Pay Program by adding certification pay for Court Bailiffs at \$50.00 month.

BE IT FURTHER RESOLVED, that authorization from Council is given to pay this expenditure from the Building Security Fund.

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

12. **Consider addition of the new Job Class/Title of Police Cadet within the City's Compensation Plan. Presenter is Susan Lang**

Police Chief Rangnow presented this item and advised Council that the City has a contract in place that has been approved by the City Attorney, for recruiting purposes, to reimburse for training and expenses, which also addresses full-time pay, however we realized that we need to amend the City's salary structure in order to accommodate for the Cadet position. The Cadet position is only to be used in place of a vacant Police Officer position and will not increase the number of full-time positions budgeted for the City. Staff recommends approving this addition.

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 addition of the new Job Class/Title of Police Cadet within the City's Compensation Plan.

Seconded by Councilman District 3 Tippit

Voting Yea:

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

Voting Nay:

Councilwoman District 4 (Mayor Pro Tem) Padron

13. **Consider City of Port Lavaca's annual optional Homestead Tax exemption within the Calhoun County Appraisal District for the 2023 tax year. Presenter is Susan Lang**

Interim City Manager Weaver advised Council that each year, the governing bodies are asked to review their Optional Homestead, 65 and Over, and Disable Person exemptions for the coming tax year. Calhoun County's appraisal district has asked that we notify the appraisal district no later than April 1, 2023, if any changes are to be made for the 2023 tax year.

The appraisal district has provided a comparison of 2022 Tax Rates and Entity Exemptions of surrounding jurisdictions for your review, and staff has created some additional information from which you may find helpful.

**Local Optional Homestead Exemption:**

Just as the title says, this exemption is optional, and is up to the local jurisdiction to determine (within the guidelines of the State Legislature) the amount of exemption granted. Fiscal Year 2022-23 is the third year for the City to grant this optional exemption on a principal residence at the rate of 10%. Sixty percent (60%) of Single Family residences in the City take advantage of this generous exemption. This exemption affords homeowners, collectively, with \$29,447,872 in reduced value against their property taxes, which amounts to 7% of the City's total taxable property values, which is an increase of 2% from the previous year. For the average homestead, the reduction amounts to a savings of \$87.65 per year in property taxes. For the City, this exemption reduces the property tax revenue by over \$230,000 each year.

The City has the option to grant the Homestead exemption up to a maximum of 20%, but the minimum exemption cannot be less than \$5,000, if granted. Meaning, if the value of a Homestead is such that the current 10% exemption only grants \$3,500 in exempt value, the exemption, by default, will amount to \$5,000 as a minimum.

**Local Optional 65 and Over Exemption:**

This optional exemption may be increased or decreased with little oversight from the State Legislature. The City currently grants \$10,000 for individuals over 65 as an additional exemption, which matches the required mandatory exemption imposed on school districts. Approximately 25% of the City's single family residential properties receive the exemption, which amounts to over \$70,000 in reduced property tax revenue to the City each year.

The optional 65 and Over exemption reduces the taxable property values by two percent (2%) each year. Individuals receiving this exemption receive a \$79 reduction in property taxes each year. We have provided eight (8) years of trending information for each option for your review, and we hope this information will be useful for this year's decision-making effort.

Staff recommends the City adopts the existing exemptions for both Homestead at 10% and 65 and Over at \$10,000 which are the same as last year.

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 adopts the existing exemptions for both Homestead at 10% and 65 and Over at \$10,000 which are the same as last year.

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

Mayor Whitlow announced that City Council would have a recess at 8:04 p.m.

Mayor Whitlow announced that City Council was back at session at 8:09 p.m.

14. **Consider Resolution No. R-031323-2 of the City of Port Lavaca appointing a Chief Appraiser to Calculate Taxes for the 2023 tax year. Presenter is Susan Lang**

Motion made by Councilman District 1 Smith

WHEREAS, the City of Port Lavaca has a tax assessor-collector who assesses and collects taxes for the City of Port Lavaca through an agreement dated November 9, 2015;

AND WHEREAS, according to Section 26.04(c) of the Texas Property Tax Code, it is required to have a certified tax assessor-collector to calculate the tax rates for the City of Port Lavaca;

AND WHEREAS, it is time to have such no-new-revenue tax rate and voter-approval tax rate calculated;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Port Lavaca to appoint the Chief Appraiser of the Calhoun County Appraisal District or his/her designee, being duly registered and qualified to perform such calculations for the City of Port Lavaca for the 2023 tax roll.

Seconded by Councilman District 5 Ward

Voting Yea:

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

15. **Consider Community-wide Housing Analysis performed regarding impediments to fair housing for the City of Port Lavaca. Presenter is Jody Weaver**

Interim City Manager introduced Kevin Carruth, GrantWorks Client Services Manager, and he spoke with Council about the Community-wide Housing Analysis performed regarding impediments to fair housing for the City of Port Lavaca, a copy of which is in the office of the City Secretary, in its entirety.

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 City Attorney, Council hereby receives and accepts the Community-wide Housing Analysis performed regarding impediments to fair housing for the City of Port Lavaca.

Seconded by Councilman District 5 Ward

Voting Yea:

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

16. **Consider Resolution No. R-031323-3 of the City of Port Lavaca declaring April as Fair Housing Month. Presenter is Susan Lang**

Motion made by Councilman District 5 Ward

WHEREAS Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

WHEREAS The principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

WHEREAS The National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

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

THAT, WE, do proclaim April as Fair Housing Month in City of Port Lavaca and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.

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

17. **Consider Resolution No. R-031323-4 of the City of Port Lavaca suspending the May 01, 2023 effective date of the proposal by CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy Texas Gas – South Texas Division to Implement Interim Grip Rate Adjustments for Gas Utility Investment in 2021 and requiring delivery of this resolution to the Company and Legal Counsel. Presenter is Anne Marie Odefey**

Motion made by Councilman District 2 Dent

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

WHEREAS, CenterPoint made filings with the City and the Railroad Commission of Texas (“Railroad Commission”) on March 02, 2023, proposing to implement interim rate adjustments (“GRIP Rate Increases”) pursuant to Texas Utilities Code § 104.301 on all customers served by CenterPoint, effective May 01, 2023; and

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

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

1. The May 01, 2023, effective date of the GRIP Rate Increases proposed by CenterPoint is hereby suspended for the maximum period allowed by Texas Utilities Code § 104.301(a) to permit adequate time to review the proposed increases, analyze all necessary information, and take appropriate action related to the proposed increases.
2. A copy of this Resolution shall be sent to CenterPoint, care of Keith L. Wall. at 1111 Louisiana Street, CNP Tower 19<sup>th</sup> Floor, Houston, Texas 77002 and to Thomas Brocato, legal counsel to the City, at Lloyd Gosselink, 816 Congress Ave., Suite 1900, Austin, Texas 78701.

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

18. **Consider Resolution No. R-031323-5 of the City of Port Lavaca expressing its support of the Matagorda Bay Ship Channel Expansion Project. Presenter is Mayor Whitlow**

The following persons spoke in regards to the Matagorda Bay Ship Channel Expansion Project:

- Charles Hauseman
- Captain Larry Robinson
- Richard Meyer, Calhoun County Judge

Motion made by Councilman District 5 Ward

WHEREAS, on Wednesday, March 8, 2023, the Calhoun County Commissioner's Court unanimously passed a resolution expressing its support for the deepening and widening project of the Matagorda Bay Ship Channel; and

WHEREAS, the City Council of the City of Port Lavaca concurs with this resolution adopted by the Calhoun County Commissioner's Court; and

WHEREAS, the Matagorda Ship Channel is currently ranked by the Coast Guard's Ports and Waterways Safety Assessment (PAWSA) as the 3<sup>rd</sup> most dangerous ship channel in the United States, with the most dangerous currents (US Coast Guard 2001); and

WHEREAS, the deepening and widening of the ship channel will also provide for repair and rebuilding of the dangerous entrance channel which will make it safer for vessels and reduce the risk of accidents which might put the environmental integrity of Matagorda Bay at risk; and

WHEREAS, Chester Island, which is home to various water birds, such as the brown pelican and roseate spoonbill, will greatly benefit from the dredge spoils of this project with planned coordination between local members of the National Audubon Society and the Army Corps of Engineers; and

WHEREAS, the deepening and widening project will have a large economic impact on the entire region and provide a positive environmental impact to Matagorda and Lavaca Bays with improvements to oyster beds, bird habitat and wetland areas; and

WHEREAS, the City of Port Lavaca is the closest city to the Calhoun Port Authority with major retail businesses and hotels and will receive a great economic boost from this project.

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

THAT the City of Port Lavaca does hereby express its support for the deepening and widening project of the Matagorda Bay Ship Channel.

Seconded by Councilman District 6 Barr

Voting Yea:

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

Voting Nay:

Councilman District 3 Tippit

19. **Consider Second and Final Reading of an Ordinance (G-1-23) of the City of Port Lavaca amending the Code of Ordinances, Part II, Appendix A – Fees, Rates and Charges (Chapter 22 – Fire Prevention and Protection, Sec. 22 Construction Permits) and providing an effective date. Presenter is Derrick Smith**

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 Second and Final Reading of an Ordinance (G-1-23) of the City of Port Lavaca amending the Code of Ordinances, Part II, Appendix A – Fees, Rates and Charges (Chapter 22 – Fire Prevention and Protection, Sec. 22 Construction Permits) and providing an effective date.

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

20. **Consider award of Construction Contract for the new Illuminated Outdoor Signs at the Bauer Community Center and at City Hall. Presenter is Derrick Smith**

Development Services Director Smith and Interim City Manager Weaver advised Council that there is \$50,000 budgeted in the Capital Improvement plan to replace the message board at the Bauer Community Center. A bid package was created to advertise for competitive bids for this project and include new signs for City Hall as a separate bid item. Because we are already over budget, we are not recommending to go with the higher priced 10 mm display, understanding that the 16 mm is sufficient for quality text, graphics and video for vehicular traffic viewing.

As part of the City Hall upgrade project, we are providing electrical service to the three entrances to City Hall with hopes of replacing the City Hall signs with back-lit lettering. The Low Bidder for these signs was also Unity Signs Systems, LLC with a bid of \$29,250.00 for all three signs. We can deduct \$1,500 from the total if both bids (Bauer and City Hall) are awarded to Unity Signs.

Staff recommends the following:

1. Awarding a contract to Unity Signs Systems, LLC to replace the message board at the Bauer Community Center for the Base Bid amount of \$58,472.00, which will require \$8,472.00 from General Fund Reserves.

2. The award of the City Hall Improvement project required funds from General Fund reserves in the amount of \$19,500; therefore, there are no funds budgeted for these new City Hall signs. One option is to put the old lettering back up for now and budget for this next year, or go ahead and award this contract now using reserve funds. A contract award now would cost \$29,250 less the \$1,500 offered deduct for a total cost of \$27,750.00.
3. Believing that a postponement to next Fiscal year would likely increase cost, staff recommends an award of Bid Items 1 and 2 with the offered deduct for awarding both projects, for a total of contract amount of \$86,222.00.

**Bauer Community Center Message Board**

Item No.	Bidders:	Atlas Sign Services, Inc.	Fusion LED Inc. dba Sign Express	Comet Signs, LLC	Utility Signs Systems, LLC
1	Remove existing double sided message board and install NEW double sided all color 16 mm LED electronic message board with lifetime communication and lifetime data plan. Size to match existing.	\$ 69,800.00	\$ 57,745.89	\$ 75,098.00	\$ 58,472.00
1A	Additional cost for 10 mm (in lieu of specified 16mm)	\$ 6,100.00	\$ 8,802.46	\$ 6,837.00	\$ 6,178.00
	<b>Subtotal for Bauer Sign (Item 1 plus 1A)</b>	\$ 75,900.00	\$ 66,548.35	\$ 81,935.00	\$ 64,650.00

**City Hall Exterior Signs (Total of 3)**

	Unit Price per Sign	\$ 15,616.67	\$ 13,374.50	\$ 13,731.33	\$ 9,750.00
2	Install NEW LED backlit Halo Logo and Lettering on City Hall building per plans. <b>Total Price for 3 Signs.</b>	\$ 46,850.00	\$ 40,122.15	\$ 41,194.00	\$ 29,250.00
	<b>TOTAL OF BID ITEMS 1 AND 2</b>	\$116,650.00	\$ 97,868.04	\$116,292.00	\$ 87,722.00
	<b>TOTAL OF BID ITEMS 1+1A+2</b>	\$122,750.00	\$106,670.50	\$123,129.00	\$ 93,900.00
3	If Bidder is awarded a contract for both the Bauer Community Center Message Board AND the City Hall Exterior Signs, then deduct the following amount from the sum of Bid Items 1 and 2.	\$ 0.00	\$ 0.00	\$ 4,140.00	\$ 1,500.00

**HIGHEST AMOUNT BID on which the 5% Bid Bond is based.**

	<b>(Sum of Bid Items: 1+2-3)</b>	\$116,650.00	\$ 97,868.04	\$112,152.00	\$ 86,222.00
	<b>TOTAL OF BID ITEMS 1+1A+2-3</b>	\$122,750.00	\$106,670.50	\$118,989.00	\$ 92,400.00
	<b>BID BOND</b>	5%	No Bid Bond	5%	\$ 4,312.00
	<b>CALENDAR DAYS</b>	130		180	See Note*

*\*Note for calendar days (Unity Signs Systems, LLC):*

*60 days (but may be up to 16 weeks delivery of message board due to supply chain issues).*

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 Bid Items No. 1, 1A, 2 and 3 for the new Illuminated Outdoor Signs at the Bauer Community Center and at City Hall and awards Construction Contract to Unity Signs Systems, LLC, in the sum of \$92,400.00 with calendar days stated in bid, upon 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 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

**21. Consider the recommendation of the Planning Board for a three-lot Preliminary and Final Plat, The De La Rosa Subdivision, CAD PIN #18025 and CAD PIN #18032, generally located at the corner of Juanita Street and Center Street. Presenter is Derrick Smith**

Development Services Director Smith advised Council that the owners of CAD PIN 18025 and CAD PIN 18032 have sold Mr. Delarosa a portion of their lots. The portion sold was being unused due to a drainage ditch running through the property. Mr. Delarosa is wanting to use the property as a lay-down yard for his construction business. He plans to place a metal carport there to cover his tractors and materials. The area will be fenced with an access gate. Applicant has adhered to the proper subdivision plat submittal and review procedural process prior to presentation before the Planning Board. The Planning Board and Staff recommends approval of the three-lot Preliminary and Final plat, De La Rosa Subdivision.

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 the Planning Board and staff, Council hereby approves the request for a three-lot Preliminary and Final Plat, The De La Rosa Subdivision, CAD PIN #18025 and CAD PIN #18032, generally located at the corner of Juanita Street and Center Street.

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

22. **Consider the recommendation of the Planning Board for a Final Plat, PVS PL Hanuman LLC Subdivision, located north of SH 35 and east of Village Road; the property identification for this site is 93150 with the parcel containing 2.18 acres situated in the Alejandro Esparza Survey, Abstract No. 12 of Calhoun County, Texas and being a part of the same property shown as 3.079 acres in Express Inn Port Lavaca Subdivision. Presenter is Derrick Smith**

Development Services Director Smith advised Council that the applicant has prepared plans to construct a new motel at this location. Motel would be located next to the Whataburger on Hwy 35 North. This area is well suited to support a new motel and the plat serves as the legal location for the proposed motel. The preliminary plat of this property had been approved at the February 13, 2023 regular scheduled council meeting. The applicant is now ready to have the final plat approved as recommended by the Planning Board and staff.

