



CITY COUNCIL SPECIAL MEETING

Tuesday, September 05, 2023 at 5:30 PM
City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

PUBLIC NOTICE OF MEETING

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

Announcement by the mayor that council will retire into closed session for consultation with city attorney on matters in which the duty of the attorney to the city council under the Texas disciplinary rules of professional conduct of the state bar of Texas clearly conflicts with the open meetings act (title 5, chapter 551, section 551.071(2) of the Texas government code).

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

AGENDA

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

MEETING PROCEDURE

Public notice is hereby given that the City Council of the City of Port Lavaca, Texas, will conduct a special meeting on Tuesday, September 05, 2023 beginning at 5:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas to consider the items listed.

[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/85098110126?pwd=MElnRjZnWFExTlc2Vk5MN1g1dkN4UT09>

Meeting ID: 850 9811 0126

Passcode: 645973

One Tap Mobile

*+13462487799,,82182482989#,,, *912619# US (Houston)*

Dial by your location

+1 346 248 7799 US (Houston)

I. ROLL CALL**II. CALL TO ORDER****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).

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

1. Conduct Public Hearing on the 2023-2024 fiscal year Budget. Presenter is Susan Lang

2. Conduct Public Hearing on proposed 2023 Tax Rate. Presenter is Susan Lang

3. Consider First reading of an Ordinance (S-1-23) approving the annual Budget for the City of Port Lavaca, Texas and adopting the budget document for the fiscal year October 01, 2023 thru September 30, 2024. Presenter is Jody Weaver

4. Consider First reading of an Ordinance (S-2-23) fixing the Tax Rate and Tax Levy for the City of Port Lavaca, Texas for the year 2023. Presenter is Jody Weaver

V. ADJOURN SPECIAL MEETING

VI. **CERTIFICATION OF POSTING NOTICE**

This is to Certify that the above foregoing notice of a Special Meeting of the City Council of the City of Port Lavaca, Texas, to be held **Tuesday, September 05, 2023 beginning at 5:30 p.m.**, was posted at City Hall, easily accessible to the Public, as of **5:00 p.m., Thursday, August 31, 2023.**

Mandy Grant, *City Secretary*

ADA NOTICE

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


COMMUNICATION

SUBJECT: Conduct Public Hearing on the 2023-2024 fiscal year Budget. Presenter is Susan Lang

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: SEPTEMBER 5, 2023**AGENDA ITEM _____**

DATE: 8/31/2023
TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: SUSAN LANG, FINANCE DIRECTOR 
SUBJECT: PUBLIC HEARING ON BUDGET

In accordance with the State of Texas Property Tax Code, the Comptroller of Texas' Truth-in-Taxation rules, the Local Government Code and the City's Charter, the City is required to hold a public hearing on the FY 2023-2024 budget.

On August 21, 2023, the City Council voted to set a public hearing on the FY 2023-2024 budget. The City Council set the date and time for a Public Hearing on the budget for September 5, 2023.

Because the proposed tax rate exceeded the No-New-Revenue rate, legislation considers it a tax increase, and requires special language to accompany the notice of public hearing on the budget.

The City has complied with the governing legislation and has published the Notice of Public Hearing for the budget in the newspaper of general circulation (Port Lavaca Wave) and on the City's website.

This public hearing will provide an opportunity for taxpayers to express their views on the City's 2023-2024 annual budget.

Only one public hearing is required and satisfies the requirements for a later vote on the ordinance adopting the annual budget.

No action required.

City of Port Lavaca, Texas
Notice of Public Hearing
Fiscal Year 2023-2024 Budget

This budget will raise more total property taxes than last year's budget by \$620,351 or 13.78%, and of that amount \$60,893 is tax revenue to be raised from new property added to the tax roll this year.

The City Council of the City of Port Lavaca, Texas, will hold a public hearing on the Fiscal Year 2023-2024 Proposed Budget on Tuesday, September 5, 2023, at 5:30 p.m. at 202 North Virginia.

The proposed budget and budget message are available for public inspection at:

- Port Lavaca City Hall, 202 North Virginia Street; and
- The City of Port Lavaca website: <https://portlavaca.org/city-departments/finance-department>


COMMUNICATION

SUBJECT: Conduct Public Hearing on proposed 2023 Tax Rate. Presenter is Susan Lang

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: SEPTEMBER 5, 2023**AGENDA ITEM _____**

DATE: 8/31/2023
TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: SUSAN LANG, FINANCE DIRECTOR 
SUBJECT: PUBLIC HEARING ON TAX RATE

In accordance with the State of Texas Property Tax Code, the Comptroller of Texas' Truth-in-Taxation rules, the Local Government Code and the City's Charter, the City is required to hold a public hearing on the 2023 Tax Rate.

On August 21, 2023, the City Council took a record vote to propose a tax rate of \$0.7807, which is less than the previous year's tax rate, to be levied on properties within the City. Because the proposed tax rate exceeds the No-New-Revenue rate, legislation considers it a tax increase, and requires a public hearing. The City Council set the date and time for a Public Hearing on the Tax Rate for September 5, 2023.