Motion made by 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 the Planning Board and staff, Council hereby approves the request for a Final Plat, PVS PL Hanuman LLC Subdivision, located north of SH 35 and east of Village Road; the property identification for this site is 93150 with the parcel containing 2.18 acres situated in the Alejandro Esparza Survey, Abstract No. 12 of Calhoun County, Texas and being a part of the same property shown as 3.079 acres in Express Inn Port Lavaca Subdivision.

Seconded by Councilman District 5 Ward

Voting Yea:

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

23. **Consider request of The Harbor Children's Alliance and Victim Center for closure of streets adjacent to 215 W. Railroad Street for the annual hosting of "Celebrate the Child Picnic" on Saturday, April 01, 2023 from 9:00 a.m. to 2:00 p.m. The streets to be closed are N. Benavides from rear of the Library driveway to W. Railroad and W. Railroad from N. Benavides to N. Ann. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that Maria Watson, of The Harbor Children's Alliance and Victim Center has made a request for closure of streets adjacent to 215 W. Railroad Street for the annual hosting of "Celebrate the Child Picnic" on Saturday, April 01, 2023 from 9:00 a.m. to 2:00 p.m.

The streets to be closed are N. Benavides from rear of the Library driveway to W. Railroad and W. Railroad from N. Benavides to N. Ann. She said that in the past, this event was held at the Bayfront Peninsula, but due to COVID they have not been able to have it for the past 2 years.

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 request of The Harbor Children's Alliance and Victim Center for closure of streets adjacent to 215 W. Railroad Street for the annual hosting of "Celebrate the Child Picnic" on Saturday, April 01, 2023 from 9:00 a.m. to 2:00 p.m. The streets to be closed are N. Benavides from rear of the Library driveway to W. Railroad and W. Railroad from N. Benavides to N. Ann.

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

#### **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 8:48 p.m.

ATTEST:

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

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

# COMMUNICATION

SUBJECT: Minutes of March 27, 2023 Special and Workshop

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## INFORMATION:

**CITY COUNCIL WORKSHOP**

Monday, March 27, 2023 at 5:30 PM

Nautical Landings Training Room | 106 S. Commerce Street, Suite 1-B, Port Lavaca, Texas 77979

**MINUTES**

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

On this the 27th day of March, 2023, the City Council of the City of Port Lavaca, Texas, convened in a workshop session at 5:30 p.m. in the training room at Nautical Landings, located at 106 S. Commerce Street, Suite 1-B, Port Lavaca, Texas, with the following members in attendance:

**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

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

**II. CALL TO ORDER**

- Mayor Whitlow called the meeting to order at 5:30 p.m. and presided.

**III. COMMENTS FROM THE PUBLIC**

*(Limited to 3 minutes per individual unless permission to speak longer is received in advance. You may make public comments as you would at a meeting by logging on with your computer and using "Join Zoom Meeting" information on first page of this agenda).*

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

**IV. ITEMS FOR DISCUSSION** - Council will consider/discuss the following items and take any action deemed necessary.

1. **Receive Presentation from LJA Engineering on the Draft Final Report of the Downtown Waterfront Master Plan. Presenter is Jody Weaver**

Council discussed this workshop item.

No action was taken.

2. **Review the Online Sidewalk Plan for the City of Port Lavaca for future adoption by Council. Presenter is Jody Weaver**

Council discussed this workshop item.

No action was taken.

3. **Discuss elements to include in a proposed Landscape Ordinance in anticipation of making application to the Scenic City Certification Program. Presenter is Jody Weaver**

Council discussed this workshop item.

No action was taken.

4. **Discuss possible changes to the Chapter 36 Sign ordinance. Presenter is Jody Weaver**

Council discussed this workshop item.

No action was taken.

**V. 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 7:51 p.m.

These minutes were approved on April 10, 2023.

ATTEST:

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

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

# COMMUNICATION

SUBJECT: Review of Credit Card Statement

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## INFORMATION:



Section VII. Item #C.

CITY OF  
Account Number: XXXX XXXX XXXX 0305Billing 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  
February 6, 2023 to March 8, 2023

## SUMMARY OF ACCOUNT ACTIVITY

Previous Balance	\$12,028.64
- Payments	\$12,028.64
- Other Credits	\$0.00
+ Purchases	\$14,982.86
+ Cash Advances	\$0.00
+ Fees Charged	\$0.00
+ Interest Charged	\$0.00
= New Balance	\$14,982.86

Account Number XXXX XXXX XXXX 0305  
Credit Limit \$26,500.00  
Available Credit \$11,328.00  
Statement Closing Date March 8, 2023  
Days in Billing Cycle 31

## PAYMENT INFORMATION

New Balance: \$14,982.86  
Minimum Payment Due: \$449.49  
Payment Due Date: April 2, 2023

## 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
02/23	02/23	F1127001N00CHGDDA	AUTOMATIC PAYMENT - THANK YOU	\$12,028.64-

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: \$14,982.86  
Minimum Payment Due: \$449.49  
Payment Due Date: April 2, 2023

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

**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				\$12,028.64-
02/07	02/07	7533700168PQNH76E	FIRST TACTICAL 2095667816 CA	\$2,411.01
02/08	02/09	05314611800BA69M9	PINCHERS RESTAURANT EL CAMPO TX	\$48.10
02/10	02/12	55207391A916TEL8G	MECHANIX WEAR LLC VALENCIA CA	\$479.85
02/15	02/16	25120101F000FHE0Y	CATFISHCHARLIES CORP CHRISTI TX	\$37.37
02/16	02/19	52704871GLKVG4MGQ	HOLIDAY INN EXPRESS 5128461168 TX	\$326.64
		CHECK-IN 02/14/23	FOLIO #11214136	
02/27	02/28	55432861S5ZZ6AL7A	SQ *TEXAS CIT GOSQ.COM TX	\$200.00
03/07	03/07	554328622623297K2	AMZN MKTP US*H55OV6GV2 AMZN.COM/BILL WA	\$9.99
03/07	03/08	554328622627N0GTP	AMZN MKTP US*H51QQ2XG2 AMZN.COM/BILL WA	\$105.96
COLIN RANGNOW				
TOTAL XXXXXXXXXXXX0727				\$3,618.92
02/27	02/28	85450931SWGR3T2X5	OSS ACADEMY SPRING TX	\$15.00
02/28	02/28	55432861V5ZZAWE4D	TEEX ECOMMERCE 979-458-6898 TX	\$60.00
ERIC SALES				
TOTAL XXXXXXXXXXXX0776				\$75.00
02/06	02/07	5531020152DK8NJZE	AMZN MKTP US*S203I2F33 AMZN.COM/BILL WA	\$73.47
02/06	02/07	82300091500029YB4	SP GODARK BAGS VANCOUVER BC	\$251.90
02/06	02/08	5541734164YMTPRHG	MIDWAYUSA COM 800-2433220 MO	\$138.55
02/07	02/08	5543286163681H7XK	AMZN MKTP US*B90TN44Y3 AMZN.COM/BILL WA	\$117.45
02/07	02/09	554213517J83BQ0E8	VIKING TACTICS CENTERVILLE TN	\$95.05
02/16	02/17	55432861F5X1HS5P9	AMZN MKTP US*HP6YE9JL0 AMZN.COM/BILL WA	\$13.60
02/17	02/17	55432861G5X4DYMR1	NNA SERVICES LLC 800-876-6827 CA	\$175.58
02/17	02/19	55432861G5X8D8DPH	AMZN MKTP US*HE4814S21 AMZN.COM/BILL WA	\$11.99
02/27	02/28	55432861S5ZXGVE6X	AMZN MKTP US*HD6278ZR2 AMZN.COM/BILL WA	\$177.34
03/06	03/07	252650822000DHQV9	BULKMUNITIONS 855-5888918 TN	\$1,183.25
KAREN NEAL				
TOTAL XXXXXXXXXXXX0784				\$2,238.18
02/08	02/09	554570217612YL74M	GLOCK PROFESSIONAL INC 7704321202 GA	\$250.00
02/10	02/12	55432861A2XSFWB8J	TEEX RETAIL COLLEGE STATI TX	\$500.00
JAVIER RAMOS				
TOTAL XXXXXXXXXXXX0867				\$750.00
02/08	02/08	023053717EHX67BHN	TST* EXECUTIVE SURF CL CORPUS CHRIST TX	\$59.95
02/10	02/12	051404819LYT008BF	MCDONALD'S F7215 ROBSTOWN TX	\$18.06
02/10	02/12	55436871A4MD5B7D5	OMNI CORPUS CHRISTI CORP CHRISTI TX	\$617.36
		CHECK-IN 02/06/23	FOLIO #9384487	
03/03	03/05	85184121ZS66JEPMS	TEXAS FIRE CHIEFS ASSO 512-9397277 TX	\$890.00
JUAN LUNA				
TOTAL XXXXXXXXXXXX0941				\$1,585.37
02/14	02/14	12302021D0003LTSX	MICROSOFT*SUBSCRIPTION REDMOND WA	\$108.24
02/20	02/21	55429501KLS8PMSK3	EB TML REGION 11 MEET 8014137200 CA	\$160.00
02/28	03/01	55432861V604RPE14	SQ *THE DONUT PALACE PORT LAVACA TX	\$47.59
MANDY GRANT				
TOTAL XXXXXXXXXXXX1238				\$315.83
02/08	02/09	5531020172DL3A4TL	AMZN MKTP US*239PU1NO3 AMZN.COM/BILL WA	\$306.72
02/18	02/19	55432861H5XQTD5AF	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$150.00
02/18	02/19	55432861H5XQTD5AZ	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$150.00
03/02	03/02	55432861X60LWSZNB	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$500.00
03/02	03/02	55432861X60LWSZNK	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$500.00
03/02	03/02	55432861X60LWSZN3	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$500.00
03/02	03/02	55432861X60LWSZP5	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$500.00

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
03/02	03/05	75120711YS66JZGEH	KALAHARI RESORT - TX - ROUND ROCK TX	\$220.00
		CHECK-IN 01/01/95	FOLIO #OXUOD2U9	
03/02	03/05	75120711YS66JZGFG	KALAHARI RESORT - TX - ROUND ROCK TX	\$220.00
		CHECK-IN 01/01/95	FOLIO #9TIDAU2Y	
03/02	03/05	75120711YS66JZGGA	KALAHARI RESORT - TX - ROUND ROCK TX	\$220.00
		CHECK-IN 01/01/95	FOLIO #54Q5PBLU	
			SUSAN LANG	
			TOTAL XXXXXXXXXXXX1345	\$3,266.72
02/11	02/12	55432861A2XWMTFTY	APPLE.COM/BILL 866-712-7753 CA	\$2.99
02/11	02/12	55432861A2XZZHB7A	AMZN MKTP US*XV4AL9XM3 AMZN.COM/BILL WA	\$119.98
			DERRICK SMITH	
			TOTAL XXXXXXXXXXXX3836	\$122.97
02/26	02/27	55310201T2DZD22EV	AMZN MKTP US*HP5PQ8Y32 AMZN.COM/BILL WA	\$28.99
03/01	03/01	55480771W8AZ11B5W	RECONYX 8664936064 WI	\$30.00
			JAMES RUDELLAT	
			TOTAL XXXXXXXXXXXX8611	\$58.99
02/06	02/07	55432861636656DVZ	TST* WATER STREET OYST CORPUS CHRIST TX	\$92.82
02/09	02/10	5543286192XMD2MRV	OUTBACK 4425 CORPUS CHRIST TX	\$120.04
02/10	02/12	55546501A2LSP4NR8	35 & MAIN LLC TIVOLI TX	\$31.32
02/10	02/12	55436871A4MD5B8V2	OMNI CORPUS CHRISTI CORP CHRISTI TX	\$617.36
		CHECK-IN 02/06/23	FOLIO #9514437	
02/10	02/12	55436871A4MD5B91G	OMNI CORPUS CHRISTI CORP CHRISTI TX	\$617.36
		CHECK-IN 02/06/23	FOLIO #9384734	
03/07	03/08	517429522DJVZPPP	IDENTOGO - TX FINGERPR 877-512-6962 MA	\$39.05
			JOE REYES JR	
			TOTAL XXXXXXXXXXXX0215	\$1,517.95
02/12	02/13	55432861B5VYPVSFF	AMZN MKTP US*LM2G97E73 AMZN.COM/BILL WA	\$6.99
02/12	02/13	55131581B2M740FKS	MICROSOFT*SUBSCRIPTION MSBILL.INFO WA	\$108.24
02/13	02/14	55432861Q5W9169H4	UPS*BILLING CENTER 800-811-1648 GA	\$41.08
02/15	02/16	55432861E5W7MA0E3	GOOGLE *GOOGLE STORAGE 650-253-0000 CA	\$2.12
02/17	02/19	55432861G5XBR5REN	J2 *EFAX CORPORATE SVC 323-817-1155 CA	\$174.38
02/27	02/28	55432861S5ZXL22HE	UPS*BILLING CENTER 800-811-1648 GA	\$26.31
03/01	03/02	55432861W60JDH4LF	SQ *LACEY'S LITTLE BAK GOSQ.COM TX	\$250.00
03/01	03/03	55207391X001T7QK7	AUTHORIZE.NET SAN FRANCISCO CA	\$30.00
			JOANNA WEAVER	
			TOTAL XXXXXXXXXXXX0249	\$639.12
02/05	02/06	5531020142DZFB5BZ	AMZN MKTP US*VP6JA11P3 AMZN.COM/BILL WA	\$16.28
02/08	02/09	5531020172E0KH6L8	AMZN MKTP US*H91TZ8WK0 AMZN.COM/BILL WA	\$80.76
02/08	02/09	55310201861BTFFP5J	APWA - NATIONAL 8165955279 MO	\$259.00
02/13	02/14	55310201Q2DJJBEM9	AMAZON.COM*HE1BB3ZN1 A AMZN.COM/BILL WA	\$14.99
02/18	02/19	15270211H00EXTRGY	MSFT * E0700MDGG3 MSBILL.INFO WA	\$214.34
02/28	02/28	55432861V60113P80	AMZN MKTP US*HD0F26EF2 AMZN.COM/BILL WA	\$15.92
02/27	03/02	55436871W85AMFA42	ZORO TOOLS INC 855-2899676 IL	\$108.00
03/03	03/07	5543687217JR3JXF4	ZORO TOOLS INC 855-2899676 IL	\$32.56
03/07	03/08	554328622626E81TB	AMZN MKTP US*H529X0B51 AMZN.COM/BILL WA	\$26.23
03/07	03/08	554328622627N98NW	AMZN MKTP US*HG6B97NM0 AMZN.COM/BILL WA	\$25.73
			CYNTHIA HEYSQUIERDO	
			TOTAL XXXXXXXXXXXX0264	\$793.81

CITY OF  
Account Number: XXXX XXXX XXXX 0305**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	18.74% (v)	\$0.00	31	\$0.00
Cash Advances	18.74% (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](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.

**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

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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 22-23 Financial Highlights through **March 31, 2023**  
Date: April 6, 2023

Below are the following reports for the period ending **March 31, 2023**, or **50%** of the year:

The major highlights of the Report are as follows:

*Property Tax* collections as reported by CCAD - are **\$4,546,441** for the year as of February. Collections in FY 22-23 are 89.54% of total adjusted tax levy. Total current year Property Taxes Outstanding as of February is **\$530,675**.

In the General Fund, revenues through **3/31/23** are **70%** of budget. In addition:

1. *Current Property Tax* collections - are **\$4,238,311** for the year as of March. Collections in FY 22-23 are 104% of budget.
2. *Sales Tax* collections through March were **\$1,789,418** or 57% of budget. Collections through February in FY 21-22 were **\$1,679,701**.
3. *Licenses & Permits* collections are **\$66,885** for the year, or 38.4% of budget. Collections through March in FY 21-22 were **\$74,670**.
4. *Bauer Center Rentals* through March are **\$36,100** or 45.1% of budget. Collections through March in FY 21-22 were **\$24,650**.
5. *Court Fines* are **\$38,409** for the year, or 32% of budget. Collections through March in FY 21-22 were **\$45,002**.

Expenditures in the General Fund for the year are **48.02%** of budget.

**Target: 50%**

In the Utility Fund, revenues as of 3/31/23 are **41.35%** of budget. In addition:

1. *Metered Water* sales through March are **\$1,119,267 or 44.8%** of budget.
2. *Residential Sewer* sales through March are **\$567,350 or 45.4%** of budget.
3. *Garbage Billings* through March are **\$444,117 or 48.7%** of budget.

Expenditures in the Utility Fund for the year are **44.55%** of budget.

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**Summary – FY 2022-2023 through 3/31/23**

<u>Fund</u>	<u>Revenues</u>	<u>% Budget</u>	<u>Expense</u>	<u>% Budget</u>	<u>Revenues Less Expense</u>
General	\$7,261,469	70%	\$4,901,494	48%	\$2,359,975
Utility	2,941,101	41.3%	3,194,127	44.5%	(253,027)
HOT	177,750	29.1%	256,836	53.5%	(79,087)
Beach	106,504	29.3%	62,751	33.2%	43,752
Port	365,628	21%	214,009	13.8%	151,619
Total					2,223,232

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



Port Lavaca  
PROPERTY TAX COLLECTION REPORT  
February 28, 2023

Section VII. Item #D.

TAXES DUE AT CERTIFICATION 5,080,947.08

Adjustments to Date -9,735.71

TOTAL TAX LEVY 5,071,211.37

2022 Tax Collections

	Base	Penalties & Interest	Total
October	2,367,370.85	0.00	2,367,370.85
November	456,709.33	0.00	456,709.33
December	544,010.48	0.00	544,010.48
January	1,056,515.19	0.00	1,056,515.19
February	115,930.96	5,904.59	121,835.55
March			0.00
April			0.00
May			0.00
June			0.00
July (Delinquent as of July 1, 2022)			0.00
August			0.00
September			0.00

TOTAL 4,540,536.81 5,904.59 4,546,441.40

% Collected

89.54%

Last Year %  
Collected  
90.66%

TRANSFERRED TO DELINQUENT ROLL

July, Aug, and Sept Payments 0.00

2022 TAXES OUTSTANDING 530,674.56

% Current Outstanding

10.46%

\*\*\*\*\*  
DELINQUENT COLLECTIONS

	Base	Penalties & Interest	Total
October	15,508.53	3,883.19	19,391.72
November	11,960.20	5,936.64	17,896.84
December	29,654.80	10,931.51	40,586.31
January	7,327.91	3,189.44	10,517.35
February	5,002.82	4,245.22	9,248.04
March			0.00
April			0.00
May			0.00
June			0.00
July			0.00
August			0.00
September			0.00

TOTAL 69,454.26 28,186.00 97,640.26

DELINQUENT TAXES OUTSTANDING

401,959.13

TOTAL TAXES OUTSTANDING

932,633.69

*[Handwritten signature]*  
3/1/23

# COMMUNICATION

SUBJECT: Review Quarterly Investment Report ending March 31, 2023

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## INFORMATION:

City of Port Lavaca  
Quarterly Investment Report  
 1/1/2023 - 3/31/2023

Purchase Date	Maturity Date/Days	CUSIP	% of Portfolio	Security or Type	Principal	Interest	12/31/2022	3/31/2023	Yield	Bench Mark 6 mo. T-Bill	Par Value	Market Value	Accrued Interest	Date Sold	Paid Interest
			22%	<b><u>Demand Deposits</u></b>											
N/A	N/A			<b>Payroll</b>			\$ 6,513	\$ 10,038	0.0000%		\$ 10,038	\$ 10,038			\$ -
				First National Bank											
N/A	N/A			<b>Pooled Cash</b>			\$ 12,112,793	\$ 5,388,247	1.5000%		\$ 5,388,247	\$ 5,388,247			\$ 66,527
				First National Bank											
N/A	N/A			<b>Fireman's Retirement</b>			\$ -	\$ 50	0.0000%		\$ 50	\$ 50			\$ -
				First National Bank											
N/A	N/A			<b>Checking</b>			\$ -	\$ -	0.0000%		\$ -	\$ -			\$ -
				First National Bank											
N/A	N/A			<b>Flip Flip</b>			\$ 1	\$ 1	0.0000%		\$ 1	\$ 1			\$ -
				First National Bank											
			78%	<b><u>Local Government Investment Pools</u></b>											
N/A	28 *			<b>Consolidated Cash</b>			\$ 9,062,115	\$ 13,927,504	4.8163%	4.6900%	\$ 13,927,504	\$ 13,923,410			\$ 115,390
				Logic											
N/A	28 *			<b>Series 2022 Capital Projects</b>			\$ 5,563,593	\$ 5,628,338	4.8163%	4.6900%	\$ 5,628,338	\$ 5,626,683			\$ 64,744
				Logic											
<b>Total Investments</b>							<b>\$ 26,745,016</b>	<b>\$ 24,954,178</b>	<b>2.3113%</b>	<b>Average</b>	<b>\$ 24,954,178</b>	<b>\$ 24,948,429</b>	<b>\$ -</b>		<b>\$ 246,661</b>

\* Weighted Average Maturity

Total Interest for January 1, 2023 through March 31, 2023

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

Susan Lang  
 Finance Director

4/5/23  
 Date

## COMMUNICATION

**SUBJECT:** Receive report from Calhoun County Appraisal District Chief Appraiser.  
Presenter is Jesse Hubbell

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## INFORMATION:



CALHOUN COUNTY APPRAISAL DISTRICT  
426 West Main Street \* P.O. Box 49  
Port Lavaca, Texas 77979  
Appraisal: (361) 552-8808  
Collections: (361) 552-4560  
Fax: (361) 552-4787  
Website: www.calhouncad.org



**Board of Directors**

Commissioner Vern Lyday, Chairman  
Kevin Hill, Vice Chairman  
Jessie Rodriguez, Secretary  
William H. "Bill" Bauer, Member  
Benjamin Boone, Member

Section VIII. Item #1.

**Chief Appraiser**

Jesse W. Hubbell

**Why are properties appraised at market value?**  
**How is market value determined?**

***Sec.23.01 Texas Property Tax Code***

- a) Except as otherwise provided by this chapter, all taxable property is appraised at its market value as of January 1.***
- (b) The market value of property shall be determined by the application of generally accepted appraisal methods and techniques. If the appraisal district determines the appraised value of a property using mass appraisal standards, the mass appraisal standards must comply with the Uniform Standards of Professional Appraisal Practice. The same or similar appraisal methods and techniques shall be used in appraising the same or similar kinds of property. However, each property shall be appraised based upon the individual characteristics that affect the property's market value, and all available evidence that is specific to the value of the property shall be taken into account in determining the property's market value.***

## What is market value?

### *State Property Tax Code Sec. 1.04.(7) Definitions*

*“Market value” means the price at which a property would transfer for cash or its equivalent under prevailing market conditions if:*

- (A) exposed for sale in the open market with a reasonable time for the seller to find a purchaser;*
- (B) both the seller and the purchaser know of all the uses and purposes to which the property is adapted and for which it is capable of being used and of the enforceable restrictions on its use; and (C) both the seller and purchaser seek to maximize their gains and neither is in a position to take advantage of the exigencies of the other.*

## CHIEF APPRAISER'S REPORT

CITY OF PORT LAVACA

Section VIII. Item #1.

## RESIDENTIAL PROPERTIES ONLY

YEAR	CATEGORY	COUNT	NEW VALUE	MARKET VALUE	TAXABLE VALUE	+/- MARKET	+/- TAXABLE
2023	A1 SFR	3,237	\$ 4,796,799	\$ 476,964,631	\$ 394,090,137	22%	16%
	A2 MH W/LAND	452	\$ 14,470	\$ 8,322,210	\$ 7,056,473	10%	10%
	E1 SFR RURAL	5	\$ -	\$ 222,532	\$ 200,454	6%	6%
	M1 MH ONLY	301	\$ 83,630	\$ 3,600,130	\$ 3,130,711	11%	11%
<b>TOTAL</b>		<b>3,995</b>	<b>\$ 4,894,899</b>	<b>\$ 489,109,503</b>	<b>\$ 404,477,775</b>	<b>22%</b>	<b>16%</b>
			<b>CATEGORY A1 +E 1 ONLY</b>	<b>CATEGORY A1 +E 1 ONLY</b>			
HOMESTEADS	2218		<b>AVG HS MARKET VALUE</b>	<b>AVG HS TAXABLE VALUE</b>		<b>+/- MARKET</b>	<b>+/- TAXABLE</b>
65+ HS	911		\$ 161,674	\$ 130,114		20%	9%
65+ SS	56						
DVHS	35						
DVHSS	3						
DP	49						
DPSS	1						
<b>TOTAL</b>	<b>3273</b>						
<b>YEAR</b>	<b>CATEGORY</b>	<b>COUNT</b>	<b>NEW VALUE</b>	<b>MARKET VALUE</b>	<b>TAXABLE VALUE</b>	<b>+/- MARKET</b>	<b>+/- TAXABLE</b>
2022	A1 SFR	3,225	\$ 2,585,370	\$ 390,036,851	\$ 339,874,645	7%	7%
	A2 MH W/LAND	458	\$ 156,620	\$ 7,543,980	\$ 6,408,880	10%	10%
	E1 SFR RURAL	5	\$ -	\$ 209,492	\$ 188,226	1%	1%
	M1 MH ONLY	305	\$ 51,200	\$ 3,251,750	\$ 2,826,140	24%	25%
<b>TOTAL</b>		<b>3,993</b>	<b>\$ 2,793,190</b>	<b>\$ 401,042,073</b>	<b>\$ 349,297,891</b>	<b>7%</b>	<b>7%</b>
			<b>CATEGORY A1 +E 1 ONLY</b>	<b>CATEGORY A1 +E 1 ONLY</b>			
HOMESTEADS	2303		<b>AVG HS MARKET VALUE</b>	<b>AVG HS TAXABLE VALUE</b>		<b>+/- MARKET</b>	<b>+/- TAXABLE</b>
65+ HS	908		\$ 135,286	\$ 118,971		8%	8%
65+ SS	54						
DVHS	34						
DVHS S	3						
DP	59						
DPSS	1						
<b>TOTAL</b>	<b>3362</b>						

YEAR	CATEGORY	COUNT	NEW VALUE	MARKET VALUE	TAXABLE VALUE	+/- MARKET	+/- TAXABLE
2021	A1 SFR	3,203	\$ 3,764,130	\$ 363,612,477	\$ 317,285,701	6%	6%
	A2 MH W/LAND	463	\$ 249,280	\$ 6,834,847	\$ 5,803,359	3%	4%
	E1 SFR RURAL	5	\$ -	\$ 206,821	\$ 185,717	22%	25%
	M1 MH ONLY	308	\$ 320,180	\$ 2,612,730	\$ 2,258,986	7%	8%
<b>TOTAL</b>		<b>3,979</b>	<b>\$ 4,333,590</b>	<b>\$ 373,266,875</b>	<b>\$ 325,533,763</b>	<b>6%</b>	<b>6%</b>

CHIEF APPRAISER'S REPORT  
CITY OF PORT LAVACA  
RESIDENTIAL PROPERTIES ONLY

Section VIII. Item #1.

4

			CATEGORY A1 +E 1 ONLY	CATEGORY A1 +E 1 ONLY			
HOMESTEADS	2302		AVG HS MARKET VALUE	AVG HS TAXABLE VALUE		+/- MARKET	+/- TAXABLE
65+ HS	888		\$ 125,027	\$ 109,896		5%	5%
65+ SS	53						
DVHS	29						
DVHS S	1						
DP	61						
DPSS	1						
<b>TOTAL</b>	<b>3335</b>						

YEAR	CATEGORY	COUNT	NEW VALUE	MARKET VALUE	TAXABLE VALUE	+/- MARKET	+/- TAXABLE
2020	A1 SFR	3,187	\$ 2,062,463	\$ 343,214,686	\$ 299,701,854	5%	-3%
	A2 MH W/LAND	458	\$ 314,540	\$ 6,636,349	\$ 5,576,255	7%	-2%
	E1 SFR RURAL	4	\$ -	\$ 168,841	\$ 148,047	0%	-9%
	M1 MH ONLY	308	\$ 304,560	\$ 2,441,660	\$ 2,089,079	-1%	-9%
<b>TOTAL</b>		<b>3,957</b>	<b>\$ 2,681,563</b>	<b>\$ 352,461,536</b>	<b>\$ 307,515,235</b>	<b>5%</b>	<b>-3%</b>
			CATEGORY A1 +E 1 ONLY	CATEGORY A1 +E 1 ONLY			
HOMESTEADS	2317		AVG HS MARKET VALUE	AVG HS TAXABLE VALUE		+/- MARKET	+/- TAXABLE
65+ HS	870		\$ 119,042	\$ 105,020		5%	-6%
65+ SS	57						
DVHS	31						
DVHS S	1						
DP	72						
DPSS	1						
<b>TOTAL</b>	<b>3349</b>						

YEAR	CATEGORY	COUNT	NEW VALUE	MARKET VALUE	TAXABLE VALUE	+/- MARKET	+/- TAXABLE
2019	A1 SFR	3,180	\$ 1,724,890	\$ 326,585,864	\$ 308,426,788	9%	7%
	A2 MH W/LAND	463	\$ 271,610	\$ 6,229,300	\$ 5,704,175	11%	10%
	E1 SFR RURAL	4	\$ -	\$ 168,521	\$ 163,542	0%	0%
	M1 MH ONLY	310	\$ 84,080	\$ 2,462,740	\$ 2,289,583	7%	6%
<b>TOTAL</b>		<b>3,957</b>	<b>\$ 2,080,580</b>	<b>\$ 335,446,425</b>	<b>\$ 316,584,088</b>	<b>9%</b>	<b>7%</b>
			CATEGORY A1 +E 1 ONLY	CATEGORY A1 +E 1 ONLY			
HOMESTEADS	0		AVG HS MARKET VALUE	AVG HS TAXABLE VALUE		+/- MARKET	+/- TAXABLE
65+ HS	861		\$ 113,736	\$ 111,142		9%	6%
65+ SS	59						
DVHS	33						
DVHS S	1						

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CHIEF APPRAISER'S REPORT  
CITY OF PORT LAVACA  
RESIDENTIAL PROPERTIES ONLY

Section VIII. Item #1.