This public hearing will provide an opportunity for taxpayers to express their views on the tax increase as defined by legislation.

Only one public hearing is required and satisfies the requirements for a later vote on the ordinance establishing a tax rate.

No action required.

NOTICE OF PUBLIC HEARING ON TAX INCREASE

Item 2.

A tax rate of \$0.780700 per \$100 valuation has been proposed by the governing body of City of Port Lavaca.

PROPOSED TAX RATE	\$0.780700 per \$100
NO-NEW-REVENUE TAX RATE	\$0.689463 per \$100
VOTER-APPROVAL TAX RATE	\$0.780822 per \$100

The no-new-revenue tax rate is the tax rate for the 2023 tax year that will raise the same amount of property tax revenue for City of Port Lavaca from the same properties in both the 2022 tax year and the 2023 tax year.

The voter-approval rate is the highest tax rate that City of Port Lavaca may adopt without holding an election to seek voter approval of the rate.

The proposed tax rate is greater than the no-new-revenue tax rate. This means that City of Port Lavaca is proposing to increase property taxes for the 2023 tax year.

A PUBLIC HEARING ON THE PROPOSED TAX RATE WILL BE HELD ON September 5, 2023 AT 5:30 PM AT 202 N. Virginia.

The proposed tax rate is not greater than the voter-approval tax rate. As a result, City of Port Lavaca is not required to hold an election at which voters may accept or reject the proposed tax rate. However, you may express your support for or opposition to the proposed tax rate by contacting the members of the City Council of City of Port Lavaca at their offices or by attending the public hearing mentioned above.

YOUR TAXES OWED UNDER ANY OF THE RATES MENTIONED ABOVE CAN BE CALCULATED
AS FOLLOWS:

Property tax amount= (tax rate) x (taxable value of your property)/100

FOR the proposal:	Aguirre	Barr
	Dent	Padron
	Ward	

AGAINST the proposal:

PRESENT and not voting:

ABSENT: Tippit

Visit [Texas.gov/PropertyTaxes](https://www.texas.gov/PropertyTaxes) to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.

The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.

The following table compares the taxes imposed on the average residence homestead by City of Port Lavaca last year to the taxes proposed to be imposed on the average residence homestead by City of Port Lavaca this year.

	2022	2023	Change
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Total tax rate (per \$100 of value)	\$0.794400	\$0.780700	decrease of -0.013700, or -1.72%	Item 2.
Average homestead taxable value	\$119,074	\$130,864	increase of 11,790, or 9.90%	
Tax on average homestead	\$945.92	\$1,021.66	increase of 75.74, or 8.01%	
Total tax levy on all properties	\$4,500,381	\$5,120,732	increase of 620,351, or 13.78%	

For assistance with tax calculations, please contact the tax assessor for City of Port Lavaca at 361-552-9793 or info@portlavaca.org, or visit www.portlavaca.org for more information.


COMMUNICATION

SUBJECT: Consider First reading of an Ordinance (S-1-23) approving the annual Budget for the City of Port Lavaca, Texas and adopting the budget document for the fiscal year October 01, 2023 thru September 30, 2024. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: SEPTEMBER 5, 2023**AGENDA ITEM _____**

DATE: 8/31/2023
TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: SUSAN LANG, FINANCE DIRECTOR 
SUBJECT: CONSIDER ORDINANCE APPROVING THE ANNUAL BUDGET

In accordance with the State of Texas Property Tax Code, the Comptroller of Texas' Truth-in-Taxation rules, the Local Government Code and the City's Charter, we have prepared an Ordinance that, if approved, meets the requirements as established by the governing legislation.

On July 24 (CIP) and August 21, 2023, the City Council held budget workshops to review recommendations from the City Manager for the FY 2023-2024 budget. The proposed budget was filed with the City Secretary and published on the City's website on August 15th.

On August 21, 2023, the City Council announced a public hearing on the FY 2023-2024 Budget to be held on September 5, 2023. Because the proposed tax rate exceeds the No-New-Revenue rate, legislation considers it a tax increase, and requires special language to be included in the Notice of Public Hearing on the Budget, the front page of the proposed budget and the front page of the adopted budget.

The City published a notice of public hearing on the budget in the newspaper of general circulation (Port Lavaca Wave) on August 30, 2023 and posted the same notice on the City's website.

The budget, with changes recommended by City Council in the August 21, 2023 workshop, is recommended for the City Council's approval, and contains combined Revenues of \$23,627,553 followed by combined Expenditures of \$22,518,956 leaving combined Fund Balance reserves of \$13,773,239.

The Ordinance to adopt the budget contains authorization, as prescribed in the City Charter, Section 8.03, for the City Manager to transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency.