DP	72						
DPSS	1						
<b>TOTAL</b>	1027						

YEAR	CATEGORY	COUNT	NEW VALUE	MARKET VALUE	TAXABLE VALUE	+/- MARKET	+/- TAXABLE
2018	A1 SFR	3,173	\$ 1,813,190	\$ 300,669,661	\$ 288,288,482	1%	1%
	A2 MH W/LAND	457	\$ 288,410	\$ 5,597,668	\$ 5,176,617	2%	2%
	E1 SFR RURAL	4	\$ -	\$ 167,821	\$ 162,845	-6%	-6%
	M1 MH ONLY	312	\$ 31,440	\$ 2,307,190	\$ 2,164,705	1%	0%
<b>TOTAL</b>		3,946	\$ 2,133,040	\$ 308,742,340	\$ 295,792,649	1%	1%
			<b>CATEGORY A1 +E 1 ONLY</b>	<b>CATEGORY A1 +E 1 ONLY</b>		<b>+/- MARKET</b>	<b>+/- TAXABLE</b>
HOMESTEADS	0		<b>AVG HS MARKET VALUE</b>	<b>AVG HS TAXABLE VALUE</b>		0.04%	0.56%
65+ HS	859		\$ 104,650	\$ 104,466			
65+ SS	58						
DVHS	28						
DVHS S	0						
DP	76						
DPSS	1						
<b>TOTAL</b>	1022						

YEAR	CATEGORY	COUNT	NEW VALUE	MARKET VALUE	TAXABLE VALUE	+/- MARKET	+/- TAXABLE
2017	A1 SFR	3,156	\$ 2,801,890	\$ 298,525,349	\$ 285,368,780		
	A2 MH W/LAND	447	\$ 17,740	\$ 5,483,268	\$ 5,064,559		
	E1 SFR RURAL	4	\$ -	\$ 178,660	\$ 173,688		
	M1 MH ONLY	313	\$ 129,260	\$ 2,294,340	\$ 2,162,093		
<b>TOTAL</b>		3,920	\$ 2,948,890	\$ 306,481,617	\$ 292,769,120		
			<b>CATEGORY A1 +E 1 ONLY</b>	<b>CATEGORY A1 +E 1 ONLY</b>			
HOMESTEADS	0		<b>AVG HS MARKET VALUE</b>	<b>AVG HS TAXABLE VALUE</b>			
65+ HS	847		\$ 104,605	\$ 103,884			
65+ SS	56						
DVHS	24						
DVHS S	0						
DP	77						
DPSS	1						
<b>TOTAL</b>	1005						

## ESTIMATE OF TAXES WITH 20% INCREASE IN MARKET VALUE FOR REGULAR HOMESTEAD RESIDENTIAL PROPERTY WITH SAME TAX RATE AS 2022

Section VIII. Item #1.

TAXING UNIT	2022 MARKET VALUE EXAMPLE OF RESIDENCE	CURRENT HOMESTEAD EXEMPTION AMOUNT	2022 TAX RATE	2022 TAXABLE VALUE	2022 TAXES	2023 VALUE INCREASE	2023 \$ AMOUNT OF INCREASE TO MARKET	2023 MARKET VALUE	10% HOMESTEAD CAP INCREASE=10 %	2023 TAXABLE VALUE	2022 tax rates	2023 Estimated HS Taxes	Difference	Percentage of Tax Increase
CCISD	\$ 300,000.00	\$ 100,000	0.9567	\$ 200,000.00	\$ 1,913.40	33%	\$ 99,000.00	\$ 399,000.00	\$ 330,000.00	\$ 224,000.00	0.9567	\$ 2,143.01	\$ 229.61	12.00%
w/70,000 HS	\$ 300,000.00		0.9567	\$ 200,000.00	\$ 1,913.40	33%	\$ 99,000.00	\$ 399,000.00	\$ 330,000.00	\$ 194,000.00	0.9567	\$ 1,856.00	\$ (57.40)	-3.00%
COUNTY	\$ 300,000.00	\$ 60,000.00	0.5970	\$ 240,000.00	\$ 1,432.80	33%	\$ 99,000.00	\$ 399,000.00	\$ 330,000.00	\$ 250,200.00	0.5970	\$ 1,493.69	\$ 60.89	4.25%
SEADRIFT	\$ 300,000.00	\$ 60,000.00	0.5682	\$ 240,000.00	\$ 1,363.68	33%	\$ 99,000.00	\$ 399,000.00	\$ 330,000.00	\$ 250,200.00	0.5682	\$ 1,421.64	\$ 57.96	4.25%
PT COMFORT	\$ 300,000.00	\$ 60,000.00	0.8119	\$ 240,000.00	\$ 1,948.56	33%	\$ 99,000.00	\$ 399,000.00	\$ 330,000.00	\$ 250,200.00	0.8119	\$ 2,031.37	\$ 82.81	4.25%
PORT LAVACA	\$ 300,000.00	\$ 30,000.00	0.7944	\$ 270,000.00	\$ 2,144.88	20%	\$ 60,000.00	\$ 360,000.00	\$ 330,000.00	\$ 294,000.00	0.7944	\$ 2,335.54	\$ 190.66	8.89%
PORT AUTH	\$ 300,000.00	\$ 60,000.00	0.0008	\$ 240,000.00	\$ 1.92	33%	\$ 99,000.00	\$ 399,000.00	\$ 330,000.00	\$ 250,200.00	0.0008	\$ 2.00	\$ 0.08	4.25%
WCID 1	\$ 300,000.00	\$ 60,000.00	0.0367	\$ 240,000.00	\$ 88.08	33%	\$ 99,000.00	\$ 399,000.00	\$ 330,000.00	\$ 250,200.00	0.0367	\$ 91.82	\$ 3.74	4.25%
GWCD	\$ 300,000.00	\$ 60,000.00	0.0072	\$ 240,000.00	\$ 17.28	33%	\$ 99,000.00	\$ 399,000.00	\$ 330,000.00	\$ 250,200.00	0.0072	\$ 18.01	\$ 0.73	4.25%
DD6	\$ 300,000.00	\$ -	0.0427	\$ 300,000.00	\$ 128.10	33%	\$ 99,000.00	\$ 399,000.00	\$ 330,000.00	\$ 330,000.00	0.0427	\$ 140.91	\$ 12.81	10.00%
DD8	\$ 300,000.00	\$ -	0.2353	\$ 300,000.00	\$ 705.90	33%	\$ 99,000.00	\$ 399,000.00	\$ 330,000.00	\$ 330,000.00	0.2353	\$ 776.49	\$ 70.59	10.00%
DD10	\$ 300,000.00	\$ -	0.1802	\$ 300,000.00	\$ 540.60	33%	\$ 99,000.00	\$ 399,000.00	\$ 330,000.00	\$ 330,000.00	0.1802	\$ 594.66	\$ 54.06	10.00%
DD11	\$ 300,000.00	\$ -	0.171	\$ 300,000.00	\$ 513.00	33%	\$ 99,000.00	\$ 399,000.00	\$ 330,000.00	\$ 330,000.00	0.171	\$ 564.30	\$ 51.30	10.00%
POC	\$ 300,000.00	\$ 60,000.00	0.509	\$ 240,000.00	\$ 1,221.60	33%	\$ 99,000.00	\$ 399,000.00	\$ 330,000.00	\$ 250,200.00	0.509	\$ 1,273.52	\$ 51.92	4.25%
POCA1	\$ 300,000.00	\$ 60,000.00	0.491	\$ 240,000.00	\$ 1,178.40	33%	\$ 99,000.00	\$ 399,000.00	\$ 330,000.00	\$ 250,200.00	0.491	\$ 1,228.48	\$ 50.08	4.25%

# 2022 Tax Rates & Entity Exemptions

Section VIII. Item #1.

JURISDICTION	CODE	DISCOUNT	65 AND OVER TAX CEILING	M&O RATE	I&S RATE	TOTAL RATE	GENERAL HOMESTEAD (Mandatory)	LOCAL-OPTION PERCENTAGE HOMESTEAD	65 AND OVER (Mandatory)	65 AND OVER (Optional)	DISABLED (Optional) (Mandatory)	DISABLED VETERANS*
<b>COUNTY</b>												
Calhoun County	GO5	Yes	Yes	0.5824	0.0146	0.5970		20%		64,000	(O) 64,000	5,000 to 12,000
<b>CITIES</b>												
Seadrift	CO2	No	Yes	0.5269	0.0413	0.5682		20%		5,000	(O) 3,000	5,000 to 12,000
Point Comfort	CO3	No	No	0.8119	0.0000	0.8119		20%		3,750		5,000 to 12,000
Port Lavaca	CO4	No	Yes	0.7307	0.0637	0.7944		10%		10,000		5,000 to 12,000
<b>SCHOOL DISTRICTS</b>												
CCISD	SO1	No	Yes	0.8682	0.0885	0.9567	40,000	20%	10,000	10,000	(M) 10,000	5,000 to 12,000
<b>SPECIAL DISTRICTS</b>												
Calhoun Port Authority	NV6	Yes	NA	0.0008	0.0000	0.0008		20%		125,000	(O) 125,000	5,000 to 12,000
Water Control & Improvement District #1	WO7	Yes	NA	0.0367	0.0000	0.0367		20%		20,000		5,000 to 12,000
Groundwater Conservation District	GWD	No	NA	0.0072	0.0000	0.0072		20%		64,000	(O) 64,000	5,000 to 12,000
Drainage District #6	DD6	Yes	NA	0.0427	0.0000	0.0427				20,000		5,000 to 12,000
Drainage District #8	DD8	Yes	NA	0.2353	0.0000	0.2353						5,000 to 12,000
Drainage District #10	DD10	Yes	NA	0.1802	0.0000	0.1802						5,000 to 12,000
Drainage District #11	DD11	Yes	NA	0.1710	0.0000	0.1710						5,000 to 12,000
Port O'Connor Improvement District	MUD	Yes	NA	0.2613	0.2477	0.5090		20%		100,000	(O) 100,000	5,000 to 12,000
Port O'Connor Improvement District Defined Area #1	DAIMU	No	NA	0.4910	0.0000	0.4910		20%		100,000	(O) 100,000	5,000 to 12,000

\*Disabled Veteran Exemption is variable 10% to 29% = \$5,000; 30% to 49% = \$7,500; 50% to 69% = \$10,000; 70% to 100% = \$12,000

**City of Port Lavaca  
10 Year History**

<b>Year</b>	<b>Tax Rate</b>	<b>Taxable Value</b>	<b>Value +/-</b>	<b>% Change of Value</b>	<b>Levy</b>	<b>Levy +/-</b>	<b>% Change of Levy</b>	<b>Current Collections %</b>
2022	0.7944	569,035,369	20,973,053	3.83%	5,068,292.41	179,130.01	3.66%	91.67
2021	0.7944	548,062,316	31,265,749	6.05%	4,889,162.40	267,712.96	5.79%	98.19
2020	0.7944	516,796,567	15,483,242	3.09%	4,621,449.44	120,705.79	2.68%	98.54
2019	0.7944	501,313,325	23,509,962	4.92%	4,500,743.65	205,620.60	4.79%	98.55
2018	0.7944	477,803,363	10,768,880	2.31%	4,295,123.05	95,684.91	2.28%	99.02
2017	0.7944	467,034,483	1,447,271	0.31%	4,199,438.14	43,743.94	1.05%	99.49
2016	0.7900	465,587,212	11,858,631	2.61%	4,155,694.20	106,369.36	2.63%	99.57
2015	0.7900	453,728,581	-734,530	-0.16%	4,049,324.84	-12,196.63	-0.30%	99.68
2014	0.7900	454,463,111	11,797,683	2.67%	4,061,521.47	111,230.28	2.82%	99.72
2013	0.7900	442,665,428			3,950,291.19			99.73

## COMMUNICATION

**SUBJECT:** Consider approval of GLO Contract No. 20-065-071-C1998 Supplemental Agreement No. 1, Subcontract for Consultant Services agreement with CivilCorp, LLC for material testing/inspection on the Community Development Block Grant – Disaster Relief (CDBG-DR) Project, in the amount of \$15,000. Presenter is Jody Weaver

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## INFORMATION:

**Subcontract for Consultant Services**  
**Agreement Between CivilCorp, LLC, and City of Port Lavaca, Texas**  
**GLO Contract No. 20-065-071-C1998**  
**Supplemental Agreement No. 1**

This supplemental work authorization is made pursuant to the terms and conditions of the original contract dated March 27, 2020 hereinafter identified as the "Contract", entered into by and between CivilCorp, LLC and the City of Port Lavaca, Texas.

The following terms and conditions of the original work authorization are hereby amended as follows:

The Scope of Services is amended as follows:

- Perform material testing/inspection for street reconstruction including but not limited to subgrade, limestone base, asphalt, and concrete if required.

The maximum amount payable under this work authorization is amended to add the amount of \$15,000.00 for the additional services to be paid. The new total contract amount for this project is \$531,802.00.

This Supplemental Work Authorization shall become effective on the date of the final execution of the parties hereto. All other terms and conditions of the original contract not hereby amended are to remain in full force and effect.

In witness whereof, this Supplemental Work Authorization is executed in duplicate counterparts and hereby accepted and acknowledged below.

CIVILCORP, LLC

By: \_\_\_\_\_

Randy Janak

Vice President - Victoria Office

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

3/12/23

City of Port Lavaca, Texas

By: \_\_\_\_\_

Jack Whitlow, Mayor

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

## COMMUNICATION

**SUBJECT:** Consider award of construction contract for the Rehabilitation of Chevy Chase Street Project. Presenter is Wayne Shaffer

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## INFORMATION:

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**CITY OF PORT LAVACA**

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**COUNCIL MEETING:** April 10, 2023

**DATE:** 4.06.2023

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

**FROM:** WAYNE SHAFFER, DIRECTOR OF PUBLIC WORKS 

**SUBJECT: CONSTRUCTION AWARD – CHEVY CHASE STREET IMPROVMENTS AND MISCELLANEOUS CONCRETE WORK**

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Background:

In continuation of the planned street remediation, we recently advertised for the Chevy Chase Street improvements with miscellaneous concrete work. Bids were due to be received on March 30<sup>th</sup>, 2023, at 2:00 PM.

We received three bids on March 30<sup>th</sup>, 2023, from Lester Contracting, Brannon Paving, and Sylva Construction. The apparent Low Bidder is Sylva Construction with a total bid of \$148,485.00, which includes \$82,823.40 for Chevy Chase Rehab base bid and \$65,662.00 in total alternatives for miscellaneous concrete work consisting of sidewalk and curb and gutter in various areas. This project is being done in lieu of sealcoat this year and will be using the budgeted sealcoat funds. A bid tabulation is attached.

Recommendation:

Staff recommends a construction contract for this project be awarded to Sylva Construction in the amount of \$148,485.40. The work is to be completed within 90 days of the time that the contract begins.

CITY OF PORT LAVACA									
2023- CHEVY CHASE STREET IMPROVEMENTS									
BID DATE:MARCH 30, 2023 2:00 PM									
BID ITEM	DESCRIPTION	EST QTY	UNIT	TOTAL PRICE					
				LESTER CONTRACTING, INC.		BRANNAN PAVING CO., LTD		SYLVA CONSTRUCTION	
				UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
<b>BAUER COMMUNITY CENTER MESSAGE BOARD</b>									
1.	REMOVE AND REPLACE SELECT CURB & GUTTER ON CHEVY CHASE PER THE DETAIL DRAWING	250	LF	\$ 58.00	\$ 14,000.00	\$ 55.07	\$ 13,767.50	\$ 58.50	\$ 14,625.00
2.	CHEVY CHASE ST: SCARIFY PAVEMENT TO THE DEPTH OF 6". ADD LIMESTONE BASE AT THE UNIT PRICE BELOW, MIX ALL WITH 3% CEMENT, COMPACT TO 95% MODIFIED PROCTOR DENSITY, PROVIDE A 6" PARABOLIC CROWN, PRIME AND APPLY 2-COURSE SURFACE TREATMENT.	2461	SY	\$ 27.50	\$ 67,677.50	\$ 21.39	\$ 52,640.79	\$ 20.90	\$ 51,434.90
3.	GRADE A TYPE 2 LIMESTONE BASE- LOSSE CY	150	CY	\$ 86.00	\$ 12,900.00	\$ 111.63	\$ 16,744.50	\$ 78.65	\$ 11,797.50
4.	REMOVE/ REPLACE EXISTING 4" CONCRETE DRIVEWAY APPROACHES AS AUTHORIZED BY CITY.	230	SF	\$ 12.15	\$ 2,794.50	\$ 17.15	\$ 3,944.50	\$ 18.20	\$ 4,186.00
5.	SAWCUT EXISTING CONCRETE AND PROVIDE NEW EXPANSION JOINT.	75	LF	\$ 12.15	\$ 911.25	\$ 24.12	\$ 1,809.00	\$ 10.40	\$ 780.00
<b>TOTALBASE BID (CHEVY CHASE)</b>				\$	98,283.25	\$	88,906.29	\$	82,823.40
<b>ADDITIVE ALTERNATES</b>									
		EST QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
A1	INSTALL NEW CONCRETE SWALE AT BAUER COMMUNITY CENTER PARKING LOT AND REPLACE RADIUS SECTION OF CURB	1	LS	\$ 1,820.00	\$ 1,820.00	\$ 4,442.46	\$ 4,442.46	\$ 2,475.00	\$ 2,475.00
A2	203 N VIRGINIA- SIDEWALK REPAIR	1	LS	\$ 975.00	\$ 975.00	\$ 2,948.92	\$ 2,948.92	\$ 1,600.00	\$ 1,600.00
A3	206 CHARLOTTE- DRIVEWAY REPAIR	1	LS	\$ 1,885.00	\$ 1,885.00	\$ 3,218.16	\$ 3,218.16	\$ 2,352.00	\$ 2,352.00
A4	402 N. HALF LEAGUE- SIDEWALK REPAIR	1	LS	\$ 975.00	\$ 975.00	\$ 2,431.64	\$ 2,431.64	\$ 1,700.00	\$ 1,700.00
A5	514 WILLOWICK- DRIVEWAY REPAIR	1	LS	\$ 4,250.00	\$ 4,250.00	\$ 6,463.88	\$ 6,463.88	\$ 4,455.00	\$ 4,455.00
A6	SH 35 AT VILLAGE RD- SIDEWALK	1	LS	\$ 610.00	\$ 610.00	\$ 2,599.12	\$ 2,599.12	\$ 1,080.00	\$ 1,080.00
A7	CAVALIER RD AT WILLAGE RD- ADA SIDEWALK REPAIR	1	LS	\$ 1,580.00	\$ 1,580.00	\$ 2,019.30	\$ 2,019.30	\$ 1,280.00	\$ 1,280.00
A8	119 SPYGLASS HILL FRONT YARD SIDEWALK REPLACEMENT	1	LS	\$ 1,580.00	\$ 1,580.00	\$ 3,599.76	\$ 3,599.76	\$ 1,736.00	\$ 1,736.00
A9	REMOVE/ REPLACE SELECT CURB AND GUTTER PER DETAIL ON R NEAR N. SAN ANTONIO ST.	700	LF	\$ 65.00	\$ 45,500.00	\$ 73.48	\$ 51,436.00	\$ 58.50	\$ 40,950.00
A10	REMOVE REPLACE 4" CONCRETE DRIVEWAY APPROACHES/SIDEWALKS AS AUTHORIZED BY CITY.	370	SF	\$ 12.15	\$ 4,495.50	\$ 16.61	\$ 6,145.70	\$ 18.20	\$ 6,734.00
A11	SAWCUT EXISTING CONCRETE AND PROVIDE NEW EXPANSION JOINT.	125	LF	\$ 12.15	\$ 1,518.75	\$ 21.41	\$ 2,676.25	\$ 10.40	\$ 1,300.00
<b>TOTAL ADDITIVE ALTERNATES A1-A11</b>				\$	65,189.25	\$	87,981.19	\$	65,662.00
<b>GREATEST AMOUNT BID ON WHICH THE 5% BID BOND IS BASED (SUM OF BASE BID AND ADDITIVES ALTERNATES A-1 - A-11)</b>				\$	163,472.50	\$	176,887.48	\$	148,485.40
<b>DAYS TO COMPLETE</b>				90		90		90	
<b>BID BOND</b>				5% Bond		5% Bond		\$ 7,425.00	cashiers ck 5%

## COMMUNICATION

**SUBJECT:** Consider request of Sylvia Chapa for a Variance Request to Chapter 26 - Manufactured Housing and Recreational Vehicles for the placement of a manufactured home to be placed on 515 S. Ann Street, Lot 2 parcel ID #17270. Presenter is Derrick Smith

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## INFORMATION:

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**CITY OF PORT LAVACA**

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**MEETING:** APRIL 10, 2025

**DATE:** 04/05/2023

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** DERRICK SMITH, DEVELOPMENT SERVICES DIRECTOR

**SUBJECT:** Per applicant, Sylvia Chapa, consider and discuss a Variance Request to Chapter 26 - Manufactured Housing and Recreational Vehicles for the placement of a manufactured home. To be placed on 515 S Ann, Lot 2 parcel ID # 17270

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Sylvia Chapa owns 515 S Ann, which is a 2 lot parcel of land. Ms. Chapa is requesting a variance to the Manufactured Housing and Recreational Vehicles ordinance to place a manufactured home on lot 2. The lot where Ms. Chapa is requesting the manufactured home to be placed does not currently have a manufactured home on the lot and has not had a manufactured home on the property in the last 180 days. The manufactured year is 1999.

**Chapter 26 – Manufactured housing**

**Sec. 26-4 (2) c.**

*HUD-Code manufactured housing shall be installed only in a manufactured housing park, manufactured housing subdivisions or other property approved by the building official as described in the remainder of this subsection. A HUD-Code manufactured home will be permitted to be installed on any lot on which a manufactured home was situated in the past 180 days.*

**Sec. 26-3. (c)**

*Replacement option. Each manufactured home existing outside a manufactured home park or subdivision shall only be replaced one time with a newer model of equal or greater construction no older than ten years from the date of replacement. If the property with an existing manufactured home has a homestead exemption, the one-time replacement statement does not apply to that property. Any additional replacements shall be in conformance with the currently adopted codes set out in the City of Port Lavaca Code of Ordinances.*

**Department Comments:**

**Planning Board:** Denied. Members of the Planning Board made a motion to deny the request as to not set a precedent in allowing manufactured homes on residential lots not inside manufactured home parks and subdivisions. Also, it was noted the age of the manufactured home did not meet the minimum requirement of a 10-year replacement option.

**Development Service:** If approved, the applicant must ensure all installation permits and inspections are administered and followed.

Attachments:

- Variance request
- Calhoun CAD map

## COMMUNICATION

**SUBJECT:** Consider recommendation of the Planning Board for approval of a Conceptual Apartment Complex (Desilos Real Estate Living) to be located at 206 Bonorden Street, Blasingim Subdivision (PL), Lot 1, Acres 1.599. Property identification #81143. Presenter is Derrick Smith

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## INFORMATION:

## CITY OF PORT LAVACA

**MEETING:** APRIL 10, 2023 **AGENDA ITEM** \_\_\_\_\_

**DATE:** 4/5/2023

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** DERRICK SMITH, DEVELOPMENT SERVICES DIRECTOR

**SUBJECT:** At the recommendation of the Planning Board, consider and discuss approval of a conceptual apartment complex. To be located on 206 Bonorden St. The legal description for the lot is Blasingim Subd (PL), Lot 1, Acres 1.599. Property identification #: 81143.

**Sec. 42-159. - Approval of planning commission required.**

No person shall construct a multifamily dwelling, townhouse, patio home or other commercial development project without approval of said construction project by the planning commission...

*The applicant is proposing a multifamily apartment complex. Preliminary density is anticipated to be 53 units of loft-type apartments and three stories tall.*

**Future Land Use Map**

<https://portlavaca.org/wp-content/uploads/2020/10/Future-Land-Use-Plan.pdf>

**Department Comments:**

Storm sewer line and water line will be needed. Recommended bringing a 6" water line from Half League Rd.

Fire hydrant will be needed within 50 FT of the FDC. The building will need to be sprinkled and have flashers for the alarm. Requested width between rows of parking spaces.

1.5 parking spaces required per room.

**Planning Board Recommendation:** APPROVAL

Approval of a conceptual apartment complex. To be located on 206 Bonorden St. The legal description for the lot is Blasingim Subd (PL), Lot 1, Acres 1.599. Property identification #: 81143.

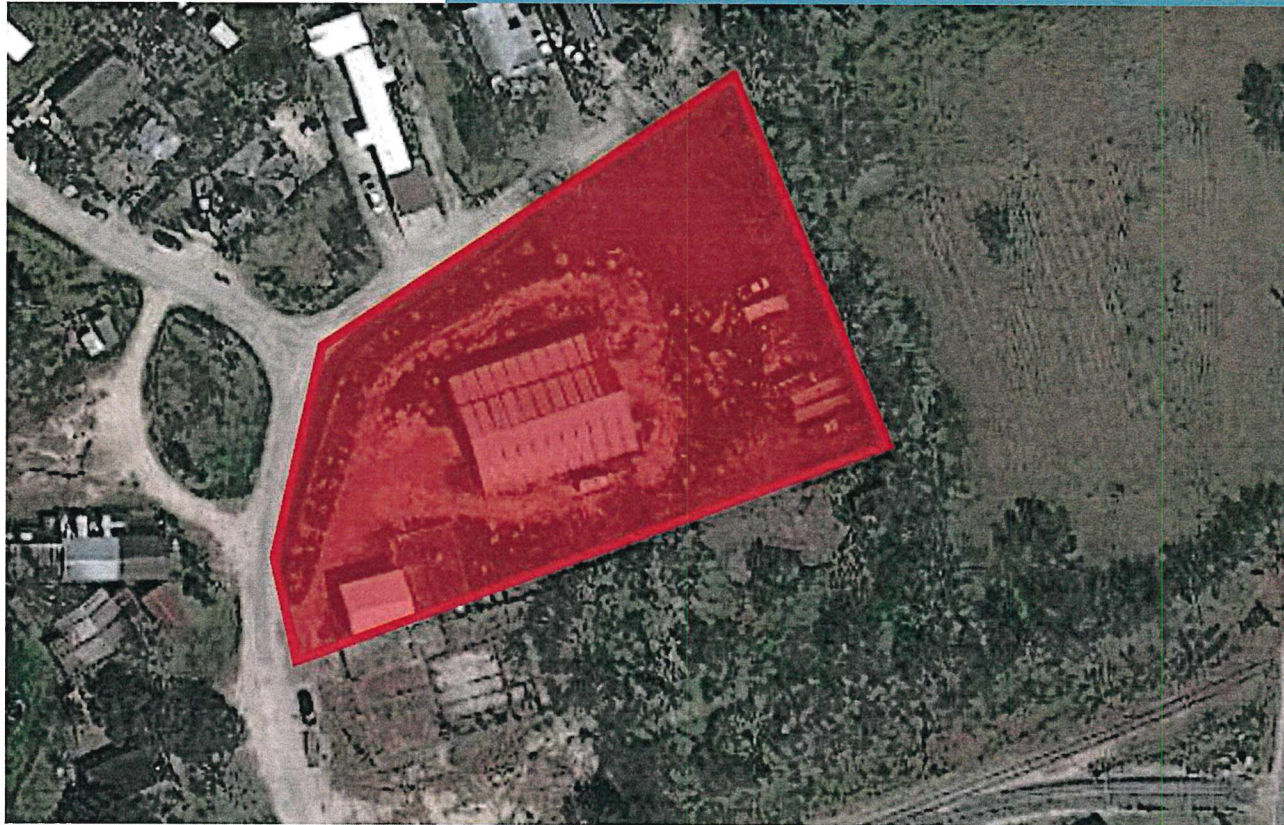
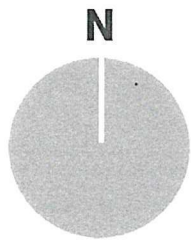
**Staff Recommendation:** APPROVAL

Approval of a conceptual apartment complex. To be located on 206 Bonorden St. The legal description for the lot is Blasingim Subd (PL), Lot 1, Acres 1.599. Property identification #: 81143.

**Attachments:**

- CAD pin: 81143
- Conceptual design

# Geographical Location

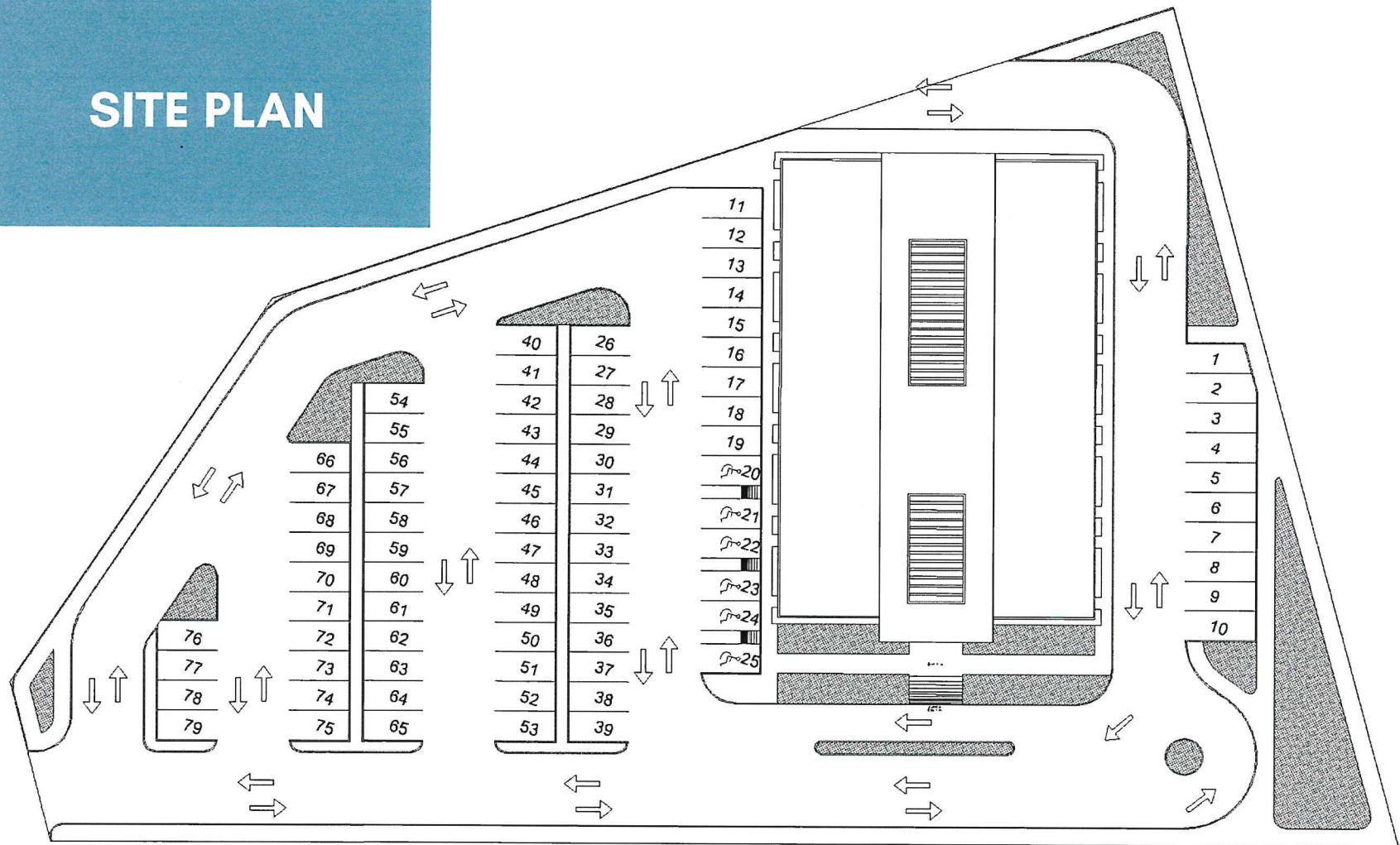


ARCHITECTURAL PROJECT

DESILOS REAL ESTATE LIVING

4

# SITE PLAN



PLANTA DE CONJUNTO  
1:150

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## COMMUNICATION

**SUBJECT:** Consider First Reading of an Ordinance (G-2-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 36 Signs; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Derrick Smith