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

➤ ***Motion: "I move to adopt the FY 2023-2024 Annual Budget as presented by the City Manager."***

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

ORDINANCE NO. S-1-23

AN ORDINANCE APPROVING THE ANNUAL BUDGET FOR THE CITY OF PORT LAVACA, TEXAS AND ADOPTING THE BUDGET DOCUMENT FOR THE FISCAL YEAR OCTOBER 1, 2023 THROUGH SEPTEMBER 30, 2024; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council has approved a budget for the City of Port Lavaca, Texas, for the fiscal year October 1, 2023 through September 30, 2024, and accordingly held a public hearing for same, at which time all interested citizens were given an opportunity to be heard for or against any item or amount of any item contained in said budget; and

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

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

SECTION 1. That the annual budget for the City of Port Lavaca, Texas for the fiscal year October 1, 2023 through September 30, 2024 is hereby approved and the budget document is hereby in all things adopted and made a part of this ordinance as if set forth in full herein and is hereby declared to be the financial plan for the City of Port Lavaca, Texas for the fiscal year 2023/2024.

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

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

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

FIRST READING this 5th day of September, 2023

Jack Whitlow, Mayor

SECOND AND FINAL READING this 11th day of September, 2023

Jack Whitlow, Mayor

APPROVED AND ADOPTED this 11th day of September, 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 Aguirre			
Councilman Dent			
Councilman Tippet			
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 (S-2-23) fixing the Tax Rate and Tax Levy for the City of Port Lavaca, Texas for the year 2023. Presenter is Jody Weaver

INFORMATION:


CITY OF PORT LAVACA

CITY COUNCIL MEETING: SEPTEMBER 5, 2023

AGENDA ITEM _____

DATE: 8/31/2023

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: SUSAN LANG, FINANCE DIRECTOR SUBJECT: CONSIDER ORDINANCE FIXING THE TAX RATE AND TAX LEVY – 1st READING

In accordance with the State of Texas Property Tax Code, the Comptroller of Texas' Truth-in-Taxation rules, the Local Government Code and the City's Charter, we have prepared an Ordinance that, if approved, meets the requirements as established by the governing legislation.

On August 21, 2023, the City Council took a record vote to propose a lesser tax rate (\$0.7807) as levied on properties as the previous year. Because the proposed tax rate exceeds the No-New-Revenue rate, legislation considers it a tax increase, and requires a public hearing. City Council announced a date and time for a public hearing on the tax rate to be held on September 5, 2023.

The City published a notice of public hearing on the tax increase in the newspaper of general circulation (Port Lavaca Wave) on August 30, 2023 and posted the same notice on the City's website.

Additionally, because the proposed tax rate exceeds the No-New-Revenue rate, additional language is required to be included in the ordinance and requires specific language in the motion to adopt the tax rate as follows:

- **MOTION:** "I move that the property tax rate be increased by the adoption of a tax rate of \$0.7807, which is effectively a 13.23 percent increase in the tax rate."
- **Must be a Record Vote by each member of the governing body by name.**

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

Maintenance and Operations:	\$0.6986
Interest & Sinking (Debt):	\$0.0821

- **MOTION:** "I move to adopt a Maintenance and Operations rate of \$0.6986."
- **MOTION:** "I move to adopt an Interest & Sinking rate of \$0.0821."

ORDINANCE NO. S-2-23

AN ORDINANCE FIXING THE TAX RATE AND TAX LEVY FOR THE CITY OF PORT LAVACA, TEXAS, FOR THE YEAR 2023, UPON ALL TAXABLE PROPERTY IN SAID CITY OF PORT LAVACA, TEXAS SUBJECT TO TAXATION BY SAID CITY ON THE FIRST DAY OF JANUARY, 2023 IN CONFORMITY WITH THE CHARTER PROVISIONS AND ORDINANCES OF SAID CITY OF PORT LAVACA; APPROPRIATING THE FUNDS DERIVED FROM SAID TAX LEVY TO VARIOUS FUNDS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND ESTABLISHING AN EFFECTIVE DATE

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

SECTION 1. That there shall be and there is hereby levied and assessed for the year 2023 upon all property of every description subject to taxation by the City of Port Lavaca, Texas on the 1st day of January, 2023, the following tax rate, to-wit:

An Ad Valorem Tax at the rate of \$0.7807 on the \$100.00 assessed value, based on 100% assessment thereof estimated in lawful currency of the United States of America, for the purpose of paying the general expenses of the City government and for payment of principal and interest on outstanding bonds and certificates of obligation for the fiscal year ending September 30, 2024.

- (A) THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.
- (B) THE TAX RATE WILL EFFECTIVELY BE RAISED BY 9.38 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-32.10.

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

	Rate	Percentage
GENERAL FUND	\$ 0.6986	89.48 %
TAX SUPPORTED DEBT SERVICE FUND:		
2012 GO Refunding & 2022 COs	\$ 0.0821	10.52 %
TOTALS:	\$ 0.7807	100.00 %

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

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

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

FIRST READING this 5TH day of September, 2023

Jack Whitlow, Mayor

SECOND AND FINAL READING this 11th day of September, 2023

Jack Whitlow, Mayor

APPROVED AND ADOPTED this 11th day of September, 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 Aguirre			
Councilman Dent			
Councilman Tippit			
Councilwoman Padron			
Councilman Ward			
Councilman Barr			

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