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## INFORMATION:

## CITY OF PORT LAVACA

**MEETING:** April 10, 2023

**DATE:** 4.6.2023

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

**FROM:** DERRICK SMITH, DEVELOPMENT SERVICES DIRECTOR

**SUBJECT: PROPOSED EDITS TO SIGN ORDINANCE IN ANTICIPATION OF APPLYING FOR A SCENIC CITY CERTIFICATION**

- Scenic Texas was inspired by the visionary leadership of first lady Lady Bird Johnson and is the only statewide 501(c)(3) non-profit organization dedicated to the preservation and enhancement of our state's visual environment. Scenic Texas. The organization helps Texans safeguard the scenic qualities of Texas roadways, countryside, and communities. One of their programs is the Scenic City Certification Program which recognizes and supports Texas municipalities that implement high-quality scenic standards for public spaces. Once a city is accepted into the program, there are resources available to help continue to improve ordinances and practices to sustain and improve scenic beauty.
- There are 3 mandatory requirements to even be considered: One, having to do with landscaping and the two below with signage that will be addressed in the following proposed edits detailed below.
  - 1) **Prohibit new off-premises signage (billboards).**
  - 2) **Permitting process and size, placement, and quantity requirements for on-premises signage.**

**Definitions:**

A-frame sign. A temporary, freestanding sign, consisting of two (2) message panels attached by a hinge or similar device along their top edge, which is placed on the ground with the base of each panel separated by a sufficient distance to allow the sign to stand upright without other support. For the purposes of this definition, A-frame signs include single message panels that are mounted on a wood or metal base which provides the stability and support necessary for the sign to stand upright without attachment to a structure.

Abandoned sign means a sign that has not been used for advertising for 180 days to identify or advertise a bona fide business, lessor, service, owner, product, or activity; and/or for which no legal owner can be found.

Advertise means promoting, identifying, or calling attention to a business, product, service, or activity, through use of words, symbols, figures, or similar means.

Building frontage means the length of an exterior building wall or structure of a single premises oriented to the public way or other properties it faces.

*Building site* means a lot or parcel of land in a single or joint ownership and occupied or to be occupied by a building or buildings, together with such open spaces as a required by the terms of this title and having its frontage on a public street, road, highway, or permanent means of access by way of City-approved public accessway or thoroughfare for vehicular or pedestrian travel.

*Digital Sign* means an on-premises sign or billboard on which the message or copy can be electronically changed by remote or automatic means. Such sign shall be considered an on-premises sign if all of the messages displayed on the sign relates to on-premises activities.

*Face* means the entire advertising area of a sign excluding framing, trim, or supporting structure.

*Financing sign* means a sign identifying a financial institution participating in the development of the property on which it is located.

*Glare* means an effect created when an illumination source shines with sufficient brightness to cause discomfort, distract attention, or lead to the reduction or loss of visibility or visual function of the public.

*Monument sign* means a freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick, and is not supported by a pole or poles.

*Pennant Sign* means any piece or series of similar pieces of lightweight plastic, fabric, or other material, whether or not containing a message of any kind attached to a structure, rope, wire, or string, designed to move in the wind and attract attention to a business, product, service, or activity. Structures that are erected for the sole purpose of erecting pennant signs or that are an integral part of any pennant sign shall not be allowed; all pennant signs shall be suspended from existing on-site structures having received prior approval of the Building Official.

*Sign* means any object, device, display, or part thereof, visible from a public street, which is used to advertise a business, product, service, or activity.

*Temporary or portable sign* means any sign that is not permanently attached to the ground or to a building, or that is not designed to be permanently attached to the ground or building, including, but not limited to torpedo signs, A-frame signs, inflatable device signs, wind-driven signs, real estate signs, temporary directional signs, promotional posters, banners, and political signs as herein defined.

### **Sec. 36-3. Requirements generally.**

(k) All signs shall identify individual business, residential, and public use without creating confusion, unsightliness, or visual obscurity.

### **Sec. 36-4. Prohibited signs.**

- (4) Off-premises signs, unless otherwise authorized by this ordinance;
- (5) Portable signs, unless otherwise authorized by this ordinance;
- (8) Roof signs
- (9) Signs made of cardboard; and
- (10) Abandoned signs

## CITY OF PORT LAVACA

### Sec. 36-5. Permits.

- (a) Required. All signs shall require a building permit. It is an offense for any person to erect, construct, install, place, relocate, maintain or alter, within the City, any sign for which a Sign Permit is required without first obtaining a Sign Permit and paying the necessary fees.
- (i) A Sign Permit is not required for repair, repainting, or maintenance that does not entail structural or electrical change
- (b) Inspections required. All signs require inspection by the city prior to covering electrical work, if applicable, and at the completion of sign construction.

### Sec. 36-6. On-premises signs.

- (4) The maximum allowable height shall not exceed 30 feet on state highway 35 and 20 feet elsewhere within the city limits.
- (d) Electronic Signs
  - (3) Such signs shall be on the same support structure as a freestanding sign. The maximum size shall be no larger than twenty-four (24) square feet.

### Sec. 36-7. Temporary signs.

- (a) Construction signs
  - (3) One (1) construction sign may be used on a lot; corner lots are allowed one sign per street
  - (4) Permit not required
- (d) A-frame signs shall conform to the following:
  - (1) Placement. An approved A-frame sign shall conform to the following placement standards;
    - (i) Signs shall not be placed in parking spaces, pedestrian pathways, or bicycle paths, street corners, transit stop areas, ADA accessible curb ramps, ADA accessible parking spaces, at building exits or fire escapes, or any portion of the street (automobile and bicycle travel lanes, shoulder, medians, traffic islands, and parking areas).
    - (ii) The sign shall be located entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face. Signs placed within the right-of-way shall not obstruct traffic control signs or devices.
  - (2) Time limit. An approved A-frame sign shall only be placed within the working business hours of the business for which the sign is identifying.
  - (3) Permit not required
- (e) Banners, flags, pennants and inflatables shall conform to the following:
  - (1) Such signs shall be allowed for each calendar year.
    - (i) A new temporary sign permit application can be submitted for permitting after each calendar year.
  - (2) Such signs shall not be torn, tattered, ripped or faded.
  - (3) Such signs hung inside a place of business shall not constitute a sign

- (4) Such signs and inflatables shall not encroach any public right of way, shall not create a sight obstruction for vehicular or pedestrian traffic and shall not be attached to any public or franchised utility pole, support wire or tree.
- (5) One (1) banner sign and 1 inflatable may be used per place of business
- (6) One (1) pennant sign may be permitted each twenty-five 25 feet per lot frontage. The distance between pennants shall not be less than twenty-five (25) feet.
- (7) No more than one advertising flag shall be allowed on each lot on which flag is advertising
- (8) Permit required.

### **Sec. 36-8. Off premises signs.**

#### **Vehicle signs**

- (a) No type of vehicle, including, but not limited to, cars, trucks, motor-driven cycles, or vehicles built of miscellaneous parts of other vehicles, such as sand or dune buggies, and no type of trailer, boat, or other similar type of property shall be placed on private property within the city for the purpose of advertising such item for rent, sale, or lease.
- (b) A motor vehicle not used on a regular basis for the transportation of persons or property, or that is inoperable, shall not be parked or stored with one or more signs displayed thereon or otherwise used as a substitute sign structure.
- (c) Any vehicle containing advertising must be parked in an approved parking space. Any such vehicle is prohibited from otherwise being parked upon any public rights-of-way, including, but not limited to, public sidewalks, streets, alleys, or other public property, with one or more signs displayed thereon or otherwise used as a substitute sign structure.
- (d) No person shall operate or park a vehicle on a street nor shall the owner of a vehicle permit the vehicle to be operated or parked on a street for the primary purpose of advertising.

### **Sec. 36-9. Penalty**

- a. *Criminal.* Any person who shall violate any provision of this article, or fail to comply with any of the requirements of this article, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued, and upon conviction of any such violation such person shall be punished by a fine of up to five hundred dollars (\$500.00).
- b. *Civil.* The city may file a civil action in the district court seeking an injunction and civil penalties of up to one thousand dollars (\$1,000.00) per day for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued.

**State Law reference—** Enforcement of municipal ordinances, V.T.C.A., Local Government Code Chapter 54.

#### **Attachments:**

- Proposed Chapter 36- SIGNS ordinance

CITY OF PORT LAVACA CODE OF ORDINANCES  
ARTICLE II CHAPTER 36 SIGNS

Section VIII. Item #6.

**Sec. 36-1. Definitions.**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*A-frame sign.* A temporary, freestanding sign, consisting of two (2) message panels attached by a hinge or similar device along their top edge, which is placed on the ground with the base of each panel separated by a sufficient distance to allow the sign to stand upright without other support. For the purposes of this definition, A-frame signs include single message panels that are mounted on a wood or metal base which provides the stability and support necessary for the sign to stand upright without attachment to a structure.

*Abandoned sign* means a sign that has not been used for advertising for 180 days to identify or advertise a bona fide business, lessor, service, owner, product, or activity; and/or for which no legal owner can be found.

*Advertise* means promoting, identifying, or calling attention to a business, product, service, or activity, through use of words, symbols, figures, or similar means.

*Area* means the projected area of the face of the sign and any border, frame, or support attached to the edges. For figuring maximum area, only one side of a double-sided sign will be used.

*Banner sign* means any temporary sign other than a pennant, which is made from a lightweight material.

*Billboard* means a sign, which directs attention to a business, product, service, or activity that is not offered, sold, or conducted on the same lot upon which the sign is displayed.

*Building code* means the nationally recognized standards adopted by the city to regulate building within the city and its extraterritorial jurisdiction.

*Building frontage* means the length of an exterior building wall or structure of a single premises oriented to the public way or other properties it faces.

*Building site* means a lot or parcel of land in a single or joint ownership and occupied or to be occupied by a building or buildings, together with such open spaces as are required by the terms of this title and having its frontage on a public street, road, highway, or permanent means of access by way of City-approved public accessway or thoroughfare for vehicular or pedestrian travel.

*Canopy sign* means any sign that is attached or is part of an awning, canopy or other fabric, plastic or structural protective covering over a door, window or outdoor service area.

*Construction sign* means a sign placed by a company participating in the construction or financing on the property on which the sign is placed.

*Digital Sign* means an on-premises sign or billboard on which the message or copy can be electronically changed by remote or automatic means. Such sign shall be considered an on-premises sign if all of the messages displayed on the sign relates to on-premises activities.

*Directional sign* means an on-premises sign giving directions, instructions, or facility information, such as parking or exit and entrance signs.

CITY OF PORT LAVACA CODE OF ORDINANCES  
ARTICLE II CHAPTER 36 SIGNS

Section VIII. Item #6.

*Easement* means a strip of land granted by the property owner for use by the general public, utility companies, or private individuals.

*Effective area/face* means the area of the sign, which contains the advertisement, excluding any framing, trim or supporting structure.

*Electrical sign* means a sign or sign structure that incorporates electrical wiring, connections, lights or fixtures.

*Electronic messaging sign* means a sign in which the wording, symbols or figures change automatically no less than once every three seconds. This type of sign may be considered a billboard if 50 percent of the messages relate to off-premises activities.

*Erect* means to build, construct, assemble, emplace, affix or any other way to bring into being or establish.

*Face* means the entire advertising area of a sign excluding framing, trim, or supporting structure.

*Financing sign* means a sign identifying a financial institution participating in development of the property on which it is located.

*Flag* means a type of wind device that is specifically designed for display by attaching it to the lanyard of a flagpole.

*Flagpole* means a freestanding pole with an attached lanyard that is permanently affixed to the ground or a building and is designed for and is intended to be for the display of one or more flags.

*Freestanding sign* means any sign that is self-supporting as a result of being permanently affixed to the ground. This type of sign shall not be attached to any building or other structure.

*Glare* means an effect created when an illumination source shines with sufficient brightness to cause discomfort, distract attention, or lead to the reduction or loss of visibility or visual function of the public.

*Governmental sign* means any sign erected, placed or constructed by any federal, state or local governmental agency.

*Ground sign* means a sign in which the bottom of the face is no more than one foot above the ground.

*Height* means the vertical distance measured between the tallest part of the sign or its structure which ever is taller and the average ground level beneath the sign.

*Monument sign* means a freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick, and is not supported by a pole or poles.

*Multifaced sign* means a sign with three or more faces.

*Off-premises sign-* means an outdoor sign displaying advertising that pertains to a certain entities or activities not principally located on the premises on which the sign is located.

CITY OF PORT LAVACA CODE OF ORDINANCES  
ARTICLE II CHAPTER 36 SIGNS

Section VIII. Item #6.

*On-premises sign* means a sign that advertises a business, product, services or activity offered, sold or conducted on the premises on which it is located.

*Pennant Sign* means any piece or series of similar pieces of lightweight plastic, fabric, or other material, whether or not containing a message of any kind attached to a structure, rope, wire, or string, designed to move in the wind and attract attention to a business, product, service, or activity. Structures that are erected for the sole purpose of erecting pennant signs or that are an integral part of any pennant sign shall not be allowed; all pennant signs shall be suspended from existing on-site structures having received prior approval of the Building Official.

*Portable sign* means any sign that is not permanently affixed to the ground or to a building, which is designed to permit removal and reuse.

*Premises* means:

- (1) For any developed property, the area of real property, which encompasses all the buildings, structures, appurtenances and contiguous land devoted to a common use and not separated by a public street, such as a shopping center or mall.
- (2) For undeveloped property, the area of real property designated as a lot on a plat approved in accordance with law and filed with the county clerk's office, or an unplatted tract of land as conveyed by deed of operation of the law and recorded in the county records as a deed.

*Projecting sign* means a sign that is attached to a building wall or other structure that runs perpendicular to the wall or structure to which it is attached.

*Realty sign* means a temporary sign used to advertise a real estate development site or to advertise that real estate is for sale, rent or lease.

*Right-of-way* means the land opened, reserved, or dedicated for a street or roadway, sidewalk, drainage area, railroad or other public purpose.

*Roof sign* means any sign affixed to the roof of a building

*Setback* means the horizontal distance from the property line to the closest part of the sign.

*Sign* means any object, device, display, or part thereof, visible from a public street, which is used to advertise a business, product, service, or activity.

*Temporary or portable sign* means any sign that is not permanently attached to the ground or to a building, or that is not designed to be permanently attached to the ground or building, including, but not limited to torpedo signs, A-frame signs, inflatable device signs, wind-driven signs, real estate signs, temporary directional signs, promotional posters, banners, and political signs as herein defined.

*Wall sign* means any sign affixed flat against and parallel to a building wall.

*Wind sign* means any flag, banner, pennant, streamer, balloon or similar sign made of cloth, canvas, plastic or other flexible material, with or without a frame or supporting structure, that moves or is designed or intended to blow in the wind.

*Window/door sign* means any lettering be it painted or adhesively affixed to a door or window.

CITY OF PORT LAVACA CODE OF ORDINANCES  
ARTICLE II CHAPTER 36 SIGNS

Section VIII. Item #6.

(Ord. No. G-5-05, § 2, 6-27-2005)

**Sec. 36-2. Applicability.**

- (a) This section shall apply to all signs located within the corporate city limits ~~and extraterritorial jurisdiction~~, except as provided in subsection (b) of this section.
- (b) Any sign that already exists and is in good repair shall be allowed to remain as long as it remains in good repair. If any existing sign should fall into disrepair to the point of being a danger to the safety of the property owner or the general public, the sign shall be removed or made to come into compliance with the provisions of this chapter. Should a property owner want to replace an existing sign, the new sign shall be in compliance with the provisions of this chapter. Any portable sign shall be removed within 30 days of the effective date of the ordinance from which this chapter is derived. Persons having portable signs may apply for a permit to maintain such sign for a period of no more than 30 days.

(Ord. No. G-5-05, § 1, 6-27-2005)

**Sec. 36-3. Requirements generally.**

- (a) No sign, sign structure or sign support shall be placed nearer to the property line than 10 feet and shall not be upon or project over any public property, right-of-way, easement or abutting property.
- (b) No sign shall be erected, constructed, or maintained as to obstruct any means of egress, or any opening necessary for required light, ventilation or firefighting or escape from the premises, or as to prevent free passage from of the roof to any other part thereof.
- (c) No sign shall be attached to any exterior stairway, fire escape, firewall or balcony serving as a horizontal exit.
- (d) No sign will obstruct the use of any window above the first story that is a required means of egress to a fire escape.
- (e) All signs shall be constructed and erected as to prevent the accumulation of rainwater in the sign.
- (f) The ground under and adjacent shall be kept free of weeds, high grasses, and trash.
- (g) Should more than one sign-related definition apply to a proposed sign the owner may choose the definition that is to apply; however, all of the regulations for that type of sign shall be met without exception. If one of the definitions is a prohibited sign it shall remain a prohibited sign.
- (h) All signs constructed, or erected shall comply with the building code that is in effect at the time of the application for a permit.
- (i) All sign plans shall have affixed to it a professional engineer's seal, however, an exception exists for flags, banners and pennants, which do not require a professional engineer's seal.

CITY OF PORT LAVACA CODE OF ORDINANCES  
ARTICLE II CHAPTER 36 SIGNS

- (j) All signs shall match the color scheme of the business, which they are advertising. For example, if the building is brick then the sign shall be constructed of the same type of brick, or if the building is constructed of other materials and painted the sign shall match the buildings paint color.
- (k) All signs shall identify individual business, residential, and public use without creating confusion, unsightliness, or visual obscurity.

(Ord. No. G-5-05, § 3, 6-27-2005)

**Sec. 36-4. Prohibited signs.**

The following signs shall be prohibited:

- (1) Signs with flashing, blinking or traveling lights which are located within 100 feet of any street right-of-way or 1,000 feet of any intersection, except for time, temperature and electronic messaging signs;
- (2) Sidewalk or curb signs;
- (3) Signs upon trees, rocks, bridges, street sign poles, or utility poles, or signs utilizing such objects for all or part of their support;
- (4) Off-premises signs, unless otherwise authorized by this ordinance;
- (5) Portable signs, unless otherwise authorized by this ordinance;
- (6) Billboards;
- (7) Any sign that is painted, or attached to any fence, railing or wall that is not a structural part of a building except for signs that are commonly associated with safeguarding the use of the occupancy, such as "no trespassing" and "beware of dog" signs;
- (7) Projecting signs;
- (8) Roof signs
- (9) Signs made of cardboard; and
- (10) *Abandoned signs*

(Ord. No. G-5-05, § 4, 6-27-2005)

**Sec. 36-5. Permits.**

- (a) *Required.* All signs shall require a building permit. It is an offense for any person to erect, construct, install, place, relocate, maintain or alter, within the City, any sign for which a Sign Permit is required without first obtaining a Sign Permit and paying the necessary fees.
  - (i) A Sign Permit is not required for repair, repainting, or maintenance that does not entail structural or electrical change.

CITY OF PORT LAVACA CODE OF ORDINANCES  
ARTICLE II CHAPTER 36 SIGNS

- (b) Inspections required. All signs require inspection by the city prior to covering electrical work, if applicable, and at the completion of sign construction.
- (b) *Criteria.* The following will be needed to obtain a permit:
- (1) Two sets of plans approved by a professional engineer registered in the state. The sign must be rated to meet the wind code;
  - (2) Site plan;
  - (3) Completed application for permit; and
  - (4) Proper city and or state licenses.
- (c) *Exception for plans.* Banners, flags and pennants do not require plans.
- (Ord. No. G-5-05, § 5, 6-27-2005)

**Sec. 36-6. On-premises signs.**

- (a) Freestanding signs shall be subject to the following:
- (1) Only one freestanding sign will be allowed on each lot that front only one public street. For lots fronting more than one public street a freestanding sign will be allowed for each street.
  - (2) The maximum allowable effective area for freestanding signs will be 60 square feet.
  - (3) Multifaced signs shall have a maximum effective area of 180 square feet.
  - (4) The maximum allowable height shall not exceed 30 feet on state highway 35 and 20 feet elsewhere within the city limits
  - (5) Such signs may not rotate.
  - (6) Such signs shall meet the setback requirements of section 36-3(a).
- (b) Wall signs shall be subject to the following:
- (1) Such signs shall not project from the wall more than two feet.
  - (2) The maximum area of such signs shall not exceed 30 percent of the area of the wall on which it is mounted. In multi-tenant buildings on the same lot the wall sign area shall not exceed 30 percent of the tenants wall area on which the sign is to be mounted.
- (c) Canopy signs shall be subject to the following:
- (1) Such signs shall not extend beyond any edge of the canopy.
  - (2) One sign may be hung under the canopy providing that it is no closer to the ground than eight feet. In buildings with multi-tenant buildings each tenant may have one canopy sign.
- (d) *Electronic Signs*

CITY OF PORT LAVACA CODE OF ORDINANCES  
ARTICLE II CHAPTER 36 SIGNS

- (1) Electronic Message Signs with a static message shall not change more than once every 5 seconds and the message in its entirety must change within one second. Electronic Message Signs with scrolling messages shall scroll the entirety of the message within 3 seconds. No portion of the message shall blink or flash.
  - (2) Digital Signs shall display only a static image consisting of a message and background, including all graphics. The static image shall not change more than once every five seconds and the message in its entirety must change within one second. No portion of the message shall blink or flash.
  - (3) Such signs shall be on the same support structure as a freestanding sign. The maximum size shall be no larger than twenty-four (24) square feet.
- (g) Directional signs shall conform to the following:
- (1) Such signs shall have a height no greater than three feet and a width no greater than three feet.
  - (2) Such signs may be placed no closer than five feet to the property line.
- (Ord. No. G-5-05, § 6, 6-27-2005)

**Sec. 36-7. Temporary Signs.**

- (a) Construction signs shall conform to the following:
- (1) Such signs shall be located on premises no more than 30 days prior to the start of construction and removed no later than 15 days after construction is completed.
  - (2) Signs that have an area of 32 square feet or more must be constructed and tied down to meet the wind code. Signs that have less square footage may sit on the ground and be held in place by sand bags.
  - (3) One (1) construction sign may be used on a lot; corner lots are allowed one sign per street
  - (4) Permit not required
- (b) Realty signs shall conform to the following:
- (1) If on a site being developed it shall be the same as subsection (a)(1) of this section.
  - (2) If located on a property for sale or lease, the sign may remain on the premises until the new owner or renter takes possession of the property.
  - (3) Permit not required
- (c) Political signs shall conform to the following:
- (1) Such signs shall not be placed in public rights-of-way except at polling places.
  - (2) Such signs shall be removed no later than 15 days following the election for which they are posted, except signs at polling places, which shall be removed immediately after the polling place closes.

CITY OF PORT LAVACA CODE OF ORDINANCES  
ARTICLE II CHAPTER 36 SIGNS

- (3) Such signs shall be placed a minimum of 25 feet apart.
- (4) Signs with an effective area greater than 36 square feet shall not be placed within the city limits any sooner than 60 days prior to the election.
- (5) Such signs shall not be restricted on private real property except as permitted by V.T.C.A., Local Government Code § 216.903.
- (6) Permit not required
- (d) A-frame signs shall conform to the following:
  - (1) *Placement.* An approved A-frame sign shall conform to the following placement standards;
    - (i) Signs shall not be placed in parking spaces, pedestrian pathways, or bicycle paths, street corners, transit stop areas, ADA accessible curb ramps, ADA accessible parking spaces, at building exits or fire escapes, or any portion of the street (automobile and bicycle travel lanes, shoulder, medians, traffic islands, and parking areas).
    - (ii) The sign shall be located entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face. Signs placed within the right-of-way shall not obstruct traffic control signs or devices. Signs may not impede or hinder the vision of drivers or bicyclists.
  - (2) *Time limit.* An approved A-frame sign shall only be placed within the working business hours of the business for which the sign is identifying.
  - (3) Permit not required
- (e) Banners, flags, pennants and inflatables shall conform to the following:
  - (1) Such signs shall be allowed for each calendar year.
    - (i) A new temporary sign permit application can be submitted for permitting after each calendar year.
  - (2) Such signs shall not be torn, tattered, ripped or faded.
  - (3) Such signs hung inside a place of business shall not constitute a sign.
  - (4) Such signs and inflatables shall not encroach any public right of way, shall not create a sight obstruction for vehicular or pedestrian traffic and shall not be attached to any public or franchised utility pole, support wire or tree.
  - (5) One (1) banner sign and 1 inflatable may be used per place of business.
  - (6) One (1) pennant sign may be permitted each twenty-five 25 feet per lot frontage. The distance between pennants shall not be less than twenty-five (25) feet.
  - (7) No more than one advertising flag shall be allowed on each lot on which flag is advertising.

CITY OF PORT LAVACA CODE OF ORDINANCES  
ARTICLE II CHAPTER 36 SIGNS

(8) Permit required.

**Sec. 36-8 Off-premises Signs.**

Vehicle signs

- (a) No type of vehicle, including, but not limited to, cars, trucks, motor-driven cycles, or vehicles built of miscellaneous parts of other vehicles, such as sand or dune buggies, and no type of trailer, boat, or other similar type of property shall be placed on private property within the city for the purpose of advertising such item for rent, sale, or lease.
- (b) A motor vehicle not used on a regular basis for the transportation of persons or property, or that is inoperable, shall not be parked or stored with one or more signs displayed thereon or otherwise used as a substitute sign structure.
- (c) Any vehicle containing advertising must be parked in an approved parking space. Any such vehicle is prohibited from otherwise being parked upon any public rights-of-way, including, but not limited to, public sidewalks, streets, alleys, or other public property, with one or more signs displayed thereon or otherwise used as a substitute sign structure.
- (d) No person shall operate or park a vehicle on a street nor shall the owner of a vehicle permit the vehicle to be operated or parked on a street for the primary purpose of advertising.

**Sec. 36-9. Penalty**

- a. *Criminal.* Any person who shall violate any provision of this article, or fail to comply with any of the requirements of this article, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued, and upon conviction of any such violation such person shall be punished by a fine of up to five hundred dollars (\$500.00).
- b. *Civil.* The city may file a civil action in the district court seeking an injunction and civil penalties of up to one thousand dollars (\$1,000.00) per day for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued.

**State Law reference**— Enforcement of municipal ordinances, V.T.C.A., Local Government Code Chapter 54.

**Sec. 36-10. Existing signs.**

All existing or legally permitted signs will be allowed to remain until such a time that they become unsafe, the business closes or has to be replaced for whatever reason. An exception exists for all portable signs, which shall be removed no later than 60 days following the adoption of the ordinance from which this chapter is derived.

(Ord. No. G-5-05, § 8, 6-27-2005)

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CITY OF PORT LAVACA CODE OF ORDINANCES  
ARTICLE II CHAPTER 36 SIGNS

**Sec. 36-11. Administration.**

The administration of this chapter shall be by the building official, or his designee, except that the removal of signs may be by other duly authorized persons.

(Ord. No. G-5-05, § 9, 6-27-2005)

## COMMUNICATION

**SUBJECT:** Consider First Reading of an Ordinance (G-3-23) of the City of Port Lavaca amending the Code of Ordinances, Part II, Appendix A – Fees, Rates and Charges (Chapter 36 – Signs, Sec. 36-7 Temporary Signs (e) Banners, Flags, Pennants and Inflatables; and providing an effective date. Presenter is Derrick Smith

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## INFORMATION:

**ORDINANCE #G-3-23**

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 if applicable, described in full in the attached Exhibit “A” marked in red/blue and/or highlighted in yellow or with a strike-through for deletions:

Chapter 36: Signs  
     Sec. 36-7 Temporary Signs  
         (e) Banners, Flags, Pennants and Inflatables  
             **Permit Fee \$25.00**

**ARTICLE III.- EFFECTIVE DATE**

This ordinance shall become effective upon adoption by City Council.

FIRST READING this 10<sup>th</sup> day of April, 2023.

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

SECOND AND FINAL READING this 24<sup>th</sup> day of April, 2023.

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

APPROVED AND ADOPTED this 24<sup>th</sup> day of April, 2023.

\_\_\_\_\_  
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			
Councilman Dent			
Councilman Tippit			
Councilwoman Padron			
Councilman Ward			
Councilman Barr			

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

## COMMUNICATION

**SUBJECT:** Consider First Reading of an Ordinance (G-4-23) of the City of Port Lavaca amending the Code of Ordinances, Chapter 42 Subdivisions and Plats, Article VII Group Housing and Commercial Development, Section 42-160 Minimum Design Standards, adding (5) Landscaping; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Derrick Smith

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## INFORMATION:

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## CITY OF PORT LAVACA

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**COUNCIL MEETING: APRIL 10, 2023**

**DATE:** 4.6.2023

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

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

**SUBJECT: PROPOSED LANDSCAPE ORDINANCE IN ANTICIPATION OF APPLYING FOR A SCENIC CITY CERTIFICATION**

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- COMPREHENSIVE PLAN (2016): Under the top Action item is listed “Develop Landscaping regulations for non-residential and multiple family developments ...”
- Scenic Texas was inspired by the visionary leadership of first lady Lady Bird Johnson and is the only statewide 501(c)(3) non-profit organization dedicated to the preservation and enhancement of our state’s visual environment. Scenic Texas. They help Texans safeguard the scenic qualities of Texas roadways, countryside, and communities. One of their programs is the Scenic City Certification Program which recognizes and supports Texas municipalities that implement high-quality scenic standards for public spaces. Once a city is accepted into the program, there are resources available to help us continue to improve on our ordinances and practices to sustain and improve our scenic beauty.
- There are 5 ranks in the Scenic City program. Two of our regional neighbors which have been certified as Scenic Cities are Cuero and El Campo, both of whom are Silver (middle ranking). Applications, with a \$1,500 application fee are accepted between Feb 1 and April 30 each year. If accepted, there is a \$750.00 annual fee.
- There are 3 mandatory requirements to even be considered: One, having to do with landscaping and the other two, with signage.
  - 1) Section 1- Streetscape (Landscaping): Trees and landscaping along major roadways, city streets, street median and in parking lots are required.

After discussion at Monday’s workshop, my hope is to bring a proposed landscape ordinance to Council for a 1<sup>st</sup> reading on April 10 with a 2<sup>nd</sup> reading on April 24, in time to apply for the Scenic City certification.

regulations for consideration and discussion:

Applicability: new development, redevelopment and substantial improvements – definitions will be needed

Exceptions: single family home developments

Required amount of Landscaping: Min. **10%** of the available site which is defined as the total area of the private property less the area of all buildings and secured and fenced areas. 70% of this required amount must be located in the area between the front of the building and the front property line (i.e. the front yard so to speak, so it can be seen from the road). This 70% can be adjusted by the Pre-Development committee for Multi-family projects or others where it makes more sense to have the landscaping dispersed throughout the site. The landscaping is to be provided on the private property. The developer is to construct a sidewalk and provide grass sod within the right-of-way unless otherwise approved.

Eligible landscaping: To count towards the required 10%, the plant must be suitable for our region in accordance with the USDA Hardiness Zone Map. You can use plants that aren't on this list, but they wouldn't count towards the 10%. If a plant is listed as invasive and/or noxious per USDA they are not allowed.

- Landscaped areas shall include a combination of the following types of materials: trees, shrubs, annual and/or perennial plants, vines, grass, and/or groundcover. Nonliving, durable materials commonly used in landscaping, such as, but not limited to organic mulches, rocks, pebbles, sand, walls and fences, but excluding paved surfaces, may also be utilized in landscaped areas. Pervious, decorative paving materials and brick pavers may be included in the form of walkways or driveways through landscaped areas; however, off-street parking areas paved with such materials shall not be considered as landscaped areas.
- All landscaped areas shall be protected by concrete curbing or other acceptable devices which prohibit vehicular access to and encroachment of these areas.
- At least one tree shall be provided per 800 square feet of landscaped area required by the provisions of this section. A landscaped area of at least five feet by five feet shall be provided surrounding each tree. shall be a minimum caliper of two (2) inches and a minimum height of five (5) feet when planted. Outdoor car lots and other exhibitors of merchandise will be exempt from the tree requirement on any part of the landscaped areas that directly abut the show or display area.
- Shrubs, annual and/or perennial plants, vines, grass, and ground cover planted to meet the requirements of this section shall be good, healthy nursery stock. Shrubs shall be a minimum of one (1) foot in height or width when planted.
- Grass areas shall be planted in species normally grown as permanent lawns in The City of Port Lavaca. Grass areas may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in the right-of-way, street yard and swales or other areas subject to erosion.

## CITY OF PORT LAVACA CODE OF ORDINANCES

ARTICLE II CHAPTER 42 SUBDIVISIONS AND PLATS, ARTICLE VII GROUP HOUSING  
AND COMMERCIAL DEVELOPMENT, SECTION 42-160 MINIMUM DESIGN  
STANDARDS, ADDING (5) LANDSCAPING

**Definitions.**

*Building site* means a lot or parcel of land in a single or joint ownership and occupied or to be occupied by a building or buildings, together with such open spaces as a required by the terms of this title and having its frontage on a public street, road, highway, or permanent means of access by way of City-approved public accessway or thoroughfare for vehicular or pedestrian travel.

*Buffer yard* An area of land along the perimeter of a lot or parcel of land not constituting any part of a required yard and not on any portion of an existing right-of-way having thereon specified dimension, types and amounts of vegetation, or structures which may be required to reduce or eliminate the effects of land uses upon adjoining land uses or thoroughfares.

*Intrusive/invasive species:* Weeds, undesirable natural and/or nuisance plants or aggressive species

*Open space:* Area, excluding parking or paved area but including any side, rear or front yard or any unoccupied space on the lot, that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves or porches.

*Permeable/pervious area:* An area having pores or openings that allow water to pass through that is sufficient to foster plant maturity, health, and absorbability.

*Street yard* means the portion of a lot between the street right-of-way, or easement, or common access drive, and the required building placement; the portion of a lot adjoining a street as measured from the right-of-way.

*Yard:* An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward.

**General Requirements.**

- A. *Irrigation.* All landscaped areas shall be irrigated by means of a subsurface irrigation system and/or a hose attachment within 75 feet of a landscaped area or plant for nonresidential, mixed-use, and multi-family lots that require continued or periodic watering to be sustained.
- B. *Clear view.* All landscaping shall be located so as to not interfere with the act of parking, so as to not create traffic hazard by obscuring driver or pedestrian vision of intersections, walkways, driveways, and streets or a combination thereof.
- C. *Time allowance.* All approved vegetative landscaping, including screening and irrigation systems, shall be in place prior to the issuance of a certificate of occupancy, or if reasonable considerations prohibit completion of the planting of landscape material, a temporary certificate of occupancy may be issued for such time as is reasonable.
- D. *Maintenance.* It is the responsibility of the owner, tenant, or anyone exercising control of the premises, and their agents and employees, shall be responsible for the placement and maintenance of all landscaping required herein, including irrigation systems; and

## CITY OF PORT LAVACA CODE OF ORDINANCES

ARTICLE II CHAPTER 42 SUBDIVISIONS AND PLATS, ARTICLE VII GROUP HOUSING  
AND COMMERCIAL DEVELOPMENT, SECTION 42-160 MINIMUM DESIGN  
STANDARDS, ADDING (5) LANDSCAPING

to keep same in good condition as to present a healthy, neat and orderly appearance free of debris.

- E. *Requirements.* Requirements for the removal and/or planting of all landscape material is set out in this article. The minimum landscape surface ratio (LSR) is combined with this Section, in addition to other applicable requirements of this article, to determine the type, quality, quantity, and location of required landscape material on a parcel proposed for development.

### **Purpose and Intent.**

The purpose of this article is to establish landscaping standards that protect and preserve the appearance and character of the City, improve the compatibility of abutting uses, protect the health and quality of life of the residents through the preservation of protected trees on property within the City, and conserve scarce water resources by promoting the planting of native and drought-resistant trees and shrubs. In establishing these standards, it is the City Council's intent to encourage the preservation of trees and their value to the community, increase the compatibility of abutting uses, aid in energy conservation and to minimize the effects on the surrounding environment due to noise, dust, debris, artificial light intrusions, and other impacts of an adjoining or nearby use.

### **Applicability of Standards.**

This article applies to all new development, redevelopment, and substantial improvements in the city, and where specifically indicated, to existing trees and landscaping.

Exceptions. The following are exceptions to the standards of this article:

1. Individual existing lots of record that are used for existing single-family detached or attached dwellings, or duplexes.
2. Modifications to nonresidential buildings where the building expansion or redevelopment does not exceed the gross floor area of the existing building by more than 10 percent or 3,000 square feet, whichever is less.
3. Sites that are proposed for redevelopment or substantial improvement, where due to the geometry of the site or existing improvements, installation of landscaping in compliance within this article would be impractical or unreasonable, in which case the Pre-Development Committee may approve a lesser landscaping requirement, provided that the reduction of landscaping standards is only the extent necessary to make the installation practicable. In no case shall this exception be interpreted to lessen these requirements for reasons other than those provided.

## CITY OF PORT LAVACA CODE OF ORDINANCES

ARTICLE II CHAPTER 42 SUBDIVISIONS AND PLATS, ARTICLE VII GROUP HOUSING  
AND COMMERCIAL DEVELOPMENT, SECTION 42-160 MINIMUM DESIGN  
STANDARDS, ADDING (5) LANDSCAPING

Landscape Plan. A landscape plan is required where this article specifies below and shall apply to all building sites within the city limits where any of the following conditions are present:

1. New construction:
    - a. Any new building construction for which a building permit is required.
    - b. Any construction of a new parking lot or parking area.
  2. Additions/renovations: Any building addition or renovation exceeding fifty (50) percent of the existing building area or existing building value as defined by the footprint of the existing building for which the building permit is required.
  3. Parking lot additions: Any parking lot addition on an existing or legal non-conforming property by more than one thousand (1,000) square feet or ten (10) percent in area of the existing parking lot must add landscaping in conformance with the provisions of this article.
- A. The landscape plan shall have the following information and must be submitted concurrently with and approved as a part of the application for building permit:
- a. A planting plan of landscape material identifying location, size and quantity and labeled by its scientific and common names.
  - b. Plans with dimensions and elevations, where appropriate, of special structural elements such as fences, walls, planters, fountains, berms, walkways, irrigating systems, and other elements included as special features to the landscape plant material. For the purposes of evaluating the effectiveness of proposed screening, site sections may be required.
  - c. Building outlines, parking areas and arrangements, fences, monument signs and other structural features to be constructed on the site.
  - d. Dimensions and locations of sight distance triangles.
- B. Changes to the landscape plan. Prior to alteration, enlargement, or change to an approved landscape plan, an amended plan shall be submitted to and approved by the Director of Development Services and shall be submitted in accordance with the provisions of this article.
- C. Required Landscape Surface Ratio. A minimum of 10 percent of the total building site, as defined herein, shall be devoted to landscaping; except that the square footage of all portions of the building site covered by buildings footprints or areas designated as fenced and secured storage areas shall be subtracted from the building site area prior to making the 10 percent calculation. At least 70 percent of the required landscaped area shall be located within the street yard. For multiple-family developments, where it would be more desirable to disperse the landscaping throughout the site, the percentage of landscaping to be located in the street yard may be reduced by the approval of the Pre-Development Committee.

General Landscape Area Requirements. Landscape areas shall meet the following requirements:

## CITY OF PORT LAVACA CODE OF ORDINANCES

ARTICLE II CHAPTER 42 SUBDIVISIONS AND PLATS, ARTICLE VII GROUP HOUSING  
AND COMMERCIAL DEVELOPMENT, SECTION 42-160 MINIMUM DESIGN  
STANDARDS, ADDING (5) LANDSCAPING

1. Only approved landscape plants count towards the landscape requirements of this Article. Such plants shall be suitable for the City's region in accordance with the most current U.S. Department of Agricultural Hardiness Zone Map.
2. Plants that are not suitable for the City's region are allowed, but they are not counted towards compliance with this Article.
3. Plant species that are listed as *Invasive and Noxious Weeds* list for the State of Texas by the United States Department of Agriculture or on the *Texas Noxious and Invasive Plants* list by the Texas Department of Agriculture, are not allowed in the City.
4. Landscaped areas shall include a combination of the following types of materials: trees, shrubs, annual and/or perennial plants, vines, grass, and/or groundcover. Nonliving, durable materials commonly used in landscaping, such as, but not limited to organic mulches, rocks, pebbles, sand, walls and fences, but excluding paved surfaces, may also be utilized in landscaped areas. Pervious, decorative paving materials and brick pavers may be included in the form of walkways or driveways through landscaped areas; however, off-street parking areas paved with such materials shall not be considered as landscaped areas.
5. All landscaped areas shall be protected by concrete curbing or other acceptable devices which prohibit vehicular access to and encroachment of these areas.
6. At least one tree shall be provided per 800 square feet of landscaped area required by the provisions of this section. A landscaped area of at least five feet by five feet shall be provided surrounding each tree. shall be a minimum caliper of two (2) inches and a minimum height of five (5) feet when planted. Outdoor car lots and other exhibitors of merchandise will be exempt from the tree requirement on any part of the landscaped areas that directly abut the show or display area.
7. Shrubs, annual and/or perennial plants, vines, grass, and ground cover planted to meet the requirements of this section shall be good, healthy nursery stock. Shrubs shall be a minimum of one (1) foot in height or width when planted.
8. Grass areas shall be planted in species normally grown as permanent lawns in The City of Port Lavaca. Grass areas may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in the right-of-way, street yard and swales or other areas subject to erosion.

Planting Locations. In addition to the other requirements of this Article, the following rules apply to the installation of plants.

1. Restrictions.

## CITY OF PORT LAVACA CODE OF ORDINANCES

ARTICLE II CHAPTER 42 SUBDIVISIONS AND PLATS, ARTICLE VII GROUP HOUSING  
AND COMMERCIAL DEVELOPMENT, SECTION 42-160 MINIMUM DESIGN  
STANDARDS, ADDING (5) LANDSCAPING

- a. Trees, shrubs and other landscape materials which will exceed 3 feet in height shall not be installed in public right-of-way.
  - b. The City shall not be responsible for the maintenance of landscaping installed in public right-of-way. Nor will the City be responsible for the replacement of landscape materials or irrigation which must be removed during the repair or maintenance of utilities or other public improvements.
2. Distance from Utilities.
- a. No street trees or large trees shall be planted under or within 10 lateral feet of any overhead utility lines.
  - b. No trees, except street tree species that are approved by the City, shall be planted over or within five lateral feet of any underground water line, sewer line, transmission line, or other utility line, or as required by the owner of the utility or the requirements of the specific easement.
3. Sight Distance Triangles. Trees or hedges shall not be installed in locations where there is a substantial likelihood that the mature form of the tree would have to be materially compromised in order to maintain sight distance triangles at the intersection within an area defined by lines of joining points located 20 feet back from the intersection of all curb lines extended.

Completion of Landscape Improvements.

1. Buffer yard and Street Trees. Buffer yard and street tree landscaping must be completed prior to a certificate of occupancy being issued. If this requirement would result in the installation of landscaping during an inappropriate season, then the City may:
  - a. Allow the site plan to be recorded upon condition that security is provided for the installation of the required landscaping during planting season; or
  - b. Issue a temporary certificate of occupancy, on the condition that a permanent certificate of occupancy will not be issued unless the required landscaping is installed.
2. All Other Landscaping. All other landscaping must be installed before issuance of a permanent certificate of occupancy. A temporary certificate of occupancy may be issued if necessary to allow for the planting of landscaping improvements during an appropriate season or weather condition.

## CITY OF PORT LAVACA CODE OF ORDINANCES

ARTICLE II CHAPTER 42 SUBDIVISIONS AND PLATS, ARTICLE VII GROUP HOUSING  
AND COMMERCIAL DEVELOPMENT, SECTION 42-160 MINIMUM DESIGN  
STANDARDS, ADDING (5) LANDSCAPINGMaintenance.

1. Upon the issuance of a certificate of occupancy, maintenance of the landscape areas and plantings required by this Article shall be maintained and all plant materials that die shall be replaced by the owner/operator.
2. The City may inspect each site periodically after issuance of the certificate of occupancy to ensure compliance with the Article.

Penalty.

1. Criminal. Any person who shall violate any provision of this article, or fail to comply with any of the requirements of this article, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued, and upon conviction of any such violation such person shall be punished by a fine of up to five hundred dollars (\$500.00).
2. Civil. The city may file a civil action in the district court seeking an injunction and civil penalties of up to one thousand dollars (\$1,000.00) per day for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued.

State Law reference— Enforcement of municipal ordinances, V.T.C.A., Local Government Code Chapter 54.

## COMMUNICATION

SUBJECT: 9. 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:

