



CITY COUNCIL REGULAR MEETING

Monday, December 09, 2024 at 6:30 PM
City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

PUBLIC NOTICE OF MEETING

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

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

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

AGENDA

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

MEETING PROCEDURE

Public notice is hereby given that the City Council of the City of Port Lavaca, Texas, will hold a regular meeting Monday, December 09, 2024 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/85148743489?pwd=Er4KJjrJShCa3sZOIKYTEI56I26bBL.1>

Meeting ID: 851 4874 3489

Passcode: 979545

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)

- Employee Service Award
 - 20 Years Service to Jeremy Marek – Fire Department

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 November 13, 2024 Special Meeting (City Council moved regular meeting of November 11, 2024 due to Veteran’s Day also being on the 11th)
- B. Minutes of November 18, 2024 Special Meeting
- C. Review of Credit Card Statement
- D. Receive Monthly Financial Highlight Report
- E. Receive Victoria Economic Development Corporation (VEDC) Monthly Report

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

- 1. Receive updated report from Jonas Titus, Chairman of the Victoria Economic Development Corporation (VEDC) and Consider authorization to pay the \$25,000 agreement with Calhoun County for Victoria Economic Development Corporation services. Presenter is Jody Weaver
- 2. Conduct Public Hearing in accordance with the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, Section 12-291 - Notice (a) and (b), for the following properties listed:
 - (a) 312 Avalon
 - (b) 610 N. Commerce
- 3. Consider declaring property to be substandard and any required action after declaration, following a Public Hearing held on December 09, 2024: Presenter is Derrick Smith
 - (a) 312 Avalon
 - (b) 610 N. Commerce

- 4. Consider First reading of an Ordinance (F-1-24) of the City of Port Lavaca, Texas granting to Centerpoint Energy Resources Corp., DBA Centerpoint Energy Texas Gas Operations, the right, privilege and franchise to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the public rights-of-way of the City of Port Lavaca, Texas for the transportation, delivery, sale and distribution of natural gas; containing other provisions relating to the foregoing subject; providing for severability and providing an effective date. Presenter is Anne Marie Odefey
- 5. Consider First reading of an Ordinance (S-5-24) of the City of Port Lavaca for amendment(s) to the Base Ordinance S-2-24 for 2024-2025 fiscal year budget; providing for Budget Amendment(s); providing for severability, repealing all ordinances in conflict and establishing an effective date. Presenter is Jody Weaver
- 6. Consider First reading of an Ordinance (G-10-24) of the City of Port Lavaca amending the ordinance codified and described in the City of Port Lavaca’s Code of Ordinances as Chapter 2, Administration, Article V, Finance, Division 1. - Generally, adding Section 2-126 for Credit Card Convenience Fee; providing for purpose of ordinance; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Jody Weaver
- 7. Consider First reading of an Ordinance (G-11-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes, CH 38 Solid Waste, Sec. 38-29 Residential Garbage/brush/bulk collection; CH 2 Administration, Sec. 2-126 Credit Card Use Fee; and providing an effective date. Presenter is Jody Weaver
- 8. Consider award of a construction contract for Phase 3 City Hall Security Improvements project. Presenter is Jody Weaver
- 9. Consider Resolution No. R-120924-1 of the City of Port Lavaca for the purpose of adopting the 2024 Drought Contingency Plan for the City of Port Lavaca. Presenter is Wayne Shaffer
- 10. Consider approval of Exhibit A Texas Settlement Subdivision Participation and Release Form in the Kroger Texas Settlement. Presenter is Anne Marie Odefey
- 11. Consider Resolution No. R-120924-2 of the City of Port Lavaca for the adoption of a Covered Applications and Prohibited Technology Policy. Presenter is Jody Weaver

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, December 09, 2024**, beginning at 6:30 p.m., was posted at city hall, easily accessible to the public, as of **5:00 p.m. Thursday, December 05, 2024**.

Mandy Grant, *City Secretary*

ADA NOTICE

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

COMMUNICATION

SUBJECT: Minutes of November 13, 2024 Special Meeting (City Council moved regular meeting of November 11, 2024 due to Veteran's Day also being on the 11th)

INFORMATION:



CITY COUNCIL SPECIAL MEETING

Wednesday, November 13, 2024 at 5:30 PM

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

MINUTES

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

On this the 13th day of November 2024, the City Council of the City of Port Lavaca, Texas, convened in a special meeting at 5:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following members in attendance:

I. ROLL CALL

- | | |
|-----------------|---|
| Jack Whitlow | Mayor |
| Daniel Aguirre | 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 |
| Justin Burke | Councilman, District 6 |

And with the following absent: None

CITY COUNCIL SPECIAL MEETING

II. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 5:33 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 Whitlow asked for comments from the public and the following citizen spoke:
 - Gary Jackson of 2205 Larry Drive, Port Lavaca, Texas 77979 about "911 Truth"
- Interim City Manager Weaver announced the following:
 - Finance Director Hogan has completed her certification courses.
 - GFOA has awarded for fiscal year ending September 31, 2023.

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

- A. Minutes of October 07, 2024 Special Meeting
- B. Minutes of October 14, 2024 Regular Meeting
- C. Minutes of October 28, 2024 Workshop Session
- D. Review of Credit Card Statement
- E. Receive Monthly Financial Highlight Report
- F. Receive Victoria Economic Development Corporation (VEDC) Monthly Report
- G. Ratify lease at Nautical Landings Suite 1D to Port Lavaca Plumbing, LLC
- H. Ratify lease at Nautical Landings Suite 5 to Bay Ltd
- I. Receive quarterly Financial Investment Report for July 01, 2024 to September 30, 2024

Councilman Burke requested consent agenda item “D” Review of Credit Card Statement, be pulled for discussion.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with recommendation of staff, Council hereby approves all consent agenda items, with the exception of “D” Review of Credit Card Statement, as listed.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

Motion made by Councilman District 6 Burke

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 consent agenda item “D” Review of Credit Card Statement, as listed.

Seconded by Councilman District 2 Dent

Voting Yea:

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

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

- 1. **Consider Resolution No. R-111324-1 of the City of Port Lavaca the hiring of Bickerstaff Heath Delgado Acosta LLC (BHDA) of Austin, Texas as Bond Counsel on a Contingency Fee basis. Presenter is Jody Weaver**

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 removes Resolution No. R-111324-1 of the City of Port Lavaca.

Seconded by Councilman District 6 Burke

Voting Yea:

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

- 2. **Consider Resolution No. R-111324-2 of the City of Port Lavaca authorizing publication of Notice of Intention to Issue Combination Tax and Surplus Revenue Certificates of Obligation for Capital Improvement Project: Expansion of the Lynn’s Bayou Wastewater Treatment Plan, including the Design, Engineering, Planning, Equipping, Constructing, Improving, Renovating, Updating and Expansion of the treatment plant, being identified as Texas Water Development Board Project No. 73963. Presenter is Jody Weaver**

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 removes Resolution No. R-111324-2 of the City of Port Lavaca.

Seconded by Councilman District 6 Burke

Voting Yea:

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

- 3. **Consider Resolution No. R-111324-3 of the City of Port Lavaca expressing intent to Finance Expenditures to be incurred by the City of Port Lavaca’s Lynn’s Bayou Wastewater Treatment Plan, Texas Water Development Board Project No. 73963. Presenter is Jody Weaver**

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 removes Resolution No. R-111324-3 of the City of Port Lavaca.

Seconded by Councilman District 6 Burke

Voting Yea:

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

4. Consider the request of Project 15 Car Club for the use of the Bayfront Peninsula Park Pavilion for a free to the community Thanksgiving Dinner on Saturday, November 23, 2024 and waiver of any fees related to this event. Presenter is Tania French

Author’s Note: Corrected typographical error on name of Club to Project 51 Car Club.

Events Coordinator Tania French advised Council that the Project 51 Car Club is requesting the use of the Bayfront Peninsula Park Pavilion for a free to the community Thanksgiving Dinner on Saturday, November 23, 2024 and also requests waiver of any fees related to this event.

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 the request of Project 51 Car Club for the use of the Bayfront Peninsula Park Pavilion for a free to the community Thanksgiving Dinner on Saturday, November 23, 2024 and also approves waiver of any fees related to this event.

Seconded by Councilman District 5 Ward

Voting Yea:

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

5. Consider an amendment to the Events Management and Communications contract with the Chamber of Commerce. Presenter is Jody Weaver

Interim City Manager Weaver advised Council that as discussed at the October 14, 2024 regular meeting, concerning the rent amount for the Something More Media Lease, staff is proposing an Amendment to the Event Management/Marketing/Communications Services Agreement with the Chamber of Commerce to increase the compensation for these services by \$160.00 per month to cover the increased cost for rental of the office space used in part by the Chamber’s consultant (Tania French) in providing the services of the agreement.

The current contract amount is \$90,000.00; so the proposal is to amend the last sentence of Item 2 to reflect a total annual compensation of \$90,000.00 + 160 x 12 = \$91,920.00.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with recommendation of staff, Council hereby approves an amendment to the Events Management and Communications contract with the Chamber of Commerce.

BE IT FURTHER RESOLVED, THAT the Mayor is hereby authorized to execute all instruments necessary to affect such agreement.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

6. Consider First amendment to Services Agreement with the Chamber of Commerce for Visitor’s Center and Bauer Booking Agent services. Presenter is Jody Weaver

Motion made by Councilman District 2 Dent

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

THAT, in accordance with recommendation of staff, Council hereby approves the First amendment to Services Agreement with the Chamber of Commerce for Visitor’s Center and Bauer Booking Agent services.

BE IT FURTHER RESOLVED, THAT the Mayor is hereby authorized to execute all instruments necessary to affect such agreement.

Seconded by Councilman District 3 Tippit

Voting Yea:

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

7. Consider AECOM Task Oder #8 for the Wastewater Treatment Plant (WWTP) expansion. Presenter is Wayne Shaffer

Interim City Manager Weaver and Public Works Director Shaffer advised Council that as previously discussed, the current \$39M cost estimate for the Expansion to the Wastewater Treatment Plant is based upon a 30% Preliminary engineering design, which includes quite a lot of contingency and uncertainty in the estimated total cost amount.

To tighten up on this estimate and have more confidence in the dollar amount needed to construct this mandated project, we must complete the engineering design. AECOM has submitted the enclosed Task order #8 for Council’s consideration. The Basic and Additional services of this Task Order total to \$1.36M and include the Final Design, Geotech, Environmental Information Document, Permit renewal, and bidding and are summarized on page 110 of the packet.

We have thus far generated about \$1.1M of interest from the 2022 and 2024 series bonds and continue to gain interest. We are proposing to utilize these interest funds to pay the cost for AECOM’s Task Order # 8 until we are ready to close on the loan for the construction dollars. We will include in that single issuance of CO’s enough money to reimburse ourselves for these upfront engineering costs.

With an authorization to proceed in November, AECOM will have at least 90% engineering completed by June, at which time we will need to either make application to the Texas Water Development Board (TWDB) for an extension or begin the process to close on the loan by the August deadline.

With earnest and continued efforts on the part of the City, we can reasonably expect TWDB to approve for an extension of 6-8 months, but not one year, as the TWDB no longer approves multi-year commitments. That could reasonably put us around March 2026. We probably won’t have bids back by this time, but we would have a much better construction cost estimate based upon a 100% completed and Texas Commission on Environmental Quality (TCEQ) approved design.

Staff recommends approving AECOM Task Order #8, with the understanding that staff will bring back a reimbursement resolution within the time prescribed by law such that the TWDB loan proceeds can be used to reimburse the city for these upfront engineering costs.

NOTE: The reason we are not pursuing an initial TWDB closing specifically for the engineering fees is that we received clarification from TWDB that we could do this, however, the design funds would not be released until the Environmental Information Document was prepared and approved, which can take a year or so. By using our funds initially, the Environmental Information Document can be prepared concurrently with the engineering design. In other words, other than the \$70,000 for the EID, we would not receive any fund from this initial issuance until we would be working on the issuance for construction dollars. So it makes more sense to wait and include this \$1.36M in the one-time issuance and then reimburse ourselves back.

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 AECOM Task Oder #8, A thru F, for the Wastewater Treatment Plant (WWTP) expansion, in the amount of \$1,357,239.00.

BE IT FURTHER RESOLVED, THAT the Mayor is hereby authorized to execute all instruments necessary to affect such agreement.

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

Voting Nay:

Councilman District 6 Burke

8. Consider approval of Interlocal Agreement between the City of Port Lavaca, Texas, and the City of Palacios, Texas for Code Enforcement Training and Support. Presenter is Jody Weaver

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 an Interlocal Agreement between the City of Port Lavaca, Texas, and the City of Palacios, Texas for Code Enforcement Training and Support.

BE IT FURTHER RESOLVED, THAT the Mayor is hereby authorized to execute all instruments necessary to affect such agreement.

Seconded by Councilman District 5 Ward

Voting Yea:

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

9. Consider recommendation of the Port Commission to approve the new lease agreement to Encore, LLC for Tract 3 at Harbor of Refuge. Presenter is Jody Weaver

Interim City Manager Weaver advised Council that Encore Dredging Partners, LLC entered into a lease agreement for Tract 3 (4.3 acres) at the Harbor of Refuge on December 1, 2022 which is scheduled to expire on November 30, 2024. The monthly rent amounts paid thru September 30, 2023 were \$3,000; thru September 30, 2024 were \$3,036.90 and beginning October 1, 2024 \$3,076.68. These annual increases were based upon the change in the Municipal Cost Index.

In October, the Port Commission authorized me to negotiate a new 3-year lease and, as has been our practice to do so, take into consideration the valuation that was provided by Valbridge Property Advisors in their Appraisal Report dated April 2023. Based upon this Appraisal report, the Value Conclusion of this tract (including the metal building) was established at \$580,000. The typical rate of return used in calculating annual rent revenue is 10%. Therefor the indicated annual rental rate per sf reported by Valbridge is \$0.31/sf which results in a monthly rental rate of \$4,833.33 (1.57 x their current rent).

Understanding that the Council has stated in the past that they prefer to make significant increases in rates in a series of step-ups instead of all at once, I initially proposed the following scenario:

Yr 1: \$3,700 (19% increase from current); Yr 2: \$4,350 (16% increase from Yr 1); Yr 3: \$5,000 (14% increase from Yr 2).

Note: I assumed a 2% MCI increase each year that would bring the \$4,833.33 in today's dollars to approximately \$5,000 in the 3rd year.

Encore countered with \$3,500.00 per month for a three-year lease with an annual MCI increase.

The Port Commission held a Special meeting on November 6 to discuss this new lease. Encore was in attendance and suggested negotiating a one-year lease instead of two, since their Tract 11 lease has just one more year on it. Adding only one year to the Tract 3 lease would then put both leases on the same cycle beginning next year.

The Port Commission voted to recommend a one-year lease at \$4,833.33/month, in line with the data provided in the 2023 Valbridge Appraisal Report. There was also discussion suggesting that they would be OK with the 3-year lease amounts that I had originally proposed, although this was not officially acted on and was not unanimous.

Encore Dredging held an internal meeting and will propose a one-year lease at \$3,500 per month.

Chipper Dowell, Encore employee, was in attendance and advised Council that he was part of the community and has been with Encore since they first leased property at Harbor of Refuge. He requested for the amount of lease to be reconsidered as he did not want to go to another location if an agreement could not be reached by both parties.

Another Encore employee, Hillary Franke, also spoke to Council via Zoom and expressed concern of the amount asked for in the new lease.

Port Commission Board Member Robert Knox was also in attendance and advised Council that the recommendation was made without any emotion involved, but rather in facts.

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 the Port Commission and staff, Council hereby approves a one-year lease agreement to Encore, LLC for Tract 3 at Harbor of Refuge, in the amount of \$3,500.00 per month.

BE IT FURTHER RESOLVED, THAT the Mayor is hereby authorized to execute all instruments necessary to affect such agreement.

Seconded by Councilman District 6 Burke

Voting Yea:

Councilman District 1 Aguirre, Councilman District 2 Dent, Councilman District 3 Tippit, Councilman District 6 Burke

Voting Nay:

Councilwoman District 4 (Mayor Pro Tem) Padron, Councilman District 5 Ward

V. ADJOURN SPECIAL MEETING

Mayor Whitlow asked for motion to adjourn.

Motion made by Councilman District 5 Ward

Seconded by Councilman District 3 Tippit

Voting Yea:

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

Special Meeting adjourned at 7:09 p.m.

Jack Whitlow, Mayor

Mandy Grant, City Secretary

COMMUNICATION

SUBJECT: Minutes of November 18, 2024 Special Meeting

INFORMATION:



CITY COUNCIL SPECIAL MEETING

Monday, November 18, 2024 at 5:30 PM

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

MINUTES

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

On this the 18th day of November 2024, the City Council of the City of Port Lavaca, Texas, convened in a special meeting at 5:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following members in attendance:

I. ROLL CALL

- | | |
|-----------------|---|
| Jack Whitlow | Mayor |
| Daniel Aguirre | Councilman, District 1 |
| Tim Dent | Councilman, District 2 |
| Rosie G. Padron | Councilwoman, District 4, Mayor Pro Tem |
| Jim Ward | Councilman, District 5 |
| Justin Burke | Councilman, District 6 |

And with the following absent: None

Allen Tippit Councilman, District 3

CITY COUNCIL SPECIAL MEETING

II. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 5:32 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 Whitlow asked for comments from the public and the following citizen spoke:
 - Loyd Woodward, 7 Las Brisas, Port Lavaca, Texas; had complaint about District 1 Councilmember Aguirre.

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

1. Discuss proposed project scope and possible commitment of matching funds for an application for Community Development Block Grant - Disaster Recovery Reallocation Program (CDBG-DRRP) funds due on November 21, 2024. Presenter is Jody Weaver

Interim City Manager Weaver advised Council that the Disaster Recovery Reallocation Program (DRRP) is designed to utilize de-obligated and unutilized Community Development Block Grant for Disaster Recovery (CDBG-DR) funds to provide the opportunity for communities with outstanding unmet need to access remaining CDBG-DR funds. The funds are allocated through the U.S. Department of Housing and Urban Development (HUD) and therefore must adhere to federally mandated deadlines and policies.

The call for projects was released October 21 and will close November 21, 2024, at 5:00 p.m. (Central Time). Only projects submitted by this time will be eligible for scoring and potential funding. The project must benefit a Low-to-Moderate Income population and be able to tie back to the Hurricane Harvey disaster.

The project we have identified as being the most probable for eligibility would be a project that is an extension of the recently completed CDBG-DR project Phase 1. The CDBG-DR Phase 1 project provided street and drainage improvements along Lavaca and Juanita Streets between Austin Street and South Street. The project made improvements to the drainage ditch through the cemetery property that ended at South Street. The cemetery subsequently paid to extend the underground drainage through the cemetery to the south side of South Street. From that point the runoff flows a short distance to a culvert under the railroad and then runs approximately 570 LF to drain the Corporation Ditch through private property.

The proposed project would involve purchasing this private property and making improvements such that the drainage ditch provides positive drainage and could be easily maintained. The minimum application is \$500,000. With selection tonight of the engineer and administrator, tomorrow I will be meeting with them to develop a project that is at least \$500,000. A couple options we are looking at is to include installing a new pipe under the railroad, which is probably \$150,000, but also look at whether making street and drainage improvements on the east side of Virginia will qualify as tying back to Hurricane Harvey. I'm not sure that we have first-hand witness accounts of street flooding on that side, but we may be able to show that it is reasonable to expect that it did flood on the east side based upon the witnessed flooding on the west side. The other factor we must consider though is the project must be 100.00% complete 2 years following the signing of the contract. No extensions will be issued.

For this initial application we need only a brief description of the project scope and the dollar amount of the application. If we score well enough, we will be invited to submit a more formal detailed application in the spring. I do not need a resolution for this initial application but would like to see whether Council is interested in committing any match funds. This is not required, but a 10% match will gain us 5 points in scoring. It's not clear if partial points are available for less than 10%. I can tell you that the cost of the property will be approximately \$50,000.

Also, in order to consult with an Administration consultant and an engineer prior to submitting the application on November 21, 2024 we had to go through proper procurement procedures. Last Thursday, we received SOQ's from 4 engineers and Proposals from 3 Administrators and the selection committee, comprised of myself, Wayne Shaffer, Councilman Tim Dent and Councilman Daniel Aguirre, reviewed and scored the submittals over the week-end. This will be discussed under agenda items 2 and 3 of this council meeting.

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 commitment of matching funds for an application for Community Development Block Grant - Disaster Recovery Reallocation Program (CDBG-DRRP) funds due on November 21, 2024, in an amount of \$50,000.00, as presented above.

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

- 2. **Consider Resolution No. R-111824-1 of the City of Port Lavaca, Texas, authorizing the selection of a professional administrative service provider for the Community Development Block Grant- Disaster Recovery Reallocation Program (CDBG-DRRP) project. Presenter is Jody Weaver**

Motion made by Councilman District 2 Dent

WHEREAS, participation in CDBG-DRRP programs requires implementation by professionals experienced in the administration/project delivery of federally-funded projects and creation of planning documents; and

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Proposals (RFP) process for administration and planning services has been completed in accordance with the GLO requirements; and

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers for each professional service giving consideration to ability to perform successfully under the terms and conditions of the proposed procurement, integrity, compliance with public policy, record of past performance, and financial and technical resources.

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

Section 1. That GrantWorks is selected to provide application and project-related **administration/project delivery services** for CDBG-DRRP Hurricane Harvey programs.

Section 2. That any and all project-related services contracts or commitments made with the above-named service provider(s) are dependent on the successful negotiation of a contract with the service provider(s).

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

3. **Consider Resolution No. R-111824-2 of the City of Port Lavaca, Texas, authorizing the selection of a professional engineering service provider for the Community Development Block Grant - Disaster Recovery Reallocation Program (CDBG-DRRP) project. Presenter is Jody Weaver**

Motion made by Councilman District 2 Dent

WHEREAS, the CDBG-DRRP program requires implementation by professionals experienced in federally-funded projects; and

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Qualifications (RFQ) process for engineering services has been completed in accordance with GLO requirements; and

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers for each professional service giving consideration to ability to perform successfully under the terms and conditions of the proposed procurement, integrity, compliance with public policy, record of past performance, and financial and technical resources.

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

Section 1. That CivilCorp be selected to provide application and project-related professional **engineering services** for the CDBG-DRRP Hurricane Harvey programs.

Section 2. That any and all project-related services contracts or commitments made with the above-named service provider are dependent on the award of CDBG-DRRP funds and successful negotiation of a contract with the service provider.

Seconded by Councilman District 6 Burke

Voting Yea:

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

- 4. **Consider Resolution No. R-111824-3 of the City of Port Lavaca, Texas, authorizing the purchase of Lot 10, Block S, Port Lavaca Townsite, Calhoun County, Texas and authorizing Mayor to approve and sign all documents to effectuate closing on behalf of the City of Port Lavaca, Texas. Presenter is Jody Weaver**

Motion made by Councilman District 2 Dent

WHEREAS, on November 18, 2024, during a special City Council meeting, the City Council of the City of Port Lavaca, Texas considered and approved a Real Estate Contract for the purchase of property from Mary A. Garcia Estate described as Lot 10, Block S, Randall Subdivision, Calhoun County, Texas for the sum of \$130,000.00; and

WHEREAS, it is the desire of City to authorize closing on said contract and the Mayor to sign all necessary documents in connection with the closing.

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

SECTION 1. The Mayor of the City of Port Lavaca, Texas is hereby authorized to execute all documents necessary to facilitate the closing of the real property described as Lot 10, Block S, Randall Subdivision, Calhoun County, Texas by the City of Port Lavaca from Mary A. Garcia Estate.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

- 5. **Consider Resolution No. R-111824-4 of the City of Port Lavaca, Texas, authorizing the purchase of Lot 1, 2, 11, 12, Block S, Port Lavaca Townsite, Calhoun County, Texas and authorizing Mayor to approve and sign all documents to effectuate closing on behalf of the City of Port Lavaca, Texas. Presenter is Jody Weaver**

Motion made by Councilman District 6 Burke

WHEREAS, on November 18, 2024, during a special City Council meeting, the City Council of the City of Port Lavaca, Texas considered and approved a Real Estate Contract for the purchase of property from Stanley P. Lester described as Lots 1, 2, 11, 12, Block S, Randall Subdivision, Calhoun County, Texas for the sum of \$225,000.00; and

WHEREAS, it is the desire of City to authorize closing on said contract and the Mayor to sign all necessary documents in connection with the closing.

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

SECTION 1. The Mayor of the City of Port Lavaca, Texas is hereby authorized to execute all documents necessary to facilitate the closing of the real property described as Lots 1, 2, 11, 12, Block S, Randall Subdivision, Calhoun County, Texas by the City of Port Lavaca from Stanley P. Lester.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

6. Consider Resolution No. R-111824-5 of the City of Port Lavaca, Texas, authorizing the submission of a 2025/2026 Texas Community Development Block Grant Program application to the Texas Department of Agriculture for the Community Development Fund. Presenter is Jody Weaver

Motion made by Councilman District 2 Dent

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

WHEREAS, it is necessary and in the best interests of the City of Port Lavaca to apply for funding under the Texas Community Development Block Grant Program;

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

1. That a Texas Community Development Block Grant Program application for the Community Development Fund is hereby authorized to be filed on behalf of the City with the Texas Department of Agriculture, and to be placed in competition for funding under the Community Development Fund.
2. That the City of Port Lavaca commits to dedicating no less than 51% of grant funds for activities identified by the state planning region as Water and/or Sewer Improvements.
3. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.
4. That the City of Port Lavaca is committing to provide \$112,500.00 in matching funds toward the application’s activities, with the specific usage and funding source to be determined prior to any award of grant funding.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

V. ADJOURN SPECIAL MEETING

Mayor Whitlow asked for motion to adjourn.

Motion made by Councilman District 5 Ward

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

Special Meeting adjourned at 6:19 p.m.

Jack Whitlow, Mayor

Mandy Grant, City Secretary

COMMUNICATION

SUBJECT: Review of Credit Card Statement

INFORMATION:



Section VII. Item #C.

CITY OF
Account Number: XXXX XXXX XXXX 0305

Billing Questions:
800-367-7576

Website:
www.cardaccount.net

Send Billing Inquiries To:
Card Service Center, PO Box 569120, Dallas, TX 75356

FIRST NATIONAL BANK IN PORT LAVACA Credit Card Account Statement
October 9, 2024 to November 7, 2024

SUMMARY OF ACCOUNT ACTIVITY

Previous Balance	\$16,083.25
- Payments	\$16,083.25
- Other Credits	\$208.89
+ Purchases	\$16,835.77
+ Cash Advances	\$0.00
+ Fees Charged	\$0.00
+ Interest Charged	\$0.00
= New Balance	\$16,626.88

Account Number XXXX XXXX XXXX 0305
 Credit Limit \$26,500.00
 Available Credit \$9,598.00
 Statement Closing Date November 7, 2024
 Days in Billing Cycle 30

PAYMENT INFORMATION

New Balance: \$16,626.88
 Minimum Payment Due: \$498.81
Payment Due Date: December 2, 2024

MESSAGES

PROTECT YOURSELF FROM SCAMMERS!

We will never call, text, or email and ask you for your personal information. Some scammers will call and pretend to be from the Card Service Center. We will never call or text you and ask for sensitive information such as account or card number information, passwords or user names, or social security numbers. Please DO NOT give out that information.

If you feel pressured or concerned about a phone call, please hang up and call us at 800-367-7576 (the phone number located on the back of your credit card). Our Card Service Center team is always glad to check and can verify the information.

TRANSACTIONS

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

Tran Date	Post Date	Reference Number	Transaction Description	Amount
10/29	10/29	8543189MZ00XSM0EZ	PAYMENT - THANK YOU	\$16,083.25-

Transactions continued on next page

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



Account Number: XXXX XXXX XXXX 0305
 New Balance: \$16,626.88
 Minimum Payment Due: \$498.81
Payment Due Date: December 2, 2024

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.

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				\$16,083.25-
10/11	10/13	8514051MDS66D8YRR	SIRCHIE ACQUISITION CO TMCLEAN@SIRC NC	\$148.94
10/26	10/27	5543286MW5WR20T09	SIGO SIGNS 336-539-1666 NY	\$13.99
10/26	10/27	8230509MW001BKTP3	VICTORIA EC-INFINIUM VICTORIA TX	\$150.00
10/28	10/29	8230182MYS73M0S9E	GAIDOS GALVESTON TX	\$42.72
10/29	10/30	5543286MZ5XY2KLPL	TST*KRITIKOS GRILL GALVESTON TX	\$40.39
10/29	10/30	5548077MZ16Q32AL3	TAPEIT WEATHERFORD TX	\$350.00
10/29	10/30	5270763N03XPSVXPT	POPEYES 3256 GALVESTON TX	\$9.73
10/30	10/31	0525958N100QWNWQL	MARIOS RISTORANTE - 61 GALVESTON TX	\$19.77
11/01	11/03	5543286N35YZA6T6J	TST*MACEO SPICE & IMPO GALVESTON TX	\$23.29
11/01	11/03	5270487N22EPT5LDQ	SAN LUIS GALVESTON RES GALVESTON TX	\$30.98
11/02	11/03	5270487N32FQ3KP02	SAN LUIS GALVESTON HOT GALVESTON TX	\$547.40
		CHECK-IN 10/28/24	FOLIO #4559230580	
KAREN NEAL				
TOTAL XXXXXXXXXXXX0784				\$1,377.21
10/21	10/22	5548872MP0LV6LNF6	TEXAS COMM FIRE PROT AUSTIN TX	\$56.49
10/21	10/23	8230606MRS66J81YY	VICTORIA COLLEGE VICTORIA TX	\$25.00
10/24	10/25	5526352MV3T05KETD	HARBOR FREIGHT TOOLS34 PORT LAVACA TX	\$73.48
11/05	11/06	5526352N744F2BTFV	HARBOR FREIGHT TOOLS34 PORT LAVACA TX	\$43.97
11/06	11/07	8271116N80003QVB8	CHIKEPOD.COM MIAMI FL	\$129.94
JUAN LUNA				
TOTAL XXXXXXXXXXXX0941				\$328.88
10/21	10/22	5550629MP3MPMSTX0	TEXAS WATER UTILITIES HUTTO TX	\$395.00
WAYNE SHAFFER				
TOTAL XXXXXXXXXXXX1212				\$395.00
10/10	10/11	5548077MQ10M9842G	GOVERNMENT TREASURERS ARLINGTON TX	\$75.00
10/10	10/13	5270487MD22F8DFQ9	HYATT REGENCY LOST PIN LOST PINES TX	\$490.91
		CHECK-IN 11/14/24	FOLIO #48731754	
10/15	10/17	5542135MJVAKEE5W9	TEXAS MUNICIPAL COURTS AUSTIN TX	\$350.00
10/17	10/17	5543286MK6386WYVJ	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$295.00
11/05	11/07	5542135N7VAL7W7SP	TEXAS MUNICIPAL COURTS AUSTIN TX	\$100.00
11/05	11/07	5542135N7VAL7W7SZ	TEXAS MUNICIPAL COURTS AUSTIN TX	\$100.00
11/05	11/07	5542135N7VAL7W80D	TEXAS MUNICIPAL COURTS AUSTIN TX	\$100.00
MANDY GRANT				
TOTAL XXXXXXXXXXXX1238				\$1,510.91
10/10	10/11	5543286MQ616TX3ZA	SQ *LACEY'S LITTLE BAK GOSQ.COM TX	\$525.00
10/10	10/11	5754024MQLV71157Q	PSI SERVICES LLC USD 8188476180 CA	\$50.00
10/11	10/11	5543286MD61DHK456	APPLE.COM/BILL 866-712-7753 CA	\$2.99
10/21	10/22	8271116MR0002YSEN	ICC - WINNS CE FORNEY TX	\$85.00
11/01	11/03	5754024N2LPXL8H9L	PSI SERVICES LLC USD 8188476180 CA	\$50.00
11/05	11/05	1230202N60021NDQM	AFP*PERMITTECHNATION KENNEWICK WA	\$250.00
DERRICK SMITH				
TOTAL XXXXXXXXXXXX3836				\$962.99
10/15	10/22	5543687MP3JEV3K3Y	HILTON AMERICAS HOUSTO HOUSTON T CREDIT	\$4.94-
10/15	10/22	5543687MP3JEV3K4Z	HILTON AMERICAS HOUSTO HOUSTON T CREDIT	\$15.76-
10/15	10/22	5543687MP3JEV3K46	HILTON AMERICAS HOUSTO HOUSTON T CREDIT	\$63.40-
10/15	10/22	5543687MP3JEV3K57	HILTON AMERICAS HOUSTO HOUSTON T CREDIT	\$15.76-
10/16	10/23	5543687MR3JF4V6QA	HILTON AMERICAS HOUSTO HOUSTON T CREDIT	\$109.03-
10/07	10/09	8535335MAQSQ7SRWN	PAYPAL *TXMUNLEAGUE 5122317400 TX	\$100.00
10/10	10/10	5543286MQ614DAVBA	ANYPROMO.COM 909-628-9955 CA	\$261.02
10/10	10/10	5543286MQ614DAVBJ	ANYPROMO.COM 909-628-9955 CA	\$524.02
10/10	10/10	5543286MQ614DAVD3	ANYPROMO.COM 909-628-9955 CA	\$637.25



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

Tran Date	Post Date	Reference Number	Transaction Description	Amount
10/10	10/10	5543286MQ614DAVQK	ANYPROMO.COM 909-628-9955 CA	\$271.02
10/11	10/13	5543687ME7LTY7W1J	HILTON HOTEL AMERICAS HOUSTON TX	\$360.12
		CHECK-IN 10/09/24	FOLIO #3313988	
10/11	10/13	5543687ME7LTY7X5Y	HILTON HOTEL AMERICAS HOUSTON TX	\$359.07
		CHECK-IN 10/08/24	FOLIO #3310614	
10/11	10/13	5543687ME7LTY7YXA	HILTON HOTEL AMERICAS HOUSTON TX	\$157.71
		CHECK-IN 10/08/24	FOLIO #3310520	
10/15	10/16	5543286MH62WHNNPK	UPS*BILLING CENTER 800-811-1648 GA	\$27.80
10/19	10/20	5543286MM5SMEQBGQ	ANYPROMO.COM 909-628-9955 CA	\$1,075.73
10/19	10/20	5543286MM5SMEQBG4	ANYPROMO.COM 909-628-9955 CA	\$1,025.66
10/19	10/20	5543286MM5SMEQBW0	ANYPROMO.COM 909-628-9955 CA	\$157.52
10/25	10/27	0230096MV8PM1RHHT	GOVERNMENT FINANCE OFF CHICAGO IL	\$325.00
10/25	10/27	0230096MV8PM1RHLA	GOVERNMENT FINANCE OFF CHICAGO IL	\$250.00
10/25	10/27	0230096MV8PM1RHNX	GOVERNMENT FINANCE OFF CHICAGO IL	\$550.00
10/31	10/31	5543286N15Y8GAMOW	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$875.00
11/01	11/01	5543286N25YHKXNAZ	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$875.00
11/01	11/03	5543687N37M09B5X5	SAN MARCOS EMBASSY SUI SAN MARCOS TX	\$434.70
		CHECK-IN 10/30/24	FOLIO #874644	
BRITTNEY HOGAN				
TOTAL XXXXXXXXXXXXX3462 \$8,057.73				
10/08	10/09	0531461MB00QRZ202	PINCHERS RESTAURANT EL CAMPO TX	\$27.70
10/09	10/10	5270487MQ21TDH0QL	PAPPADEAUX SFD 69 HOUSTON TX	\$143.96
10/10	10/11	5270487MD22BNAMAN	PAPPASITO'S CANTINA #7 HOUSTON TX	\$116.62
10/11	10/13	5530876ME3QREY851	SHELL OIL 10003382008 EL CAMPO TX	\$25.13
10/23	10/24	0543684MSBLL44QH8	SAMS CLUB #6471 VICTORIA TX	\$301.78
10/31	11/01	5543286N15YFPW36Y	IN *COMPADRES DESIGN I 361-5707446 TX	\$341.55
JOE REYES JR				
TOTAL XXXXXXXXXXXXX0215 \$956.74				
10/09	10/10	5270487MQ21TDGZ12	PAPPADEAUX SFD 69 HOUSTON TX	\$65.10
10/10	10/11	5543286MQ61AJ7TK0	CCSI EFAX CORPORATE 323-817-1155 CA	\$209.18
10/28	10/29	5543286MY5XKZZJW1	UPS*BILLING CENTER 800-811-1648 GA	\$32.96
JOANNA WEAVER				
TOTAL XXXXXXXXXXXXX0249 \$307.24				
10/11	10/13	2545733ME000BJ1FH	PREP BLAST 615-6893546 TN	\$43.50
10/31	11/01	6518742N20001QHEM	CALHOUN CO TAX ASSESSO PORT LAVACA TX	\$7.73
10/31	11/03	8542814N2LEF8Z57W	AFFORDABLE AUTO PORT LAVACA TX	\$7.28
11/06	11/07	5265384N7LPM9RGHL	LAKE LITE INC 2609182758 IN	\$320.00
CYNTHIA HEYSQUIERDO				
TOTAL XXXXXXXXXXXXX0264 \$378.51				
10/09	10/10	5550036MQ3AJYLQ6W	THE RUSTIC - HOUSTON HOUSTON TX	\$45.86
10/09	10/11	5554807MQ150TAASM	AVENIDA NORTH GARAGE HOUSTON TX	\$40.00
10/09	10/11	5531020MQ21YL5R6E	CAMBRIA HOTEL HOUSTON HOUSTON TX	\$729.46
		CHECK-IN 10/08/24	FOLIO #0765956345	
10/09	10/11	7536943MQDSR281FE	FEDERAL AMERICAN GRILL HOUSTON TX	\$86.32
10/11	10/13	5531020ME2352DFHN	CAMBRIA HOTEL HOUSTON HOUSTON TX	\$6.08
		CHECK-IN 10/10/24	FOLIO #0766385220	
10/11	10/13	5270487ME233FZN5H	HOLIDAY INN EXPRESS & ARLINGTON TX	\$688.05
		CHECK-IN 10/06/24	FOLIO #1295518	
10/12	10/13	0230537MEEJ20F36N	TST* TXJ53 CAMBRIA - H HOUSTON TX	\$11.90
11/04	11/07	8535335N7QXYR2BV4	PAYPAL *ADVANCEDPOL 8664464272 FL	\$349.00
11/06	11/07	8211755N800004LZ6	TX POLICE* O #5647 ELGIN TX	\$395.00
COLIN RANGNOW				
TOTAL XXXXXXXXXXXXX2286 \$2,351.67				



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	18.99% (v)	\$0.00	30	\$0.00
Cash Advances	18.99% (v)	\$0.00	30	\$0.00

(v) - variable

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

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

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

CREDITING OF PAYMENTS

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

BILLING RIGHTS SUMMARY

What to do if You Think You Find a Mistake on Your Statement

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

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

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

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

Your Rights if You are Dissatisfied with Your Credit Card Purchases

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

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

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

EXPLANATION OF INTEREST CHARGES

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

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

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

ANNUAL FEE DISCLOSURES

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

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

CREDIT BALANCES

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

O1AB5762 – 3 – 05/25/17

(PLEASE SHOW YOUR CORRECT NAME AND ADDRESS)

Name (if incorrect on reverse side)

Street address

City State Zip Code

Effective Date: Month, Day, Year Signature

Home Phone Work Phone

COMMUNICATION


SUBJECT: Receive Monthly Financial Highlight Report

INFORMATION:



CITY OF
PORT LAVACA

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

To: Mayor and Members of the City Council
From: Brittney Hogan, Finance Director 
Subject: FY 24-25 Financial Highlights through November 30, 2024
Date: November 27, 2024

Below are the following reports for the period ending **November 30, 2024**, or **16%** of the year:

The major highlights of the Report are as follows:

Property Tax collections as reported by CCAD - are **\$2,569,586** for the year as of October Collections in FY 24-25 are 42.18% of total adjusted tax levy. Total current year Property Taxes Outstanding as of October is **\$3,990,018**.

In the General Fund, revenues through **11/30/24** are **27%** of budget. In addition:

1. *Current Property Tax* collections - are **\$2,484,006** for the year as of November. Collections in FY 24-25 are 54% of budget.
2. *Sales Tax* collections through November were **\$634,511** or 17% of budget. Collections through November in FY 23-24 were **\$654,001**.
3. *Licenses & Permits* collections are **\$35,896** for the year, or 13% of budget. Collections through November in FY 23-24 were **\$15,907**.
4. *Bauer Center Rentals* through November are **\$12,100** or 12% of budget. Collections through November in FY 23-24 were **\$15,400**.
5. *Court Fines* are **\$16,400** for the year, or 14% of budget. Collections through November in FY 23-24 were **\$10,782**.

Expenditures in the General Fund for the year are **23%** of budget.

Target: 16%

In the Utility Fund, revenues as of **11/30/24** are **15%** of budget. In addition:

1. *Metered Water* sales through November are **\$501,872** or **15%** of budget. Collections through November in FY 23-24 were **\$489,312**.
2. *Residential Sewer* sales through November are **\$267,716** or **17%** of budget. Collections through November in FY 23-24 were **\$235,412**.
3. *Garbage Billings* through November are **\$168,141** or **17%** of budget. Collections through November in FY 23-24 were **\$154,489**.

Expenditures in the Utility Fund for the year are **22%** of budget.

Summary – FY 2024-2025 through 11/30/24

<u>Fund</u>	<u>Revenues</u>	<u>%</u> <u>Budget</u>	<u>Expense</u>	<u>%</u> <u>Budget</u>	<u>Revenues</u> <u>Less</u> <u>Expense</u>
General	\$ 3,356,806	27%	\$ 2,304,632	23%	\$ 1,052,174
Utility	\$ 1,265,180	15%	\$ 1,340,922	22%	\$ (75,742)
HOT	\$ 73,363	12%	\$ 78,650	10%	\$ (5,286)
Beach	\$ 9,544	4%	\$ 27,345	9%	\$ (17,801)
Port	\$ 274,937	18%	\$ 59,382	8%	\$ 215,555
				Total	\$ 1,168,900

1,052,174.0+
75,742.0-
5,286.0-
17,801.0-
215,555.0+
-001
1,168,900.0*



**Port Lavaca
PROPERTY TAX COLLECTION REPORT
October 31, 2024**

TAXES DUE AT CERTIFICATION	6,088,413.16
Adjustments to Date	3,005.64
TOTAL TAX LEVY	6,091,418.80

2024 Tax Collections

	Base	Penalties & Interest	Total
October	2,569,585.63	0.00	2,569,585.63
November			0.00
December			0.00
January			0.00
February			0.00
March			0.00
April			0.00
May			0.00
June			0.00
July (Delinquent as of July 1, 2023)			0.00
August			0.00
September			0.00
TOTAL	2,569,585.63	0.00	2,569,585.63

Last Year %
Collected
41.00%

% Collected 42.18%

TRANSFERRED TO DELINQUENT ROLL

July, Aug, and Sept Payments 0.00

2024 TAXES OUTSTANDING 3,521,833.17

% Current Outstanding 57.82%

DELINQUENT COLLECTIONS

	Base	Penalties & Interest	Total
October	4,959.41	3,228.48	8,187.89
November			0.00
December			0.00
January			0.00
February			0.00
March			0.00
April			0.00
May			0.00
June			0.00
July			0.00
August			0.00
September			0.00
TOTAL	4,959.41	3,228.48	8,187.89

DELINQUENT TAXES OUTSTANDING 468,184.42
TOTAL TAXES OUTSTANDING **3,990,017.59**

**CITY OF PORT LAVACA, TEXAS
SALES TAX REVENUES**

Section VII. Item #D.

Recv'd	Monthly Allocation	Prior Year % Inc (Dec) Month	General Fund	TOTAL		General Fund Budget		Total YTD Percent of Budget	Prior Year Percent Increase (Decrease)	
				Year-to-Date Allocation	Month	Y-T-D	Month		Y-T-D	
Fiscal Year 2022										
Dec	Oct	246,194	-29%	\$246,194	246,194	318,632	318,632	77.27%	-28.7%	-28.7%
Jan	Nov	264,290	-6%	\$264,290	510,484	259,655	578,287	88.28%	-6.1%	-18.6%
Feb	Dec	330,154	18%	\$330,154	840,638	258,087	836,374	100.51%	18.0%	-7.3%
Mar	Jan	245,570	-8%	\$245,570	1,086,207	245,031	1,081,405	100.44%	-7.6%	-7.4%
Apr	Feb	252,248	2%	\$252,248	1,338,456	227,147	1,308,552	102.29%	2.4%	-5.7%
May	Mar	315,077	-11%	\$315,077	1,653,532	326,565	1,635,117	101.13%	-11.0%	-6.7%
Jun	Apr	266,647	-10%	\$266,647	1,920,179	273,408	1,908,525	100.61%	-10.0%	-7.2%
Jul	May	275,093	-7%	\$275,093	2,195,273	271,952	2,180,478	100.68%	-6.7%	-7.1%
Aug	Jun	315,184	-4%	\$315,184	2,510,457	303,725	2,484,203	101.06%	-4.3%	-6.8%
Sep	Jul	349,708	22%	\$349,708	2,860,165	263,376	2,747,579	104.10%	22.5%	-4.0%
Oct	Aug	304,754	10%	\$304,754	3,164,919	254,657	3,002,236	105.42%	10.4%	-2.8%
Nov	Sep	325,921	4%	\$325,921	3,490,839	287,764	3,290,000	106.10%	4.5%	-2.1%

Fiscal Year 2023										
Dec	Oct	267,921	9%	\$267,921	267,921	221,082	221,082	121.19%	8.8%	8.8%
Jan	Nov	262,666	-1%	\$262,666	530,587	237,332	458,414	115.74%	-0.6%	3.9%
Feb	Dec	327,969	-1%	\$327,969	858,556	296,478	754,892	113.73%	-0.7%	2.1%
Mar	Jan	293,025	19%	\$293,025	1,151,581	220,522	975,414	118.06%	19.3%	6.0%
Apr	Feb	241,757	-4%	\$241,757	1,393,338	226,519	1,201,932	115.92%	-4.2%	4.1%
May	Mar	288,609	-8%	\$288,609	1,681,948	282,939	1,484,871	113.27%	-8.4%	1.7%
Jun	Apr	267,670	0%	\$267,670	1,949,617	239,449	1,724,320	113.07%	0.4%	1.5%
Jul	May	310,160	13%	\$310,160	2,259,777	247,034	1,971,354	114.63%	12.7%	2.9%
Aug	Jun	333,198	6%	\$333,198	2,592,976	283,035	2,254,389	115.02%	5.7%	3.3%
Sep	Jul	295,975	-15%	\$295,975	2,888,951	314,037	2,568,426	112.48%	-15.4%	1.0%
Oct	Aug	335,595	10%	\$335,595	3,224,546	273,669	2,842,095	113.46%	10.1%	1.9%
Nov	Sep	315,989	-3%	\$315,989	3,540,534	292,677	3,134,772	112.94%	-3.0%	1.4%

Fiscal Year 2024										
Dec	Oct	281,039	5%	\$281,039	281,039	281,800	281,800	99.73%	4.9%	4.9%
Jan	Nov	279,772	7%	\$279,772	560,811	276,274	558,074	100.49%	6.5%	5.7%
Feb	Dec	333,966	2%	\$333,966	894,777	344,960	903,033	99.09%	1.8%	4.2%
Mar	Jan	264,897	-10%	\$264,897	1,159,674	308,205	1,211,239	95.74%	-9.6%	0.7%
Apr	Feb	289,101	20%	\$289,101	1,448,775	254,282	1,465,520	98.86%	19.6%	4.0%
May	Mar	341,291	18%	\$341,291	1,790,066	303,561	1,769,081	101.19%	18.3%	6.4%
Jun	Apr	317,416	19%	\$317,416	2,107,482	281,536	2,050,617	102.77%	18.6%	8.1%
Jul	May	302,469	-2%	\$302,469	2,409,951	326,228	2,376,845	101.39%	-2.5%	6.6%
Aug	Jun	306,188	-8%	\$306,188	2,716,139	350,460	2,727,305	99.59%	-8.1%	4.7%
Sep	Jul	308,988	4%	\$308,988	3,025,128	311,308	3,038,613	99.56%	4.4%	4.7%
Oct	Aug	308,258	-8%	\$308,258	3,333,386	352,981	3,391,594	98.28%	-8.1%	3.4%
Nov	Sep	323,607	2%	\$323,607	3,656,993	332,358	3,723,952	98.20%	2.4%	3.3%

Fiscal Year 2025										
Dec	Oct					286,185	286,185			
Jan	Nov					284,895	571,080			
Feb	Dec					340,081	911,160			
Mar	Jan					269,747	1,180,908			
Apr	Feb					294,394	1,475,302			
May	Mar					347,540	1,822,842			
Jun	Apr					323,228	2,146,070			
Jul	May					308,008	2,454,077			
Aug	Jun					311,794	2,765,871			
Sep	Jul					314,646	3,080,517			
Oct	Aug					313,902	3,394,420			
Nov	Sep					329,532	3,723,952			

CITY OF PORT LAVACA
 REVENUE AND EXPENDITURES REPORT (UNAUDITED)
 AS OF: NOVEMBER 30TH, 2024

Section VII. Item #D.

001-GENERAL FUND
 FINANCIAL SUMMARY

	ORIGINAL BUDGET	AMENDED BUDGET	BUDGET ADJUSTMENT	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBRANCE	BUDEGT BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>								
TAXES	8,985,666	9,092,373	(106,707)	2,592,194.35	3,213,916.34	0.00	5,878,456.66	35.35
LICENSES & PERMITS	268,410	268,410	0	8,490.11	35,895.74	0.00	232,514.26	13.37
USER & SERVICE CHARGES	102,500	103,250	(750)	7,189.00	12,217.00	0.00	91,033.00	11.83
FINES & FORFEITURES	284,000	294,000	(10,000)	9,901.74	36,794.91	0.00	257,205.09	12.52
OTHER REVENUE	550,950	565,950	(15,000)	5,020.00	32,804.26	0.00	533,145.74	5.80
GRANT AND CONTRIBUTION R	572,033	520,120	51,913	0.00	0.00	0.00	520,120.00	0.00
INTERGOVERNMENTAL REVENUE	875,783	1,567,641	(691,858)	0.00	25,178.00	0.00	1,542,463.00	1.61
TOTAL REVENUES	11,639,342	12,411,744	(772,402)	2,622,795.20	3,356,806.25	0.00	9,054,937.75	27.05
<u>EXPENDITURE SUMMARY</u>								
CITY COUNCIL	30,402	30,884	(482)	2,870.01	5,176.42	0.00	25,707.58	16.76
CITY MANAGER	394,511	422,786	(28,275)	241,225.06	252,689.44	0.00	170,096.56	59.77
CITY SECRETARY	224,494	251,461	(26,967)	16,975.89	29,442.35	0.00	222,018.65	11.71
HUMAN RESOURCE	34,725	100,395	(65,670)	5,238.33	8,437.49	0.00	91,957.51	8.40
MUNICIPAL COURT	163,474	177,937	(14,463)	21,726.58	31,788.90	0.00	146,148.10	17.87
TECHNOLOGY SERVICES	462,081	510,222	(48,141)	46,346.34	232,013.05	76,623.23	201,585.72	60.49
ECONOMIC DEVELOPMENT	0	0	0	0.00	0.00	0.00	0.00	0.00
FINANCE	440,906	393,798	47,108	37,086.77	61,711.22	0.00	332,086.78	15.67
CITY HALL	207,520	548,378	(340,858)	5,135.90	6,423.44	6,852.75	535,101.81	2.42
POLICE	2,919,859	2,887,828	32,031	215,684.93	409,389.07	49,204.76	2,429,234.17	15.88
FIRE	2,162,555	2,146,503	16,052	163,729.18	296,704.84	5,149.74	1,844,648.42	14.06
ANIMAL CONTROL	246,085	256,834	(10,749)	15,861.03	32,917.51	20,651.70	203,264.79	20.86
CODE ENFORCEMENT/INSPECT	511,797	491,452	20,345	25,792.17	42,647.22	10,000.00	438,804.78	10.71
STREETS	2,897,645	3,097,966	(200,321)	92,601.62	161,995.47	537,468.30	2,398,502.23	22.58
PARKS & RECREATION	1,064,950	877,803	187,147	46,078.40	249,779.98	93,805.52	534,217.50	39.14
BAUER CENTER	335,464	315,614	19,850	18,641.44	54,673.07	0.00	260,940.93	17.32
NON-DEPARTMENTAL	680,027	866,703	(186,676)	49,662.24	428,842.72	0.00	437,860.28	49.48
TOTAL EXPENDITURES	12,776,495	13,376,564	(600,069)	1,004,655.89	2,304,632.19	799,756.00	10,272,175.81	23.21
REVENUES OVER/(UNDER) EXPENDITURES	(1,137,153)	(964,820)	(172,333)	1,618,139.31	1,052,174.06	(799,756.00)	(1,217,238.06)	26.16-

CITY OF PORT LAVACA
 REVENUE AND EXPENDITURES REPORT (UNAUDITED)
 AS OF: NOVEMBER 30TH, 2024

Section VII. Item #D.

001-GENERAL FUND
 REVENUES

	ORIGINAL BUDGET	AMENDED BUDGET	BUDGET ADJUSTMENT	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBRANCE	BUDEGT BALANCE	% OF BUDGET	
TAXES									
411.01	PROPERTY TAXES-CURRENT	4,511,964	4,595,671 (	83,707)	2,238,175.47	2,484,005.61	0.00	2,111,665.39	54.05
411.02	PROPERTY TAXES-DELIQU	100,000	120,000 (	20,000)	2,235.67	11,840.63	0.00	108,159.37	9.87
412.01	SALES TAX REVENUE	3,723,952	3,723,952	0	324,927.04	634,510.61	0.00	3,089,441.39	17.04
413.01	NATURAL GAS FRANCHISE	62,000	62,000	0	0.00	11,652.00	0.00	50,348.00	18.79
413.02	ELECTRICAL FRANCHISE T	342,000	345,000 (	3,000)	3,256.85	38,703.41	0.00	306,296.59	11.22
413.03	TELEPHONE FRANCHISE TA	32,000	32,000	0	5,895.99	6,043.77	0.00	25,956.23	18.89
413.04	CABLE TV FRANCHISE TAX	50,000	50,000	0	6,367.60	6,367.60	0.00	43,632.40	12.74
413.05	WASTE COLLECTION FRAN	128,750	128,750	0	11,335.73	17,857.05	0.00	110,892.95	13.87
413.90	OTHER FRANCHISE TAX	0	0	0	0.00	0.00	0.00	0.00	0.00
414.01	ALCOHOLIC BEVERAGE TAX	35,000	35,000	0	0.00	2,935.66	0.00	32,064.34	8.39
415.15	INTERGOVERNMENTAL REVE	0	0	0	0.00	0.00	0.00	0.00	0.00
	TOTAL TAXES	8,985,666	9,092,373 (	106,707)	2,592,194.35	3,213,916.34	0.00	5,878,456.66	35.35
LICENSES & PERMITS									
421.02	BUILDER LICENSES	7,000	7,000	0	400.00	1,800.00	0.00	5,200.00	25.71
422.01	ELECTRICAL PERMITS	25,000	25,000	0	826.92	2,026.92	0.00	22,973.08	8.11
422.02	BUILDING PERMITS	157,000	157,000	0	3,308.19	19,700.60	0.00	137,299.40	12.55
422.03	PLUMBING PERMITS	22,000	22,000	0	425.00	1,950.00	0.00	20,050.00	8.86
422.04	MECHANICAL PERMITS	5,600	5,600	0	375.00	875.00	0.00	4,725.00	15.63
422.05	FOUNDATION PERMITS	0	0	0	0.00	0.00	0.00	0.00	0.00
422.06	PEDDLER & SOLICITOR PE	0	0	0	200.00	320.00	0.00 (	320.00)	0.00
422.07	ALCOHOL IN THE PARK PE	0	0	0	50.00	150.00	0.00 (	150.00)	0.00
423.01	TRAILER PERMITS	0	0	0	0.00	0.00	0.00	0.00	0.00
423.02	FOOD HANDLER'S PERMITS	2,600	2,600	0	60.00	200.00	0.00	2,400.00	7.69
423.03	LIENS	1,500	1,500	0	0.00	0.00	0.00	1,500.00	0.00
423.90	OTHER PERMITS & FEES	30,000	30,000	0	470.00	2,993.84	0.00	27,006.16	9.98
423.91	LAWN LIBRARY FEES	0	0	0	0.00	94.74	0.00 (	94.74)	0.00
424.01	ALCOHOLIC BEVERAGE PER	7,110	7,110	0	2,250.00	3,410.00	0.00	3,700.00	47.96
424.02	AMUSEMENT PERMIT FEES	300	300	0	0.00	0.00	0.00	300.00	0.00
424.03	SUBDIVISION & PLAT FEE	1,000	1,000	0	0.00	125.00	0.00	875.00	12.50
424.04	ENVIRONMENTAL & HEALTH	0	0	0	50.00	50.00	0.00 (	50.00)	0.00
424.05	PLAN REVIEW FEES	9,000	9,000	0	75.00	2,169.64	0.00	6,830.36	24.11
425.01	ANIMAL LICENSES & FEES	200	200	0	0.00	30.00	0.00	170.00	15.00
426.01	ALARM FEES	100	100	0	0.00	0.00	0.00	100.00	0.00
	TOTAL LICENSES & PERMITS	268,410	268,410	0	8,490.11	35,895.74	0.00	232,514.26	13.37
USER & SERVICE CHARGES									
435.06	BAUER CENTER RENTALS	100,000	100,000	0	7,150.00	12,100.00	0.00	87,900.00	12.10
435.07	BAYFRONT RENTALS	0	750 (	750)	0.00	0.00	0.00	750.00	0.00
439.01	POLICE SERVICES	2,000	2,000	0	39.00	117.00	0.00	1,883.00	5.85
439.05	POLICE TRAINING FEES	500	500	0	0.00	0.00	0.00	500.00	0.00
	TOTAL USER & SERVICE CHARGES	102,500	103,250 (	750)	7,189.00	12,217.00	0.00	91,033.00	11.83

CITY OF PORT LAVACA
 REVENUE AND EXPENDITURES REPORT (UNAUDITED)
 AS OF: NOVEMBER 30TH, 2024

Section VII. Item #D.

001-GENERAL FUND
 REVENUES

	ORIGINAL BUDGET	AMENDED BUDGET	BUDGET ADJUSTMENT	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBRANCE	BUDEGT BALANCE	% OF BUDGET
FINES & FORFEITURES								
441.01	90,000	95,000	(5,000)	2,572.27	10,215.59	0.00	84,784.41	10.75
441.02	45,000	50,000	(5,000)	903.61	6,512.36	0.00	43,487.64	13.02
443.01	120,000	120,000	0	5,202.57	16,400.44	0.00	103,599.56	13.67
443.02	14,000	14,000	0	644.18	1,874.29	0.00	12,125.71	13.39
443.03	5,000	5,000	0	201.54	554.12	0.00	4,445.88	11.08
449.02	10,000	10,000	0	377.57	1,238.11	0.00	8,761.89	12.38
449.03	0	0	0	0.00	0.00	0.00	0.00	0.00
449.05	0	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL FINES & FORFEITURES	284,000	294,000	(10,000)	9,901.74	36,794.91	0.00	257,205.09	12.52
OTHER REVENUE								
451.01	500,000	500,000	0	0.00	27,448.26	0.00	472,551.74	5.49
455.01	0	0	0	0.00	0.00	0.00	0.00	0.00
459.02	500	500	0	5.00	17.00	0.00	483.00	3.40
459.05	0	0	0	0.00	0.00	0.00	0.00	0.00
459.07	0	0	0	0.00	0.00	0.00	0.00	0.00
459.10	0	0	0	4,550.00	4,850.00	0.00	(4,850.00)	0.00
459.11	32,000	32,000	0	0.00	0.00	0.00	32,000.00	0.00
459.12	0	0	0	0.00	0.00	0.00	0.00	0.00
459.14	0	15,000	(15,000)	465.00	465.00	0.00	14,535.00	3.10
459.15	0	0	0	0.00	0.00	0.00	0.00	0.00
459.17	2,450	2,450	0	0.00	0.00	0.00	2,450.00	0.00
459.20	0	0	0	0.00	0.00	0.00	0.00	0.00
459.90	10,000	10,000	0	0.00	24.00	0.00	9,976.00	0.24
459.91	6,000	6,000	0	0.00	0.00	0.00	6,000.00	0.00
459.92	0	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL OTHER REVENUE	550,950	565,950	(15,000)	5,020.00	32,804.26	0.00	533,145.74	5.80
GRANT AND CONTRIBUTION R								
482.00	258,656	200,000	58,656	0.00	0.00	0.00	200,000.00	0.00
482.01	0	0	0	0.00	0.00	0.00	0.00	0.00
484.53	0	0	0	0.00	0.00	0.00	0.00	0.00
484.54	1,800	1,800	0	0.00	0.00	0.00	1,800.00	0.00
484.59	240,577	247,320	(6,743)	0.00	0.00	0.00	247,320.00	0.00
484.60	65,000	65,000	0	0.00	0.00	0.00	65,000.00	0.00
484.61	6,000	6,000	0	0.00	0.00	0.00	6,000.00	0.00
TOTAL GRANT AND CONTRIBUTION R	572,033	520,120	51,913	0.00	0.00	0.00	520,120.00	0.00
INTERGOVERNMENTAL REVENUE								
492.01	51,181	22,321	28,860	0.00	1,860.08	0.00	20,460.92	8.33
492.02	1,135	494,588	(493,453)	0.00	0.00	0.00	494,588.00	0.00
492.04	6,157	9,201	(3,044)	0.00	766.75	0.00	8,434.25	8.33
493.10	0	0	0	0.00	0.00	0.00	0.00	0.00
493.85	0	0	0	0.00	0.00	0.00	0.00	0.00
493.87	0	0	0	0.00	0.00	0.00	0.00	0.00
493.88	531,846	770,917	(239,071)	0.00	0.00	0.00	770,917.00	0.00
493.89	285,464	270,614	14,850	0.00	22,551.17	0.00	248,062.83	8.33
493.90	0	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL INTERGOVERNMENTAL REVENUE	875,783	1,567,641	(691,858)	0.00	25,178.00	0.00	1,542,463.00	1.61

CITY OF PORT LAVACA
 REVENUE AND EXPENDITURES REPORT (UNAUDITED)
 AS OF: NOVEMBER 30TH, 2024

Section VII. Item #D.

001-GENERAL FUND
 REVENUES

	ORIGINAL BUDGET	AMENDED BUDGET	BUDGET ADJUSTMENT	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBRANCE	BUDEGT BALANCE	% OF BUDGET
TOTAL REVENUES	11,639,342	12,411,744	(772,402)	2,622,795.20	3,356,806.25	0.00	9,054,937.75	27.05

CITY OF PORT LAVACA
 REVENUE AND EXPENDITURES REPORT (UNAUDITED)
 AS OF: NOVEMBER 30TH, 2024

Section VII. Item #D.

501-PUBLIC UTILITY FUND
 FINANCIAL SUMMARY

	ORIGINAL BUDGET	AMENDED BUDGET	BUDGET ADJUSTMENT	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBRANCE	BUDEGT BALANCE	% OF BUDGET
REVENUE SUMMARY								
USER & SERVICE CHARGES	7,182,792	8,062,366	(879,574)	614,112.14	1,242,026.62	0.00	6,820,339.38	15.41
FINES & FORFEITURES	240,000	100,000	140,000	14,819.95	20,774.61	0.00	79,225.39	20.77
OTHER REVENUE	120,000	162,104	(42,104)	120.69	2,379.24	0.00	159,724.76	1.47
GRANT AND CONTRIBUTION R	0	0	0	0.00	0.00	0.00	0.00	0.00
INTERGOVERNMENTAL REVENUE	0	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	7,542,792	8,324,470	(781,678)	629,052.78	1,265,180.47	0.00	7,059,289.53	15.20
EXPENDITURE SUMMARY								
TECHNOLOGY SERVICES	157,108	165,923	(8,815)	14,396.96	47,508.50	0.00	118,414.50	28.63
BILLING	416,963	454,258	(37,295)	32,919.91	55,942.84	28,044.10	370,271.06	18.49
MAINTENANCE	1,347,812	1,584,911	(237,099)	67,871.89	116,806.72	443,835.40	1,024,268.88	35.37
WASTEWATER TREATMENT	1,007,105	988,577	18,528	95,228.16	115,057.87	32,724.20	840,794.93	14.95
NON-DEPARTMENTAL	4,136,641	5,347,283	(1,210,642)	871,379.92	1,005,606.45	0.00	4,341,676.55	18.81
TOTAL EXPENDITURES	7,065,629	8,540,952	(1,475,323)	1,081,796.84	1,340,922.38	504,603.70	6,695,425.92	21.61
REVENUES OVER/(UNDER) EXPENDITURES	477,163	(216,482)	693,645	(452,744.06)	(75,741.91)	(504,603.70)	363,863.61	268.08

CITY OF PORT LAVACA
 REVENUE AND EXPENDITURES REPORT (UNAUDITED)
 AS OF: NOVEMBER 30TH, 2024

Section VII. Item #D.

501-PUBLIC UTILITY FUND
 REVENUES

	ORIGINAL BUDGET	AMENDED BUDGET	BUDGET ADJUSTMENT	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBRANCE	BUDEGT BALANCE	% OF BUDGET
<u>USER & SERVICE CHARGES</u>								
431.11	2,627,012	3,286,596	(659,584)	246,037.93	501,872.20	0.00	2,784,723.80	15.27
431.12	0	0	0	0.00	0.00	0.00	0.00	0.00
431.13	95,014	103,836	(8,822)	7,753.80	15,950.67	0.00	87,885.33	15.36
431.21	1,567,373	1,567,373	0	134,342.20	267,715.81	0.00	1,299,657.19	17.08
431.22	1,079,863	1,079,863	0	66,371.37	136,221.39	0.00	943,641.61	12.61
431.23	67,205	67,205	0	5,223.09	10,660.43	0.00	56,544.57	15.86
431.25	975	975	0	120.00	240.00	0.00	735.00	24.62
431.31	927,373	1,019,111	(91,738)	84,382.45	168,140.97	0.00	850,970.03	16.50
431.32	100,000	100,000	0	2,575.30	5,135.20	0.00	94,864.80	5.14
432.05	631,277	744,907	(113,630)	61,971.00	123,709.95	0.00	621,197.05	16.61
432.11	20,000	20,000	0	0.00	0.00	0.00	20,000.00	0.00
432.21	4,000	6,000	(2,000)	0.00	0.00	0.00	6,000.00	0.00
432.60	0	0	0	0.00	0.00	0.00	0.00	0.00
432.61	1,200	5,000	(3,800)	760.00	2,990.00	0.00	2,010.00	59.80
432.62	1,000	1,000	0	0.00	0.00	0.00	1,000.00	0.00
432.63	60,000	60,000	0	4,440.00	9,120.00	0.00	50,880.00	15.20
432.64	500	500	0	135.00	270.00	0.00	230.00	54.00
432.65	0	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL USER & SERVICE CHARGES	7,182,792	8,062,366	(879,574)	614,112.14	1,242,026.62	0.00	6,820,339.38	15.41
<u>FINES & FORFEITURES</u>								
442.01	90,000	100,000	(10,000)	10,851.41	20,774.61	0.00	79,225.39	20.77
442.02	150,000	0	150,000	3,968.54	0.00	0.00	0.00	0.00
TOTAL FINES & FORFEITURES	240,000	100,000	140,000	14,819.95	20,774.61	0.00	79,225.39	20.77
<u>OTHER REVENUE</u>								
451.01	38,000	38,000	0	0.00	2,078.55	0.00	35,921.45	5.47
459.03	1,000	1,000	0	120.00	300.00	0.00	700.00	30.00
459.04	35,000	35,000	0	0.00	0.00	0.00	35,000.00	0.00
459.08	43,000	85,104	(42,104)	0.00	0.00	0.00	85,104.00	0.00
459.11	2,000	2,000	0	0.00	0.00	0.00	2,000.00	0.00
459.12	0	0	0	0.00	0.00	0.00	0.00	0.00
459.90	1,000	1,000	0	0.69	0.69	0.00	999.31	0.07
459.92	0	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL OTHER REVENUE	120,000	162,104	(42,104)	120.69	2,379.24	0.00	159,724.76	1.47
<u>GRANT AND CONTRIBUTION R</u>								
481.00	0	0	0	0.00	0.00	0.00	0.00	0.00
482.00	0	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL GRANT AND CONTRIBUTION R	0	0	0	0.00	0.00	0.00	0.00	0.00
<u>INTERGOVERNMENTAL REVENUE</u>								
493.01	0	0	0	0.00	0.00	0.00	0.00	0.00
493.02	0	0	0	0.00	0.00	0.00	0.00	0.00
493.88	0	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL INTERGOVERNMENTAL REVENUE	0	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	7,542,792	8,324,470	(781,678)	629,052.78	1,265,180.47	0.00	7,059,289.53	15.20

CITY OF PORT LAVACA
 REVENUE AND EXPENDITURES REPORT (UNAUDITED)
 AS OF: NOVEMBER 30TH, 2024

Section VII. Item #D.

101-HOTEL OCCUPANCY TAX FUND
 FINANCIAL SUMMARY

	ORIGINAL BUDGET	AMENDED BUDGET	BUDGET ADJUSTMENT	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBRANCE	BUDEGT BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>								
TAXES	576,905	600,000	(23,095)	0.00	71,427.45	0.00	528,572.55	11.90
OTHER REVENUE	14,500	15,000	(500)	0.00	1,935.83	0.00	13,064.17	12.91
INTERGOVERNMENTAL REVENUE	0	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	591,405	615,000	(23,595)	0.00	73,363.28	0.00	541,636.72	11.93
<u>EXPENDITURE SUMMARY</u>								
HOTEL OCCUPANCY TAX	638,804	785,214	(146,410)	38,267.53	78,649.58	0.00	706,564.42	10.02
TOTAL EXPENDITURES	638,804	785,214	(146,410)	38,267.53	78,649.58	0.00	706,564.42	10.02
REVENUES OVER/(UNDER) EXPENDITURES	(47,399)	(170,214)	122,815	(38,267.53)	(5,286.30)	0.00	(164,927.70)	3.11

CITY OF PORT LAVACA
 REVENUE AND EXPENDITURES REPORT (UNAUDITED)
 AS OF: NOVEMBER 30TH, 2024

Section VII. Item #D.

503-BEACH OPERATING FUND
 FINANCIAL SUMMARY

	ORIGINAL BUDGET	AMENDED BUDGET	BUDGET ADJUSTMENT	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBRANCE	BUDEGT BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>								
USER & SERVICE CHARGES	230,000	235,000	(5,000)	0.00	6,752.47	0.00	228,247.53	2.87
OTHER REVENUE	4,500	32,500	(28,000)	0.00	2,791.97	0.00	29,708.03	8.59
GRANT AND CONTRIBUTION R	0	0	0	0.00	0.00	0.00	0.00	0.00
INTERGOVERNMENTAL REVENUE	0	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	234,500	267,500	(33,000)	0.00	9,544.44	0.00	257,955.56	3.57
<u>EXPENDITURE SUMMARY</u>								
TECHNOLOGY SERVICES	0	0	0	0.00	0.00	0.00	0.00	0.00
OPERATIONS	210,294	307,330	(97,036)	9,375.15	27,345.43	0.00	279,984.57	8.90
TOTAL EXPENDITURES	210,294	307,330	(97,036)	9,375.15	27,345.43	0.00	279,984.57	8.90
REVENUES OVER/(UNDER) EXPENDITURES	24,206	(39,830)	64,036	(9,375.15)	(17,800.99)	0.00	(22,029.01)	44.69

CITY OF PORT LAVACA
 REVENUE AND EXPENDITURES REPORT (UNAUDITED)
 AS OF: NOVEMBER 30TH, 2024

Section VII. Item #D.

504-PORT & HARBORS FUND
 FINANCIAL SUMMARY

	ORIGINAL BUDGET	AMENDED BUDGET	BUDGET ADJUSTMENT	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBRANCE	BUDEGT BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>								
USER & SERVICE CHARGES	672,689	818,955	(146,266)	57,951.67	131,473.27	0.00	687,481.73	16.05
FINES & FORFEITURES	500	500	0	0.00	0.00	0.00	500.00	0.00
OTHER REVENUE	35,600	35,600	0	0.00	2,079.46	0.00	33,520.54	5.84
GRANT AND CONTRIBUTION R	1,200,000	550,000	650,000	0.00	25,200.00	0.00	524,800.00	4.58
INTERGOVERNMENTAL REVENUE	<u>12,215</u>	<u>116,184</u>	<u>(103,969)</u>	<u>0.00</u>	<u>116,184.00</u>	<u>0.00</u>	<u>0.00</u>	<u>100.00</u>
TOTAL REVENUES	1,921,004	1,521,239	399,765	57,951.67	274,936.73	0.00	1,246,302.27	18.07
<u>EXPENDITURE SUMMARY</u>								
TECHNOLOGY SERVICES	1,422	1,422	0	0.00	135.44	0.00	1,286.56	9.52
CITY HARBOR	7,000	7,000	0	0.00	0.00	0.00	7,000.00	0.00
HARBOR OF REFUGE	330,000	200,000	130,000	0.00	0.00	0.00	200,000.00	0.00
SMITH HARBOR	11,000	11,000	0	0.00	0.00	0.00	11,000.00	0.00
NAUTICAL LANDINGS MARINA OPERATIONS	<u>30,000</u>	<u>35,000</u>	<u>(5,000)</u>	<u>4,380.00</u>	<u>4,380.00</u>	<u>0.00</u>	<u>30,620.00</u>	<u>12.51</u>
	<u>1,804,066</u>	<u>1,390,148</u>	<u>413,918</u>	<u>19,916.99</u>	<u>54,866.12</u>	<u>65,650.00</u>	<u>1,269,631.88</u>	<u>8.67</u>
TOTAL EXPENDITURES	2,183,488	1,644,570	538,918	24,296.99	59,381.56	65,650.00	1,519,538.44	7.60
REVENUES OVER/ (UNDER) EXPENDITURES	(262,484)	(123,331)	(139,153)	33,654.68	215,555.17	(65,650.00)	(273,236.17)	121.55-

COMMUNICATION

SUBJECT: Receive Victoria Economic Development Corporation (VEDC) Monthly Report

INFORMATION:

VEDC Update for Port Lavaca DECEMBER 2024 COUNCIL MEETING

VEDC Staff has scheduled recurring monthly update meeting with City Manager.

Residential Incentives Draft

- Pending (still) – presented to Council on January 29th. The VEDC is waiting on the direction of the City Council.
- TIRZ- if requested, we can have the comptrollers’ office come to present to council for better understanding (if needed)
- VEDC has met with Stuart Lynn (Developer) to discuss housing development for Port Lavaca. This will be an ongoing process as more properties are identified. Pending.
- VEDC has spoken to other developers for housing needs in Port Lavaca

Marketing

- VEDC has updated the retail trade area, using Placer.ai.
- VEDC has contracted with web developer for the Port Lavaca tab on the VEDC website. Tweaks are being made and requested input from CM. (should be live before December 9)
- Created one page for retail marketing reflecting a 10 mile radius from city center.
- VEDC staff spoke to City Manager regarding Port Lavaca becoming a certified “Film Friendly City”.
 - Steps required include:
 - CM to appoint contact person
 - VEDC Staff (the invitation will be extended to Tania French at the chamber, as well) to attend a workshop hosted by the state.
 - Generic Guidelines to be reviewed (CM, Council, Legal) as a starting point
 - Select 5 unique photos to be uploaded. (These are not intended for tourism, but photos/locations that could be used for different movies; scary, water, marina, ocean, old town, beach town, etc)

Business

- Working with a potential shoe retailer (consultant) looking to possibly have a location in Port Lavaca. Have followed up; waiting for an update. **Pending. all developments in Texas are paused until January 2025(per consultant)**
- Having met with a consultant on August 23rd, CM and VEDC staff worked on an Economic Impact Analysis as it relates to Safe Harbor Refuge. CM to follow up and supply information
- VEDC staff met with CM on a marketing plan for vacant buildings/lots and other sites and will target those sites (next scheduled meeting). All buildings with information will be on the website (working now)
- VEDC staff will be attending retail attraction trade shows, beginning January 2025, marketing Port Lavaca.
- Working with Chamber to schedule meetings with business owners/ roundtable discussion. It was suggested we hold off for a couple of months due to a plethora of upcoming events. Will meet in December for upcoming 2025 planning.
- VEDC staff creating a list of retailers that fit the minimum criteria for the city size (which will assist in the recruitment of retail.
- VEDC has reached out to a previously discussed sit-down restaurant to reignite interest. Pending.

VEDC Update

December Council Meeting

- VEDC staff will put out a monthly schedule for business to business networking beginning in January 2025.

Projects

All projects discussed on August 12th are still active: (VEDC President will present a quarterly update when preferred date is given by CM)

- VEDC is working with a new DOW supplier that will have an economic impact, including some jobs, in the community.
- WGS is still a very active project. This would be at the ALCOA site and originally would result in 1,500 jobs.
- Project Lynas is still active
- 4 other (previously 3) large projects are being worked on in the region which will result in many jobs, if sites are selected. Everyone is still in the planning stages.

Other

- VEDC staff attended Sales Tax Workshop held in Austin
- VEDC will host the annual meeting on December 4 (Save the Date was emailed)– Members of Council and Commissioners are invited to attend
- VEDC tentatively scheduled to attend ISCS Red River (retail show) in January.

COMMUNICATION

SUBJECT: Receive updated report from Jonas Titus, Chairman of the Victoria Economic Development Corporation (VEDC) and Consider authorization to pay the \$25,000 agreement with Calhoun County for Victoria Economic Development Corporation services. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

DATE: 12.04.24

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: INTERLOCAL COOPERATION AGREEMENT WITH CALHOUN COUNTY FOR ECONOMIC DEVELOPMENT

As you recall, in August of 2022, the City Council authorized the City Manager to negotiate and enter into an Interlocal Agreement with Calhoun County for sharing in the economic development services provided by VEDC-Regional Partnership, for an annual cost not to exceed \$25,000 without further authorization from Council.

The executed agreement is *attached*. It has a term of 3 years, but states that funding is subject to annual appropriation by the City Council and each year’s funding must be included in the budget for that year and is not effective until so approved by the City Council.

As you recall, during our budget workshops the \$25,000 was included in the budget but Council did not authorize it for payment of this agreement at that time. It was agreed that this would be an item for further discussion and a vote at the December meeting.

Jonas Titus will be in attendance at the meeting to provide an update on their activities. You can review some of those activities in the monthly report.

<https://www.victoriaedc.com/sites-and-data/sites-and-buildings>

This link takes you to the Property Search page – included are several sites in Port Lavaca

<https://www.victoriaedc.com/sites-and-data/community-profile>

This is the link for the community’s page. They are finishing up the Port Lavaca tab and it should be ready soon. Tania and I are working with Diane to identify photographs to put on our page so it’s not all text.

Attachment: Interlocal Cooperation Agreement between the City of Port Lavaca, Texas and Calhoun County, Texas for Economic Development Services.

INTERLOCAL COOPERATION AGREEMENT BETWEEN
CITY OF PORT LAVACA, TEXAS AND CALHOUN COUNTY, TEXAS
FOR ECONOMIC DEVELOPMENT SERVICES

This Interlocal Cooperation Agreement is made and entered into effective January 1, 2024 through December 31, 2026, between the City of Port Lavaca (hereinafter "City"), a home rule city of the State of Texas, Calhoun County, Texas, a political subdivision of the State of Texas (hereinafter "County").

Article I - Purpose

On the 31st day of January County entered into an agreement for economic development services with the Victoria Economic Development Corporation ("VEDC"). The Agreement is attached hereto and incorporated herein for all purposes as Exhibit "A". It is the desire of the City to assist with the payment for those services and receive the benefit of its own economic development services for inquiries that are located within the boundaries of the City and/or the jurisdictional boundaries of Calhoun county, that may benefit the City.

In exchange for the County contracting for economic development services and sharing those services with the City as further described in the Agreement between VEDC and the County, the City shall pay the County the sum of \$25,000.00 on or before March 1, 2024.

Article II - Authority

This Agreement is entered into by the parties hereto pursuant to the Texas Interlocal Cooperation Act, Chapter 791 of the Texas Government Code. This Agreement shall be governed by and subject to the laws of the State of Texas. Any of the terms and conditions of this Agreement are subject to and shall be construed in accordance with the construction of the Texas Interlocal Cooperation Act recited hereinabove.

Article III - Term

The term of this Agreement shall be effective January 1, 2024 through December 31, 2026.

Article IV – Miscellaneous Provisions

This Agreement constitutes the entire agreement between the County and City and supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter of this Agreement.

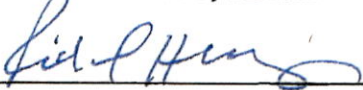
No amendment, modifications, or alteration of the terms of this Agreement shall be binding unless it is in writing, dated subsequent to the date of this Agreement, and duly executed by the parties to this Agreement.

The parties mutually agree and understand that funding under this Agreement is subject to annual appropriations by the City Council and that each fiscal year's funding must be included in the budget for that year and is not effective until so approved by the City Council.

This Agreement shall be binding upon and inure to the benefits of the parties hereto, their respective successors and assigns.

EXECUTED IN DUPLICATE ORIGINALS, retained by each party hereto, effective on January 1, 2027.

CALHOUN COUNTY, TEXAS

By: 

Richard Meyer, County Judge

CITY OF PORT LAVACA, TEXAS

By: 

Jack Whitlow, Mayor

Date of Meeting Approved: 1-31-2024

Date of Meeting Approved: 8-8-2022

AGREEMENT BETWEEN VICTORIA ECONOMIC DEVELOPMENT CORPORATION
AND
CALHOUN COUNTY, TEXAS

FY 2024: \$50,000.00

This Agreement ("Agreement") is entered into effective on the ____ day of January, 2024 by and between Victoria Economic Development Corporation ("VEDC"), a Texas nonprofit corporation, acting by and through its duly authorized President and Calhoun County, Texas ("Calhoun County"), acting by and through its duly authorized County Judge.

VEDC was incorporated under the Texas Non-Profit Corporation Act, in order to stimulate, promote and develop business, industrial and manufacturing enterprises, and to promote and encourage adequate employment opportunities for the anticipated population growth in Victoria County, but has since grown to include regional economic development which includes the Calhoun-Goliad-Jackson County Region;

Calhoun County, which shall specifically include the entire jurisdictional boundaries of the Calhoun county, specifically including within the boundaries of the City of Port Lavaca, seeks to facilitate the recruitment of business, industrial and manufacturing enterprises to expand the tax base and employment base of the Calhoun County and the surrounding area; and

VEDC is willing, in exchange for the consideration herein provided, to provide, or cause to be provided, the services desired by Calhoun County which are intended to expand the tax base and employment base of the Victoria-Calhoun-Goliad-Jackson County Region and the surrounding area;

THEREFORE, in consideration of the premises and covenants herein contained, Calhoun County and VEDC agree as follows:

1. Services. Calhoun County engages VEDC to facilitate the recruitment and retention of business, industrial and manufacturing enterprises to Calhoun County and render the services herein described. VEDC accepts such engagement and shall discharge such duties in accordance with the terms and conditions herein set forth.
2. Independent Contractor. VEDC is engaged as an independent contractor and is not an officer, agent or employee of Calhoun County in regard to the operations and actions of VEDC. VEDC shall select and employ such persons as it may deem necessary to fulfill its obligations and responsibilities under the Agreement. Said persons shall be at all times employees of VEDC and shall not be officers, agents or employees of Calhoun County. Calhoun County shall not manage, direct, supervise or discharge said persons or direct them in the performance of their duties for VEDC under this Agreement.
3. Operation. VEDC shall participate in and encourage the recruitment of new business enterprises to the Victoria-Calhoun-Goliad-Jackson County region.

4. VEDC shall perform among others, the following services:
 - a. VEDC shall prepare an updated marketing plan each year that will encourage and stimulate industrial and commercial development that will create new primary job opportunities for the region;
 - b. Market the Victoria-Calhoun-Goliad-Jackson County region to potential industrial projects that have the capability to add new primary jobs to the region;
 - c. Act as the liaison between potential clients and Calhoun County.
 - d. Work in an advisory capacity with Calhoun County and its consultants for any governmental agencies that will be necessary to complete the project including local, state and federal organizations; and
 - e. Respond to business inquiries from the Governor's Office as well as site location consultants and company representatives regarding projects that have potential to use regional assets and will create new investment and primary job opportunities.
5. Revenue. Calhoun County agrees to pay VEDC the sum of \$50,000.00 per year for providing the services described. The sum shall be paid in full on or before March 1st, of each calendar year.
6. Ability to Contract with Others. Nothing in this Agreement shall in any way limit either party from contracting with other persons or organizations for similar services.
7. Board of Directors. During the term of this Agreement, the County Judge or his designee shall be a member of VEDC's Board of Directors who shall have the right to attend, participate, and vote in all meetings of the VEDC Board of Directors.
8. Calhoun County has on a similar date entered into an Interlocal Agreement with the City of Port Lavaca for economic development services that are encompassed in this Agreement. For such services, the City of Port Lavaca is paying Calhoun County for fifty percent (50%) of the fee paid herein. As such, Calhoun County authorizes VEDC to share any of the information contracted for herein to the City of Port Lavaca City Manager who shall be bound with the same confidentiality as Calhoun County. Additionally, Calhoun County may share information it confidentially receives to the City Manager for the City of Port Lavaca. Further, County agrees that for certain subject matters of particular interest to the City of Port Lavaca, such as retail, fast food and housing, the County authorizes VEDC to communicate directly with City of Port Lavaca regarding those matters.
9. In response to this formal agreement, VEDC re-branded their marketing initiatives as VEDC Regional Partnership; a name and logo reflecting the multiple county program of work.
10. Termination. It is understood and agreed that either party may terminate this Agreement by giving the other party notice in writing at least 30 days in advance of the first day of a calendar

quarterly period. Such termination shall become effective at the end of the calendar quarterly period following such notice.

11. Notices. All written notices must be made by certified mail, return receipt requested, and shall be addressed to the applicable parties, or their successor in office, at the following addresses:

Jonas Titas, CEcD
Victoria Economic Development
Corporation
101 W. Goodwin Avenue, Suite 322
Victoria, Texas 77901

Judge Richard Meyer
Calhoun County, Texas
211 S Anne Street, Ste. 301
Port Lavaca, Texas 77979

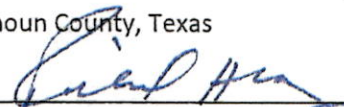
Term. The term of this Agreement shall be from January 1, 2024 to December 31, 2026, unless sooner terminated or extended in writing.

Victoria Economic Development Corporation

By: 

Jonas Titas, President

Calhoun County, Texas

By: 

Richard Meyer, County Judge

COMMUNICATION

SUBJECT: Conduct Public Hearing in accordance with the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, Section 12-291 - Notice (a) and (b), for the following properties listed:

INFORMATION:

NOTICE OF PUBLIC HEARING

The City of Port Lavaca City Council will hold a public hearing on Monday, December 9th, 2024 at 6:30 P.M. in the City Council Chambers, 202 N. Virginia Street, Port Lavaca, TX. 77979. The purpose of the hearing will be to assess compliance to abate violations of the City's Substandard Building Ordinance. The Council may fine and order action to abate nuisance conditions and violations of the City's minimum property standards.

The following properties will be reviewed:

Old Cases:

New Cases:

Case# 121: BURKESHIRE (PORT LAVACA), BLOCK 5, LOT 12(312 Avalon)

Case# 122: GROOMES (PORT LAVACA), BLOCK 1, LOT 3, 25' OF 2, & PT OF ABND ALLEY(610 N Commerce)

The property owners are advised to attend and bring all relevant documentation and information for their representation. The violations on the properties are structural, fire hazard, health hazard, and general nuisance related. For additional information, contact the Development Services Office.

PUBLISH ONE TIME: November 20 , 2024

PLEASE FURNISH PUBLISHER'S AFFIDAVIT AND TEAR SHEETS TO:

Derrick Smith

Director of Development Services

202 N. Virginia St.

Port Lavaca, Texas 77979

(361) 552-9793, Ext 235

Inspection Checklist				
Date: 11/25/2024			Inspector:	
Location: 312 Avalon			Bradley/Derrick	
	Pass	Fail	Violation/Deficiency	Location of violation
Roof properly maintained		X	Roof has significant fire damage	Roof
Improper Walls, partitions or other vertical supports		X	Various states of decay due to fire damage and moisture	Throughout entire house.
Fireplaces or chimneys properly maintained		NA		
Unsecure building: vacant and open.		X	back door unable to be closed due to fire damage	Back of house
Lack of required rails, stairs, steps and/or balconies		NA		
Lack of or improper exterior wall coverings	X			
Hazardous wiring		X	Wiring severely damaged by fire	Throughout Dwelling
Hazardous plumbing		X	Fire damage in kitchen	Kitchen
Hazardous mechanical equipment		X	Improper Furnace Venting	
Sanitation:		X	Junk and trash	Floor of house entirely covered and various accumulations outside
Lack of or improper connection to required sewage disposal	X			
Lack of or improper garbage and rubbish storage		X	Improper storage of rubbish	Interior and exterior of house
Standing or stagnant water	X			
Improper Drainage	X			
Improper Occupancy	X			
Inadequate exits	X			
Improper Fireplace or Chimney	NA			

Improper Ceiling or Ceiling supports		X	Extensive fire and smoke damage	Living room, kitchen, hallway, bathroom and, garage.
Improper Flooring or floor supports		X	Flooring damaged by moisture and fire	All interior rooms
Improper Foundation	X			
Vermin/Insects		X	Evidence of vermin and insects	Most of house
Dampness of habitable space		X	Damp due to fire damage leaving the home open	
Lack of electrical lighting		X	Power not connected	Entire Property
Hot and Cold Water		X	Water not connected	Entire Property
Lack of or Improper Kitchen		X	Kitchen extensively damaged by fire	
Lack of or Improper bathroom		X	Bathrooms heavily damaged by accumulations of mold, mildew, smoke damage and, refuse	
Dead trees, tree limbs, holes, excavations or other conditions reasonably capable of causing injury to a person.		X	Limbs and Refuse	Front Yard

This inspection was completed in accordance with Sec. 12-287 of the City of Port Lavaca Code of Ordinances.
State Law reference— Authority to condemn dangerous buildings, V.T.C.A., Local Government Code § 342.012(b).

312 Avalon St.





Inspection Checklist				
Date: 11/06/2024			Inspector:	
Location: 610 N Commerce			Bradley/Derrick	
	Pass	Fail	Violation/Deficiency	Location of violation
Roof properly maintained		X	Shingles in poor condition.	Roof
Improper Walls, partitions or other vertical supports		X	Unfinished walls	Throughout entire house.
Fireplaces or chimneys properly maintained		NA		
Unsecure building: vacant and open.		X	Unsecured door and broken windows	Back and front of house
Lack of required rails, stairs, steps and/or balconies		NA		
Lack of or improper exterior wall coverings		X	Exterior wall covers missing in large amounts	Largely on the back of home
Hazardous wiring		X	Improperly Done wiring	All interior rooms
Hazardous plumbing		X	Plumbing incorrectly installed	All interior and exterior lines
Hazardous mechanical equipment			Unable to verify	
Sanitation:		X	Junk and trash	Inside and out
Lack of or improper connection to required sewage disposal		X	Improperly connected	Front yard
Lack of improper garbage and rubbish storage		X	No trash can or rubbish storage	
Standing or stagnant water	X			
Improper Drainage	X			
Improper Occupancy	X			
Inadequate exits	X			

Improper Fireplace or Chimney	NA			
Improper Ceiling or Ceiling supports		X	No Ceiling	All interior rooms
Improper Flooring or floor supports		X	Floor heavily damaged	All interior rooms
Improper Foundation		X	Pier and beam foundation inadequate to support dwelling	Throughout dwelling
Vermin/Insects		X	Evidence of vermin and insects	Most of house
Dampness of habitable space		X	Damp due to unsecure building	
Lack of electrical lighting		X	Power not connected	Entire Property
Hot and Cold Water		X	Water not connected	Entire Property
Lack of or Improper Kitchen		X	Kitchen not installed	
Lack of or Improper bathroom		X	Bathrooms not installed	
Dead trees, tree limbs, holes, excavations or other conditions reasonably capable of causing injury to a person.		X	Limbs and Refuse	Front Yard

This inspection was completed in accordance with Sec. 12-287 of the City of Port Lavaca Code of Ordinances.

State Law reference— Authority to condemn dangerous buildings, V.T.C.A., Local Government Code § 342.012(b).

610 Commerce St.



COMMUNICATION

SUBJECT: Consider declaring property to be substandard and any required action after declaration, following a Public Hearing held on December 09, 2024: Presenter is Derrick Smith

INFORMATION:

COMMUNICATION

SUBJECT: Consider First reading of an Ordinance (F-1-24) of the City of Port Lavaca, Texas granting to Centerpoint Energy Resources Corp., DBA Centerpoint Energy Texas Gas Operations, the right, privilege and franchise to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the public rights-of-way of the City of Port Lavaca, Texas for the transportation, delivery, sale and distribution of natural gas; containing other provisions relating to the foregoing subject; providing for severability and providing an effective date. Presenter is Anne Marie Odefey

INFORMATION:

ORDINANCE NO. F-1-24

AN ORDINANCE OF THE CITY OF PORT LAVACA, TEXAS GRANTING TO CENTERPOINT ENERGY RESOURCES CORP., DBA CENTERPOINT ENERGY TEXAS GAS OPERATIONS, THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, INSTALL, EXTEND, REMOVE, REPLACE, ABANDON, OPERATE AND MAINTAIN ITS FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF PORT LAVACA, TEXAS FOR THE TRANSPORTATION, DELIVERY, SALE AND DISTRIBUTION OF NATURAL GAS; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. GRANT OF AUTHORITY. Subject to the terms, conditions and provisions of this ordinance, the right, privilege and franchise is hereby granted to CenterPoint Energy Resources Corp., DBA CenterPoint Energy Texas Gas Operations, hereinafter called “Company,” to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the Public Rights-of-Way of the City of Port Lavaca, Texas for the transportation, delivery, sale and distribution of natural gas within the corporate limits of the City of Port Lavaca, as the same are now and as the same may from time to time be extended.

Section 2. DEFINITIONS.

- A. “City” shall mean the City of Port Lavaca, Texas.
- B. “Company” shall mean CenterPoint Energy Resources Corp., DBA CenterPoint Energy Texas Gas Operations, a Delaware Corporation, and shall not mean any of its affiliates and subsidiaries who shall have no right, privilege or franchise granted hereunder.
- C. “Facilities” shall mean pipes, pipelines, natural gas mains, laterals, feeders, regulators, meters, fixtures, connections and attachments and other instrumentalities and appurtenances, used in or incident to providing transportation, distribution, supply, and sales of natural gas for heating, lighting, power, and any other purposes for which natural gas may now or hereafter be used.
- D. “Public Rights-of-Way” shall mean the areas in, under, upon, over, across, and along any and all of the present and future Streets or streams now or hereafter owned or controlled by City.
- E. “Street” shall mean the surface and the space above and below any public street, road, highway, alley, bridge, sidewalk, or other public place or way.

Section 3. TERM OF FRANCHISE. This Franchise shall become effective on the Effective Date described in Section 21 and shall be in full force and effect for a term of thirty (30) years. This franchise shall automatically renew itself for successive five (5) year periods following the primary term unless either the City or Company provides notice to the contrary to the other at least ninety (90) days prior to the expiration of the primary term or any succeeding five (5) year renewal term.

Section 4. CONSTRUCTION AND MAINTENANCE OF NATURAL GAS DISTRIBUTION SYSTEM. All Facilities installed by Company shall be of sound material and good quality, and shall be laid so that they will not interfere with the artificial drainage of the City or its underground fixtures, or with navigation in or the natural drainage of any stream. All Facilities shall be installed in accordance with applicable Federal and State regulations and in the absence of such regulations in accordance with accepted industry practice. Within the Public Rights-of-Way, the location and route of the Facilities by the Company shall be subject to the reasonable and proper regulation, direction and control of the City or the City official to whom such duties have been delegated. Such regulation shall include, but not be limited to, the right to require in writing to the extent provided in Section 13 the relocation of Company's Facilities at Company's cost within the Public Rights-of-Way of the City whenever such relocation shall be reasonably necessary to accommodate the widening, change of grade, or relocation by City of Streets or Public Rights-of-Way, or construction or relocation by City of City utility lines or drainage facilities. Company shall keep current and up-to-date maps showing the physical location of Company's facilities and make available for inspection by the City at no cost during normal working hours.

Section 5. STREETS TO BE RESTORED TO GOOD CONDITION. Company and its contractors shall give City reasonable notice, of the dates, location, and nature of all work to be performed on its Facilities within the Public Rights-of-Way. This Franchise shall constitute a permit to perform all work on Company's Facilities within the Public Rights-of-Way and to park vehicles in the Streets and other Public Rights-of-Way when necessary for the installation, replacement, abandonment, operation, or maintenance of Company's Facilities. Company and contractors performing work for Company shall not be required to obtain any permits in addition to the Franchise or to pay any license, charge, fee, street or alley rental, or other character of charge or levy in addition to the franchise fee in order to perform work on Company's Facilities, or park within the Streets and other Public Rights-of-Way. If City does charge Company any such additional amount, then Company may deduct the amount charged from the next succeeding franchise payment or payments, as provided in Section 7, until fully reimbursed. Following completion of work in the Public Rights-of-Way, Company shall repair the affected Public Rights-of-Way as soon as possible, but in all cases Company shall comply with all City ordinances governing time periods and standards relating to excavating in the Public Rights-of-Way. No street, alley, highway or public place shall be encumbered for a longer period than shall be necessary to execute the work. Company shall not be required to pay City any fees for costs incurred by City for outside professional review of any work on Company's Facilities within Public Rights-of-Way. Company shall not be required to provide City with engineering or design documentation that has a professional engineer stamp for any work on Company's Facilities within Public Rights-of-Way.

Section 6. QUALITY OF SERVICE. The service furnished hereunder to the City and its inhabitants shall be in accordance with the quality-of-service rules of the Railroad Commission of Texas, state and federal regulations. Company shall furnish the grade of service to its customers as provided by its rate schedules and shall maintain its system in reasonable operating condition during the continuance of this Franchise. An exception to this requirement is automatically in effect, but only for so long as is necessary, when caused by a shortage in materials, supplies and equipment beyond the control of the Company as a result of fires, strikes, riots, storms, floods and other casualties, governmental regulations, limitations and restrictions as to the use and availability of materials, supplies and equipment and as to the use of the services, and unforeseeable and unusual demands for service. In any of such events the Company shall do all things reasonably within its power to restore normal service as quickly as practicable.

Section 7. PAYMENT TO THE CITY. In consideration of the rights and privileges herein granted, the administration of the Franchise by the City, the temporary interference with the use of Public Rights-of-Way and cost and obligations undertaken by the city in relation thereto and in lieu of any license, charge, fee, street or alley rental or other character of charge for use and occupancy of the Streets, alleys, and public places of the City, and in lieu of any inspection fee, the Company agrees to pay to the City franchise fees in the amount and manner described herein, subject to an offset as described in Section 5.

Company agrees to pay to the City quarterly during the continuance of this Franchise a sum of money equal to four percent (4 %) of the Company's gross receipts for the preceding calendar quarter received by the Company from the sale of gas within the corporate limits of the City plus seven cents (7¢) per Mcf for natural gas transported by Company for its Transport Customers during such quarter. "Transport Customer" means any person or entity for whom Company transports gas through the distribution system of Company within the corporate limits of City for consumption within the corporate limits of City. The franchise fees hereunder shall be calculated for the calendar quarters ending March 31, June 30, September 30, and December 31 and shall be payable on or before the fifteenth day of May, August, November, and February following the quarter for which payment is made, beginning with the first such date following the Effective Date of this Franchise and each August 15th, November 15th, February 15th, and May 15th thereafter; provided, however, the first such payment shall be prorated as necessary to reflect only those gross receipts received and transportation volumes delivered by Company after the Effective Date of this Franchise. In no event shall the Company be required to remit to the City franchise fee amounts that for any reason whatsoever are not fully recoverable from its customers. Upon receipt of the above amount of money, the City Secretary shall deliver to the Company a receipt for such amount. If any payment due date required herein falls on a weekend or bank holiday, payment shall be made on or before the close of business of the first working day after the payment due date.

Section 8. ANNEXATIONS BY CITY. This Franchise shall extend to and include any and all territory that is annexed by the City during the term of this Franchise. Within sixty (60) days from the receipt of notice from the City of any such annexation, the Company shall assure that any and all customers within such annexed territory are included and shown on its accounting system as being within the corporate limits of the City of Port Lavaca.

After such sixty (60) day period the payment provisions specified in Section 7 of this Franchise shall apply to gross receipts and transport fees received by the Company from customers located within such annexed territory. Company shall true-up its map of City boundaries to the City's map on an annual basis.

Section 9. NON-EXCLUSIVE FRANCHISE. Nothing contained in this Franchise shall ever be construed as conferring upon the Company any exclusive rights or privileges of any nature whatsoever.

Section 10. COMPLIANCE AND REMEDIES. (a) In the event the Company by act or omission violates any material term, condition or provision of this Franchise, the City shall notify the Company in writing of such violation. Should the Company fail or refuse to correct any such violation within thirty (30) days from the date of City's notice, the City shall, upon written notification to the Company, have the right to terminate this agreement. Any such termination and cancellation shall be by ordinance adopted by City Council; provided, however, before any such ordinance is adopted, the Company must be given at least sixty (60) days' advance written notice. Such notice shall set forth the causes and reasons for the proposed termination and cancellation, shall advise the Company that it will be provided an opportunity to be heard by City Council regarding such proposed action before any such action is taken and shall set forth the time, date, and place of the hearing.

(a) Other than its failure, refusal, or inability to pay its debts and obligations, including, specifically, the payments to the City required by this Franchise, the Company shall not be declared in default or be subject to any sanction under any provision of this Franchise in those cases in which performance of such provision is prevented by reasons beyond its control.

(b) The rights and remedies of City and Company set forth herein shall be in addition to, and not in limitation of, any other rights and remedies provided at law or in equity and City's exercise of any particular remedy shall not constitute a waiver of its rights to exercise any other remedy.

Section 11. RESERVE OF POWERS. Except as otherwise provided in this Franchise, the City by the granting of this Franchise does not surrender or to any extent lose, waive, impair or lessen the lawful powers, claims and rights, now or hereafter vested in the City under the Constitution and statutes of the State of Texas and under the Charter and Ordinances of the City of Port Lavaca or other applicable law, to regulate public utilities within the City and to regulate the use of the Streets by the Company; and the Company by its acceptance of this Franchise agrees that, except as otherwise provided in this Franchise, all lawful powers and rights, whether regulatory or otherwise, as are or as may be from time to time vested in or reserved to the City, shall be in full force and effect and subject to the exercise thereof by the City at any time and from time to time.

SECTION 12. INDEMNITY. THE COMPANY, ITS SUCCESSORS AND ASSIGNS, SHALL PROTECT AND HOLD THE CITY AND ITS OFFICERS, AGENTS, AND EMPLOYEES (COLLECTIVELY REFERRED TO IN THIS SECTION AS “THE CITY”) HARMLESS AGAINST ANY AND ALL CLAIMS OR DEMANDS FOR DAMAGES TO ANY PERSON OR PROPERTY BY REASON OF THE CONSTRUCTION AND MAINTENANCE OF THE COMPANY’S NATURAL GAS DISTRIBUTION SYSTEM, OR IN ANY WAY GROWING OUT OF THE RIGHTS GRANTED BY THIS FRANCHISE, EITHER DIRECTLY OR INDIRECTLY, OR BY REASON OF ANY ACT, NEGLIGENCE OR NONFEASANCE OF THE COMPANY OR THE CONTRACTORS, AGENTS OR EMPLOYEES OF THE COMPANY OR ITS SUCCESSORS AND ASSIGNS, AND SHALL REFUND TO THE CITY ALL SUMS WHICH THE CITY MAY BE ADJUDGED TO PAY ON ANY SUCH CLAIM, OR WHICH MAY ARISE OR GROW OUT OF THE EXERCISE OF THE RIGHTS AND PRIVILEGES HEREBY GRANTED OR BY THE ABUSE THEREOF, AND THE COMPANY OR ITS SUCCESSORS AND ASSIGNS SHALL INDEMNIFY AND HOLD THE CITY HARMLESS FROM AND ON ACCOUNT OF ALL DAMAGES, COSTS, EXPENSES, ACTIONS, AND CAUSES OF ACTION THAT MAY ACCRUE TO OR BE BROUGHT BY, A PERSON, PERSONS, COMPANY OR COMPANIES AT ANY TIME HEREAFTER BY REASON OF THE EXERCISE OF THE RIGHTS AND PRIVILEGES HEREBY GRANTED, OR OF THE ABUSE THEREOF.

Section 13. RELOCATION OF FACILITIES. The Company shall, upon written request of the City, relocate its Facilities within Public Rights-of-Way at Company’s own expense, exclusive of Facilities installed for service directly to City, whenever such shall be reasonably necessary on account of the widening, change of grade, or relocation by City of Streets or Public Rights-of-Way, or construction or relocation by City of City utility lines or drainage facilities. City shall bear the costs of all relocations of Facilities installed for service directly to City and of any relocation of other Facilities requested by City for reasons other than the widening, change of grade, or relocation by City of Streets or Public Rights-of-Way, or construction or relocation by the City of City utility lines or drainage facilities.

Section 14. GOVERNMENTAL FUNCTION. All of the regulations and activities required by this Franchise are hereby declared to be governmental and for the health, safety and welfare of the general public.

Section 15. RECORDS AND REPORTS. (a) Books of Account. The Company shall keep complete and accurate books of accounts and records of its business and operations under and in connection with this Franchise. All such books of accounts and records shall be kept at the company’s principal office in Houston, Texas.

(a) Access by City. The City may conduct an audit or other inquiry or may pursue a cause of action in relation to the payment of the franchise fee only if such audit, inquiry, or pursuit of a cause of action concerns a payment made less than three (3) years before the commencement of such audit, inquiry, or pursuit of a cause of action. Each party shall bear its own costs of any such audit or inquiry. Upon receipt of a written request from the City, all books and records related to

Company’s operations under this Franchise shall be made available for inspection and copying no later than thirty (30) days from receipt of such request.

(b) Interest on Underpayments and Overpayments. (1) Amounts due to City for late payments shall include interest, compounded daily equal to the return on equity plus three percent (3%) granted to the Company in its most recent proceeding fixing rates applicable to customers within the corporate limits of the City. (2) If the City identifies, as a result of a franchise fee compliance review, amounts owed by the Company from prior periods or prior underpayments, then the Company shall pay simple interest on such amounts equal to the return on equity granted to the Company in its most recent proceeding fixing rates applicable to customers within the corporate limits of the City. Said interest shall be payable on such sums from the date the initial payment was due until it is paid and shall not be billed to customers. (3) Amounts due Company for past overpayments shall include simple interest equal to the return on equity granted to the Company in its most recent proceeding fixing rates applicable to customers within the corporate limits of the City; provided, however, if there is a change in the approved return on equity during the time period subject to the City’s audit or inquiry, then for each time period during which there was an overpayment, the approved return on equity in effect during such time period shall be used in calculating interest under this subparagraph (c). Interest payable on such sums shall be credited to customers.

Section 16. EASEMENT. In consideration for the compensation set forth in Section 7, City agrees that if City sells, conveys, or surrenders possession of any portion of the Public Right-of-Way that is being used by Company pursuant to this Franchise, City, to the maximum extent of its right to do so, shall first grant Company an easement for such use and the sale, conveyance, or surrender of possession of the Public Right-of-Way shall be subject to the right and continued use of Company.

Section 17. ACCEPTANCE. The Company shall, within thirty (30) days following the final passage and approval of this Franchise, file with the City Secretary of the City of Port Lavaca either 1) a written statement signed in its name and behalf in the following form or 2) this document duly executed below by the Vice President of Regional Operations:

“To the Honorable Mayor and City Council Members of the City of Port Lavaca:

CenterPoint Energy Resources Corp., DBA CenterPoint Energy Texas Gas Operations, its successors and assigns, hereby accepts the attached Franchise Ordinance, and agrees to be bound by all of its terms and provisions.”

CENTERPOINT ENERGY RESOURCES CORP.,
DBA CENTERPOINT ENERGY TEXAS GAS
OPERATIONS

By: _____
Print Name and Title:
Regional Operations

Dated this ____ day of _____.

Section 18. GOVERNING LAW AND SEVERABILITY. This Franchise shall be governed and construed according to the laws of the State of Texas excluding, however, any conflict of laws rule that would apply the law of another jurisdiction. If any provision, section, subsection, sentence, clause or phrase of this Franchise is for any reason held to be unconstitutional, void, or invalid or for any reason unenforceable, the validity of the remaining portions of this Franchise shall not be affected thereby, it being the intent the City of Port Lavaca in adopting this Franchise that no portion hereof or provision hereof shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation and, to this end, all provisions of this ordinance are declared to be severable.

Section 19. NOTICES. Every notice, order, petition, documents or other direction or communication to be served upon the City or the Company shall be deemed sufficiently given if sent by registered or certified mail, return receipt requested. Every such communication to the Company shall be sent to:

CenterPoint Energy Resources Corp.
Vice President, Regulatory Relations
P.O. Box 4567
Houston, TX 77210-4567

With a copy to:

Regulatory Legal
P.O. Box 2628
Houston, TX 77252-2628

Every such communication to the City or the City Council shall be sent to:

City of Port Lavaca
Jack Whitlow, Mayor
202 N. Virginia Street
Port Lavaca, Texas 77979

With a Copy to:

City of Port Lavaca
Mandy Grant, City Secretary
202 N. Virginia Street
Port Lavaca, Texas 77979

Section 20. PUBLICATION, PASSAGE, AND EFFECTIVE DATE. This Franchise, having been published, if required, shall take effect and be in force from and after the first day of the month following thirty days after receipt by the Company’s acceptance filed pursuant to Section 18 (“Effective Date”). The Company shall pay the cost of those publications.

Section 21. COMPLIANCE WITH CHARTER AND ORDINANCES. This Franchise, the rights granted hereby, and the operations and activities performed by Company pursuant hereto shall be subject to applicable provisions of the Charter of the City of [NAME OF CITY], Texas. Except to the extent otherwise expressly provided herein, the Franchise and rights granted hereby and the operations and activities performed by Company pursuant hereto, shall be subject to all valid ordinances and regulations of the City insofar as such ordinances and regulations (a) do not shorten the term hereof or terminate, abrogate, or materially and adversely affect the Franchise and right granted to Company hereby, (b) do not conflict with or are not inconsistent with the terms and provisions contained in this ordinance, (c) do not modify, preempt, or cause Company to violate the terms of a tariff approved by the Railroad Commission of Texas, Railroad Commission Rules, or the Gas Utility Regulatory Act, or (d) do not unreasonably regulate the Company’s operations and activities in the City Right of Way. If Company believes a future Ordinance unreasonably regulates its operations and activities in the City Right-of-Way, City and Company shall meet and reach a mutually agreeable solution.

FIRST READING this 9th day of December, 2024.

Jack Whitlow, Mayor

SECOND READING this this 13th day of January, 2025.

Jack Whitlow, Mayor

APPROVED AND ADOPTED this 13th day of January, 2025.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

Anne Marie Odefey, City Attorney

RECORD OF VOTE

First Reading	Second and Final	Passed and Approved
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Councilman Aguirre
Councilman Dent
Councilman Tippit
Councilwoman Padron
Councilman Ward
Councilman Burke

Record of approval by City Council: City Council Minute Records, Volume 3-I, Page _____.

THE STATE OF TEXAS §
 §
COUNTY OF CALHOUN §

I, the duly appointed, qualified and acting City Secretary of Port Lavaca, Texas, do hereby certify that the above and foregoing ordinance was read, passed and adopted on the second reading at a regular meeting of the City Council of said Port Lavaca Texas, held on the 13th day of January, 2025; that written notice of the date, place and subject of said meeting was posted on a bulletin board located at a place convenient to the public in the City Hall for at least 72 hours preceding the day of said meeting; that Mayor Jack Whitlow and six (6) City Council Members were present at said meeting and acted as the Council throughout; that the same has been signed and approved by the Mayor and is duly attested by the City Secretary; and that the same has been duly filed with the City Secretary and recorded by the City Secretary in full in the books for the purpose of recording the ordinances of the City of Port Lavaca, Texas.

EXECUTED under my hand and the official seal of the City of Port Lavaca, Texas at said City, this 13th day of January, 2025.

Mandy Grant, City Secretary

[SEAL]

COMMUNICATION

SUBJECT: Consider First reading of an Ordinance (S-5-24) of the City of Port Lavaca for amendment(s) to the Base Ordinance S-2-24 for 2024-2025 fiscal year budget; providing for Budget Amendment(s); providing for severability, repealing all ordinances in conflict and establishing an effective date. Presenter is Jody Weaver

INFORMATION:

ORDINANCE NO. S-5-24

AN ORDINANCE OF THE CITY OF PORT LAVACA, TEXAS FOR AMENDMENT(S) TO THE BASE ORDINANCE NO. S-2-24 FOR 2024-2025 FISCAL YEAR BUDGET; PROVIDING FOR BUDGET AMENDMENT(S); PROVIDING FOR SEVERABILITY, REPEALING ALL ORDINANCES IN CONFLICT AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Port Lavaca’s current 2024-2025 Annual Budget was passed and approved by Base Ordinance No. S-2-24 on September 16, 2024; and

WHEREAS, department specific equipment, projects, and staffing are each an integral part of the annual budget and efficient and productive operations for the City as a whole; and

WHEREAS, staff recommends the various changes and amendments to the original budget to meet the challenges that serve a municipal purpose and have arisen since the original budget adoption, as authorized by Local Government Code Section 102.010; and

WHEREAS, the City Council has determined that this budget amendment is necessary and proper, serves a municipal purpose and will help the City better protect the health, safety and welfare of the general public.

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

SECTION 1: The City Council of the City of Port Lavaca, Texas does hereby approve an amended budget for the City of Port Lavaca General Fund for the Fiscal Year beginning October 1, 2024 and ending September 30, 2025, as set forth in the attached Exhibit A Budget Amendment.

SECTION 2: That all other portions of the original adopted budget shall remain as adopted.

SECTION 3: Severability. Should any section, subsection or phrase of this Ordinance be held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Ordinance as a whole or any other remaining portions of this Ordinance.

SECTION 4: Repeal. This Ordinance shall be cumulative of all provisions of ordinances of the City of Port Lavaca, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 5: Effective Date. This ordinance shall take effect from and after the earliest date provided by law following its adoption and publication as provided by law.

FIRST READING this 9th day of December, 2024

Jack Whitlow, Mayor

SECOND AND FINAL READING this 13th day of January, 2025

Jack Whitlow, Mayor

APPROVED AND ADOPTED this 13th day of January, 2025.

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 Burke			

Record of approval by City Council: City Council Minute Records, Volume 3-I, Page _____.

CITY OF PORT LAVACA
Request For Approval of Budgetary Amendment
Fiscal Year 2024-2025

Amendment # GF-001

FUND: GENERAL -001

Unreserved Fund Balance \$ 3,142,629
Net Increase/(Decrease) this Request (225,333)
Amended Unreserved Fund Balance \$ 2,917,296

Date Requested: 12/9/2024

Account No.					Original Budget	Increase/ (Decrease)	Amended Budget	Reason
Fund	Dept.	Line-item	DEPT	---- Description ----				
001	50020	562.01	CITY MANAGER	CE- LAND & IMPROVEMENTS	-	225,333	\$ 225,333	PROPERTY PURCHASE 304 RANDLE ST.
NET INCREASE/(DECREASE) TO UNRESERVED FUND BALANCE								
						<u>(225,333)</u>		

Approvals:
COUNCIL: YES X NO

Entered: _____

City Manager _____

Initials: _____

Director of Finance _____

Date: _____

COMMUNICATION

SUBJECT: Consider First reading of an Ordinance (G-10-24) of the City of Port Lavaca amending the ordinance codified and described in the City of Port Lavaca's Code of Ordinances as Chapter 2, Administration, Article V, Finance, Division 1. - Generally, adding Section 2-126 for Credit Card Convenience Fee; providing for purpose of ordinance; providing for severability; providing a repealing clause; and providing an effective date. Presenter is Jody Weaver

INFORMATION:

ORDINANCE NO. G-10-24

AN ORDINANCE OF THE CITY OF PORT LAVACA AMENDING THE ORDINANCE CODIFIED AND DESCRIBED IN THE CITY OF PORT LAVACA’S CODE OF ORDINANCES AS CHAPTER 2, ADMINISTRATION, ARTICLE V, FINANCE, DIVISION 1. - GENERALLY, ADDING SECTION 2-126 FOR CREDIT CARD CONVENIENCE FEE; PROVIDING FOR PURPOSE OF ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the city incurs costs in the form of credit card surcharges when processing utility, fee, fine, or penalty payments made by credit cards; and

WHEREAS, Texas Local Government Code Section 132.002(b) provides the city council may authorize a municipal official who collects fees, fines, court costs, or other charges to: (i) accept payment by credit card of a fee, fine, court cost, or other charge; and (2) collect a reimbursement fee for processing the payment by credit card; and

WHEREAS, Texas Local Government Code Section 132.003 provides that in establishing a reimbursement fee the city council shall set the reimbursement fee in an amount that is reasonably related to the expense incurred by the municipal official in processing the payment by credit card; not to exceed five percent of the fee, fine, court cost, or other charge; and

WHEREAS, if, for any reason, a payment to the city by credit card is not honored by the credit card issuer, Texas Local Government Code Section 132.004 provides city council may impose a service charge, equal to the service charge fee charged for the collection of a check drawn on an account with insufficient funds; and

WHEREAS, city council deems it appropriate to impose the reimbursement charge and service charges authorized by Texas Local Government Code Chapter 132, to recoup the city's costs for processing payments by credit cards.

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

SECTION 1. The fees and any amendments to these fees thereafter, will be established in Appendix A, Fees, Rates and Charges of the City of Port Lavaca Code of Ordinances.

SECTION 2. If any provisions, sections, exceptions, subsections, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

SECTION 3. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 4: This ordinance shall become effective February 2025.

FIRST READING this 9th day of December, 2024

Jack Whitlow, Mayor

SECOND AND FINAL READING this 13th day of January, 2025

Jack Whitlow, Mayor

APPROVED AND ADOPTED this 13th day of January, 2025.

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 Burke			

Record of approval by City Council: City Council Minute Records, Volume 3-I, Page _____.

COMMUNICATION

SUBJECT: Consider First reading of an Ordinance (G-11-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes, CH 38 Solid Waste, Sec. 38-29 Residential Garbage/brush/bulk collection; CH 2 Administration, Sec. 2-126 Credit Card Use Fee; and providing an effective date. Presenter is Jody Weaver

INFORMATION:

ORDINANCE #G-11-24

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

ARTICLE I. GENERAL

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

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

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

ARTICLE II. FEES TO BE AMENDED

The fees, rates and charges to be amended are in the Chapters listed below and described in full in the attached Exhibit “A”. Text that remains unchanged will be in black-colored letters, text that is new will be identified by bold red-colored letters and all text to be deleted, if any, will be identified as blue-colored letters with strikethroughs, and both highlighted in yellow:

- Chapter 2: Administration – Finance – Division 1 - Generally
 - Sec. 2-126 Credit Card Convenience Fee
 - E-Commerce Payments (Online)
 - Point of Sale Payments

- Chapter 38: Solid Waste (Residential Rate)
 - Sec. 38-29 Garbage/Brush/Bulk Collection
 - Sec. 38-29 Rate per Additional Cart

ARTICLE III.- EFFECTIVE DATE

This ordinance shall become effective upon adoption by City Council.

FIRST READING this 9th day of December, 2024.

Jack Whitlow, Mayor

SECOND AND FINAL READING this 13th day of January, 2025.

Jack Whitlow, Mayor

APPROVED AND ADOPTED this 13th day of January, 2025.

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 Burke			

Record of approval by City Council: City Council Minute Records, Volume 3-I, Page _.

CITY OF PORT LAVACA - PART II - CODE OF ORDINANCES
APPENDIX A - FEES, RATES AND CHARGES

EXHIBIT A

CHAPTER 2 – ADMINISTRATION, ART V, FINANCE, DIVISION 1, GENERALLY

Section No.	Subject	Fee Amount
2-126	Credit Card Convenience Fee	
	E-Commerce Payments (Online)	\$0.50 per transaction plus 0.89% of Sale
	Point of Sale Payments	2% of Sale

CHAPTER 38 – SOLID WASTE

Section No.	Subject	Fee Amount
<u>38-29</u>	Residential Rate	
	Garbage/brush/bulk collection	\$20.31 \$21.12
	Rate per Additional Cart	\$16.11 \$16.75
	City-wide cleanups	\$0.70
<u>38-30</u>	Commercial Rate	Per contract
	Prices are per contract through the solid waste provider	

(Ord. No. G-5-93, §§ 12, 13, 9-30-1993; F-1-10 (New Solid Waste Ordinance); Ord. No. G-1-12, art. II, 3-12-2012; Ord. No. G-3-13, art. II, 9-9-2013; [Ord. No. G-10-16](#), art. II, 9-12-2016; Ord. No. [G-2-20](#), art. II, 4-13-2020; Ord. No. [G-3-21](#), art. II, 5-10-2021; Ord. No. [G-4-22](#), art. II, 5-9-2022; [Ord. No. G-1-24](#), art. II (Exh. A), 2-12-2024)

November 15, 2024

Jody Weaver
City Manager
City of Port Lavaca
202 N. Virginia St
Port Lavaca, TX. 77979

Dear Ms. Weaver,

In accordance with Item 2 of the Fourth Amendment to the Municipal Contract between BFI Waste Services of Texas, LP d/b/a Republic Services of Corpus Christi and the City of Port Lavaca, we hereby submit our annual letter reflecting a **4.00% increase in the Base Rate for both residential and commercial services to become effective February 1, 2025.**

The Base Residential Contract Rate as of February 1, 2024, was \$20.31. By adjusting the rate by the 4.0%, **the new rate will be \$21.12.** The commercial rate sheet is attached for review with the same increase. Should you have any questions concerning the price increase or our service, please do not hesitate to call me.

Sincerely,

Mike Reeves

Mike Reeves
Manager, Municipal Services
361-549-3097
MReeves@republicservices.com



Sustainability in Action

**Exhibit “A”
Base Rates-February 1, 2025
City of Port Lavaca**

Residential Collection: (95 Gallon Carts) **\$21.12** monthly per unit
(2Xwk garbage/1X month brush & bulky)

Additional Carts: **\$16.75** monthly per unit

Commercial 95 Gallon Carts: 2 X wk: **\$40.64** monthly per unit

FEL Dumpsters:

SIZE	X 1	X 2	X 3	X 4	X 5	XPU
2	\$127.19	\$196.32	\$257.32	\$276.52	\$393.63	\$68.36
3	\$153.71	\$241.04	\$339.67	\$423.14	\$499.25	\$68.36
4	\$183.07	\$293.94	\$423.14	\$516.74	\$628.69	\$68.36
6	\$236.94	\$393.66	\$510.42	\$702.95	\$857.67	\$68.36
8	\$320.42	\$520.20	\$744.58	\$904.94	\$1,102.58	\$68.36

FEL compacted trash: 4 times the unit charge above based upon size and frequency of service.

Miscellaneous Fees-

Overload Fee-	\$57.93 per occurrence
Extra Lift-	\$89.99 per request by customer
Relocation Fee-	\$57.93 per request by customer
Exchange Fee-	\$110.06 per request by customer
Delivery Fee-	\$57.93 per request by customer

Roll-Offs

Rent: \$118.38 per month
Initial Delivery: \$137.46
Dry Run: \$268.96

	Haul Fee	Disposal/\$ per ton (includes Franchise Fee)
20 cyd	\$491.64	\$60.73
30cyd	\$491.64	\$60.73
40cyd	\$491.64	\$60.73
Compactors	\$491.64	\$60.73

COMMUNICATION

SUBJECT: Consider award of a construction contract for Phase 3 City Hall Security Improvements project. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

DATE: 12.04.24

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: CITY HALL UTILITY BILLING SECURITY IMPROVEMENTS (City Hall Master Plan Phase 3)

We received construction bids for the above referenced project on November 14. Two bids were received as shown on the *attached* Bid Tabulation Sheet.

The components of the bid were as follows:

- Base Bid: the bullet resistant security construction in the Utility Billing area
- Alternate Bid 1: to use powered speakers bullet resistant two-way speakers instead of a simple round speak-thru hole.
- Alternate Bid 2: the work required to install a remote door opener system at the south doors to City Hall along with an ADA curb ramp and crosswalk from the Utility Billing Parking ADA spaces.

As you recall, Council chose to use the Competitive Sealed Proposal Method for this solicitation. As such, the proposals received were evaluated based upon price, qualifications, and calendar days to complete. The evaluation committee met on December 3 and reviewed the scoring provided by Rawley McCoy Architects. In attendance at the meeting was Jody Weaver, Brittney Hogan, Derrick Smith, and Karen Hill, with Councilman Tim Dent attending remotely. Councilman Justin Burke also sat in on the meeting remotely. Brian Parker with Rawley McCoy Architects was unable to join the meeting.

The significant difference in the calendar days proposed by the two contractors weighed heavily on the consideration. This construction, particularly the Base Bid work, will greatly disturb utility billing operations during construction. BLS has stated that the base bid will be done in 60 days, when Barefoot stated 6 months. Including Alternate 2 adds 60 days for BLS and 120 days for Barefoot.

The evaluation committee unanimously agreed in the rankings provided by the Architect for the Base Bid + Alternate 1 and the Base Bid + Alternate 1 and Alternate 2. Both score sheets are *attached*. In both scenarios, BLS scores the highest.

Financial impact:

Council has budgeted \$350,000 in the FY 24-25 budget for this project as well as the north end City Hall security project. I don't have a proposal yet for the Architect for the north end project, but we can estimate \$40k-\$50k to complete Phase 3 and perform the Phase 4 work. With an award of the Base Bid and both Alternates of Phase 3, that will leave about \$150K for the construction of Phase 4. The estimated cost for Phase 4 based upon the conceptual drawings is \$240,000. This includes the Controlled-Access bullet resistant store front at the north end of the hallway with renovations to relocate Municipal Court to the north end with a bullet resistant enclosure and other renovations needed to walls, flooring and ceiling panels, etc. We will work with the Architect to try to keep costs as low as possible, but it is likely additional

funds will need to be budgeted for this next Phase 4, although it's unlikely the additional funds would be needed before FY 25-26.

Recommendation:

In consideration of all the information provided, it is the recommendation of the Evaluation Committee to award a construction contract to BLS Construction in the amount of \$151,416.00 for the Base Bid and Alternate Bids 1 and 2.

Attachments:

- Bid Tabulation
- Ranking sheet for Base Bid, Alt #1 and Alt #2
- Randing sheet for Base Bid and Alt #1
- Plan sheet A1.1
- Plan sheet A1.2



BID TABULATION
 City of Port Lavaca - City Hall Master Plan
 Phase 3 - Interior Renovations and Site Work

Project #1043-1143
 Proposal Opening: Thursday, November 14, 2024 @ 2:00 p.m.

Architect:
 Rawley McCoy & Associates, PLLC
 311 E. Constitution St, Suite 210
 Victoria, TX
 (361)573-1642

	Bid Bond (If Req.)	Addendum No. 1	Base Bid	Alternate 1	Alternate 2	Proposer Qualifications	Cert of Authority	Conflict Of Interest	Non Collusion	Governmental Cert. Israel	Calendar Days	Alt 2 Days
Barefoot Construction 312 Davis Ave Port Lavaca, Texas 77979 361 655 1138	Check	Yes	\$71,200.00	\$7,400.00	\$79,200.00	5 days Yes Not Included In Proposal	Not Req.	Yes	Yes	Yes	180	120
BLS Construction Inc. 207 Fahrenthold St #4319 El Campo, Texas 77437 979 543 2696	Bid Bond	Yes	\$89,705.00	\$7,460.00	\$54,251.00	5 days Yes Included in Proposal	Yes	Yes	Yes	Yes	60	60

Base Bid, Alt #1 + Alt #2

Evaluation for Award

**City Hall Master Plan Phase 3 - Interior Renovations and Site Work
City of Port Lavaca**

Points Weight Weighted Points

Points: High=10 Low=1

Barefoot Construction

Price of proposals	9	50%	4.50
Proposer qualifications	8.5	40%	3.40
Proposed calendar days to complete construction	4	10%	0.40

Total 8.30

BLS Construction

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

Total 10.00

- 1. Barefoot Construction 8.30
- 2. BLS Construction 10.00

RECOMMENDED CONTRACT AWARD TO:

BLS Construction

RECOMMENDED CONTRACT AMOUNT:

\$151,416.00

Base Bid, Alt 1 and Alt 2

EVALUATION COMMITTEE:

Jody Weaver - City Manager

Brittney Hogan - Finance Director

Derrick Smith - Director of Development Services

Tim Dent - Councilman * in attendance via phone remotely

Karen Hill - Utility Billing Supervisor

Base Bid, Alt #1 (No exterior work)

Evaluation for Award

**City Hall Master Plan Phase 3 - Interior Renovations and Site Work
City of Port Lavaca**

Points Weight Weighted Points

Points: High=10 Low=1

Barefoot Construction

Price of proposals	10	50%	5.00
Proposer qualifications	8.5	40%	3.40
Proposed calendar days to complete construction	4	10%	0.40
Total			8.80

BLS Construction

Price of proposals	8	50%	4.00
Proposer qualifications	10	40%	4.00
Proposed calendar days to complete construction	10	10%	1.00
Total			9.00

- 1. Barefoot Construction 8.80
- 2. BLS Construction 9.00

RECOMMENDED CONTRACT AWARD TO:

BLS Construction

RECOMMENDED CONTRACT AMOUNT:

\$97,165.00

Base Bid and Alt 1 (No Alt 2)

EVALUATION COMMITTEE:

Jody Weaver - City Manager

Brittney Hogan - Finance Director

Derrick Smith - Director of Development Services

Tim Dent - Councilman

Karen Hill - Utility Billing Supervisor

#	Description
1	REMOVE EXISTING UTILITY BILLING SERVICE COUNTER IN ITS ENTIRETY. PATCH AND REPAIR REMAINING ADJACENT SURFACES AS REQUIRED FOR INSTALLATION OF NEW UTILITY SERVICE COUNTER.
2	REMOVE EXISTING GYPSUM BOARD FROM FACE OF EXISTING WALL BELOW COUNTER. PATCH AND REPAIR ADJACENT SURFACES FOR INSTALLATION OF NEW OPAQUE BALLISTIC WALL PANELS AND GYPSUM BOARD.
3	REMOVE EXISTING CEILING GRID AND CEILING TILES. TEMPORARILY RELOCATE EXISTING HVAC REGISTER, LIGHTING AND CEILING MOUNTED DEVICES AND SUPPORT FROM STRUCTURE OR STORE AND PROTECT DURING CONSTRUCTION. PREP ADJACENT WALLS FOR INSTALLATION OF NEW CEILING GRID AND TILES AND REINSTALLATION OF HVAC REGISTER, LIGHTING AND CEILING MOUNTED DEVICES.
4	REMOVE AREA OF EXIST. CONCRETE FLATWORK. PREP SUB-GRADE FOR INSTALLATION OF NEW RETE CONCRETE AND CURB RAMP. (ALTERNATE 2)
5	REMOVE PORTION OF EXISTING CURB AND GUTTER. PREP ADJACENT ASPHALT DRIVE FOR INSTALLATION OF NEW CURB AND GUTTER. (ALTERNATE 2)
6	REMOVE EXISTING ACTIVE DOOR LEAF PANIC DEVICE. PREP DOOR FOR INSTALLATION OF NEW PANIC DEVICE AND HARDWARE. (ALTERNATE 2).

DEMOLITION LEGEND

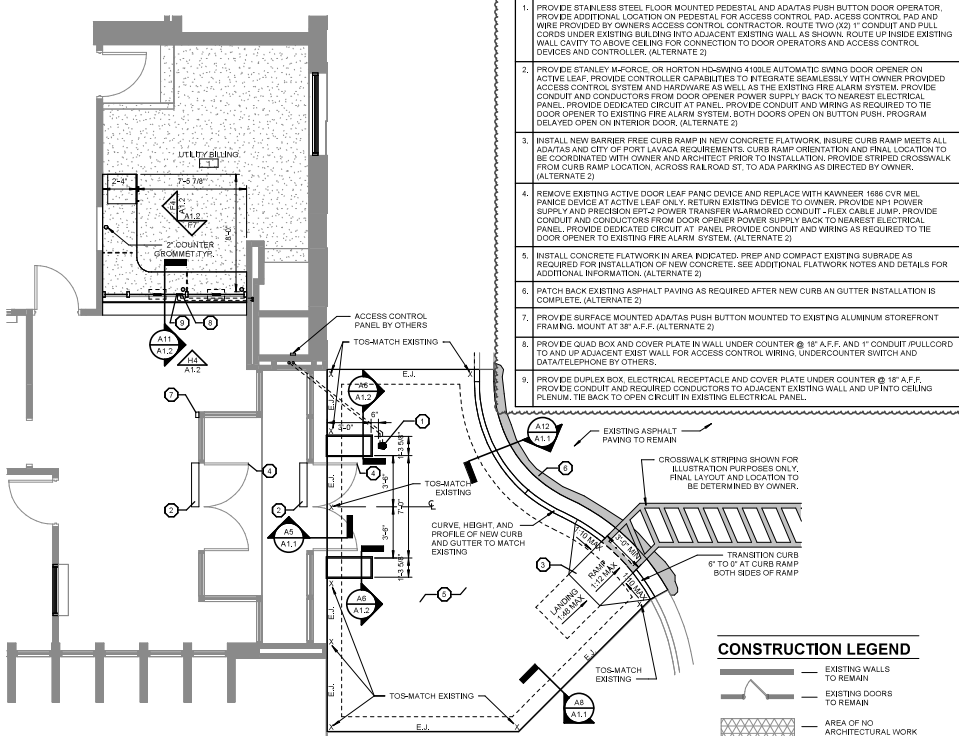
- EXISTING WALLS TO REMAIN
- EXISTING DOORS TO REMAIN
- EXISTING TO BE REMOVED (REFER DEMOLITION PLANS)
- DEMOLITION KEYNOTE

HATCH LEGEND

- AREA OF NO DEMOLITION

PLAN KEYNOTES

1. PROVIDE STAINLESS STEEL FLOOR MOUNTED PEDESTAL AND ADA/TAS PUSH BUTTON DOOR OPERATOR. PROVIDE ADDITIONAL LOCATION FOR ACCESS CONTROL PAD. ACCESS CONTROL PAD AND WIRE PROVIDED BY OWNERS ACCESS CONTROL CONTRACTOR. ROUTE TWO (2) 1" CONDUIT AND PULL CORDS UNDER EXISTING BUILDING INTO ADJACENT EXISTING WALL AS SHOWN. ROUTE UP INSIDE EXISTING WALL CAVITY TO ABOVE CEILING FOR CONNECTION TO DOOR OPERATORS AND ACCESS CONTROL DEVICES AND CONTROLLER. (ALTERNATE 2)
2. PROVIDE STANLEY M-FORGE OR HORTON HO-SWING 4100L AUTOMATIC SWING DOOR OPENER ON ACTIVE LEAF. PROVIDE CONTROLLER CAPABLE TO INTEGRATE SEAMLESSLY WITH OWNER PROVIDED ACCESS CONTROL SYSTEM AND HARDWARE AS WELL AS THE EXISTING FIRE ALARM SYSTEM. PROVIDE CONDUIT AND CONDUCTORS FROM DOOR OPENER POWER SUPPLY BACK TO NEAREST ELECTRICAL PANEL. PROVIDE DEDICATED CIRCUIT AT PANEL. PROVIDE CONDUIT AND WIRING AS REQUIRED TO THE DOOR OPENER TO EXISTING FIRE ALARM SYSTEM. BOTH DOORS OPEN ON BUTTON PUSH. PROGRAM DELAYED OPEN ON INTERIOR DOOR. (ALTERNATE 2)
3. INSTALL NEW BARRIER FREE CURB RAMP IN NEW CONCRETE FLATWORK. INSURE CURB RAMP MEETS ALL ADA/TAS AND CITY OF PORT LAVACA REQUIREMENTS. CURB RAMP ORIENTATION AND FINAL LOCATION TO BE COORDINATED WITH OWNER AND ARCHITECT PRIOR TO INSTALLATION. PROVIDE STRIPED CROSSWALK FROM CURB RAMP LOCATION. ACROSS RAILROAD ST. TO ADA PARKING AS DIRECTED BY OWNER. (ALTERNATE 2)
4. REMOVE EXISTING ACTIVE DOOR LEAF PANIC DEVICE AND REPLACE WITH KAWNEER 1688 CVR MEL PANIC DEVICE AT ACTIVE LEAF ONLY. RETURN EXISTING DEVICE TO OWNER. PROVIDE NEW POWER SUPPLY AND PRECISION EPT-2 POWER TRANSFER W/ARMORED CONDUIT - FLEX CABLE JUMP. PROVIDE CONDUIT AND CONDUCTORS FROM DOOR OPENER POWER SUPPLY BACK TO NEAREST ELECTRICAL PANEL. PROVIDE DEDICATED CIRCUIT AT PANEL. PROVIDE CONDUIT AND WIRING AS REQUIRED TO THE DOOR OPENER TO EXISTING FIRE ALARM SYSTEM. (ALTERNATE 2)
5. INSTALL CONCRETE FLATWORK IN AREA INDICATED. PREP AND COMPACT EXISTING SUBGRADE AS REQUIRED FOR INSTALLATION OF NEW CONCRETE. SEE ADDITIONAL FLATWORK NOTES AND DETAILS FOR ADDITIONAL INFORMATION. (ALTERNATE 2)
6. PATCH BACK EXISTING ASPHALT PAVING AS REQUIRED AFTER NEW CURB AN GUTTER INSTALLATION IS COMPLETE. (ALTERNATE 2)
7. PROVIDE SURFACE MOUNTED ADA/TAS PUSH BUTTON MOUNTED TO EXISTING ALUMINUM STOREFRONT FRAMING. MOUNT AT 38" A.F.F. (ALTERNATE 2)
8. PROVIDE QUAD BOX AND COVER PLATE IN WALL UNDER COUNTER @ 18" A.F.F. AND 1" CONDUIT /PULLCORD TO AND UP ADJACENT EXIST WALL FOR ACCESS CONTROL WIRING. UNDERCOUNTER SWITCH AND DATA TELEPHONE BY OTHERS.
9. PROVIDE DUPLEX BOX, ELECTRICAL RECEPTACLE AND COVER PLATE UNDER COUNTER @ 18" A.F.F. PROVIDE CONDUIT AND REQUIRED CONDUCTORS TO ADJACENT EXISTING WALL AND UP INTO CEILING PLUMB. THE BACK TO OPEN CIRCUIT IN EXISTING ELECTRICAL PANEL.



CONSTRUCTION LEGEND

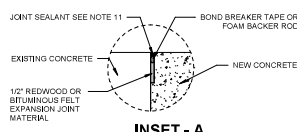
- EXISTING WALLS TO REMAIN
- EXISTING DOORS TO REMAIN
- AREA OF NO ARCHITECTURAL WORK

E1 DEMOLITION PLAN
1/4" = 1'-0"

FLATWORK GENERAL NOTES

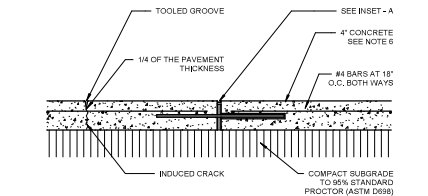
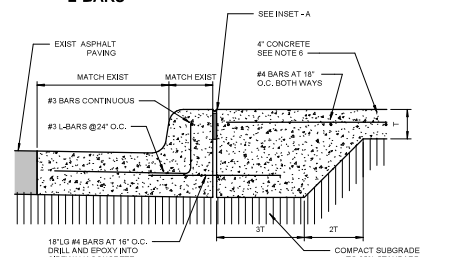
1. REINFORCING STEEL SHALL BE ASTM A615, GRADE 40.
2. EXPANSION JOINTS SHALL BE LOCATED AT DRIVEWAYS AND OTHER FIXED OBJECTS, AND AT 45' MAXIMUM INTERVALS ALONG THE SIDEWALK OR AS INDICATED ON PLANS
3. EXPANSION JOINT SHALL BE SEALED SONNEBORN BUILDING PRODUCT, SONOLASTIC SL-1 NON-FRIMING, ONE-PART, SELF-LEVELING POLYURETHANE SEALANT OR APPROVED EQUAL. JOINT CLEANING AND PREPARATION SHALL BE IN STRICT ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
4. TOOLED CONTRACTION JOINTS SHALL BE LOCATED AT REGULAR INTERVALS EQUAL TO THE WIDTH OF THE SIDEWALK OR AS INDICATED ON PLANS. JOINTS SHALL BE PLACED SO THAT THE RESULTING PANELS ARE SQUARE. IN NO CASE SHOULD THE LENGTH OF A PANEL EXCEED 1.5 TIMES THE WIDTH.
5. FINISH EXPOSED EDGES WITH 1/4" RADIUS.
6. CONCRETE SHALL MEET THE REQUIREMENTS OF TXDOT (2004) ITEM 421-HYDRAULIC CEMENT CONCRETE, CLASS A (3,000 PSI), WITH THE FOLLOWING MODIFICATIONS. SLUMP SHALL RANGE FROM 4 INCHES TO 6-1/2 INCHES AT THE POINT OF PLACEMENT.
7. MAXIMUM LONGITUDINAL SLOPE FOR ANY SIDEWALK SHALL BE 1:20 (5%)
8. MAXIMUM TRANSVERSE SLOPE FOR ANY SIDEWALK SHALL BE 1:50 (2%)
9. CONSTRUCTION JOINTS ARE REQUIRED AT ANY LOCATION WHERE NEW CONCRETE IS PLACED AGAINST EXISTING CONCRETE PAVEMENT OR STRUCTURES. THIS INCLUDES BUILDINGS, PARKING LOTS, SIDEWALKS, PATIOS, CURBS, INLETS, MANHOLES, HEADWALLS, LIGHT POLES, ETC. AND APPLIES TO CONCRETE THAT WAS PLACED EARLIER DURING THE PROJECT AND CONCRETE THAT WAS EXISTING PRIOR TO THE START OF THIS PROJECT.
10. CONSTRUCTION JOINTS WITHIN NEW PAVEMENT SHOULD BE PLANNED TO COINCIDE WITH EXPANSION JOINT LOCATIONS, WHEN THIS IS NOT FEASIBLE, THEN A KEYWAY STYLE CONSTRUCTION JOINT SHALL BE UTILIZED. THE LOCATION OF THE KEYWAY CONSTRUCTION JOINT SHALL COINCIDE WITH THE LOCATION OF A PLANNED CONTRACTION JOINT.
11. CONSTRUCTION JOINT SHALL BE SEALED WITH SONNEBORN BUILDING PRODUCT, SONOLASTIC SL-1 NON-FRIMING, ONE PART, SELF-LEVELING POLYURETHANE SEALANT OR APPROVED EQUAL. JOINT CLEANING AND PREPARATION SHALL BE IN STRICT ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.

E8 FLOOR PLAN
1/4" = 1'-0"

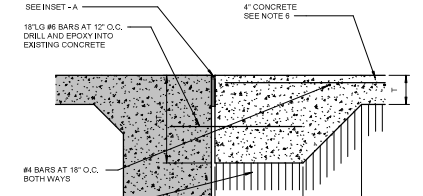


INSET - A

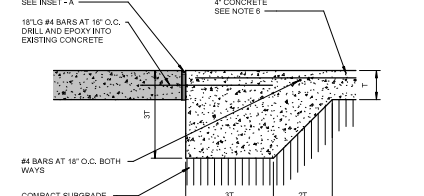
L-BARS



A1 EXP. AND TOOLED CONST. JOINTS (ALT 2)
1 1/2" = 1'-0"



A5 CONCRETE AT EXISTING BUILDING (ALT 2)
1 1/2" = 1'-0"



A8 CONCRETE AT EXISTING WALK (ALT 2)
1 1/2" = 1'-0"

A12 CONCRETE CURB AT EXISTING ASPHALT (ALT 2)
1 1/2" = 1'-0"

RMA ARCHITECTS & INTERIOR DESIGNERS
1908 N. Laurent St., Suite 540
Victoria, Texas 77901
www.rmach.com

WILLIAM BERGER
REGISTERED ARCHITECT
REGISTRATION NO. 16268
STATE OF TEXAS

Final Plans for Bidding and Construction

10/23/2024

PORT LAVACA CITY HALL MASTER PLAN
PHASE 3: INTERIOR RENOVATIONS AND SITE WORK
PORT LAVACA, TX 77979

DATE ISSUED: 10/23/2024
ADDENDUM #1: 11-24

PROJECT NUMBER: 1043-1123

PLAN NORTH TRUE NORTH

SHEET NAME: DEMO PLAN, FLOOR PLAN, AND WINDOW ELEVATIONS

SHEET NUMBER

A1.1



1908 N. Laurent St., Suite 540
Victoria, Texas 77901
www.rmaarch.com

WILLIAM BERGER
REGISTERED ARCHITECT
REGISTRATION NO. 16288
STATE OF TEXAS

Final Plans for Bidding and Construction



10/23/2024

PORT LAVACA CITY HALL MASTER PLAN
PHASE 3: INTERIOR RENOVATIONS AND SITE WORK
PORT LAVACA, TX 77979

DATE ISSUED
10/23/2024

1 ADDENDUM# 11-24

PROJECT NUMBER
1043-1123

PLAN NORTH
TRUE NORTH

SHEET NAME
RCP, WALL SECTIONS & DETAILS

SHEET NUMBER

A1.2

MATERIAL	MARK	MANUFACTURER	STYLE	MFR. NO.	COLOR	LOCATION
BRICK	BK1	TBD	MODULAR		MATCH EXIST. (BURGANDY)	BRICK SEATING WALLS
GLASS	GL-1		1/8" THICK - LAMINATED POLYCARBONATE - UL752 LEVEL 3		CLEAR	INTERIOR TRANSACTION WINDOW
GROUT	GT1	TBD			MATCH EXIST.	BRICK SEATING WALLS
PAINT	P1	SHERWIN WILLIAMS	TEXTURE TO MATCH EXISTING	TBD	COLOR MATCH EXISTING INTERIOR WALL COLOR	INTERIOR GYP BOARD AND PLASTER WALL COLOR
PLASTIC LAMINATE	PL1	MILSONART	60-MATTE FINISH	4623-60	GRAPHITE NEBULA	UTILITY BILLING TRANSACTION COUNTER
RESILIENT BASE	RB1	ROPPE	MATCH EXISTING		COLOR MATCH EXISTING INTERIOR BASE COLOR	

GLAZING LEGEND	
GL-1	CLEAR LEVEL 3 BULLET RESISTANT POLYCARBONATE

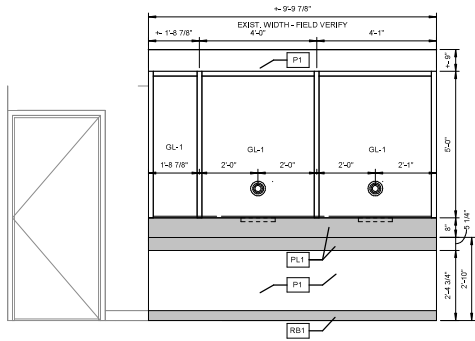
CASEWORK LEGEND

MODEL#
WIDTHxHEIGHTxDEPTH
REMARKS

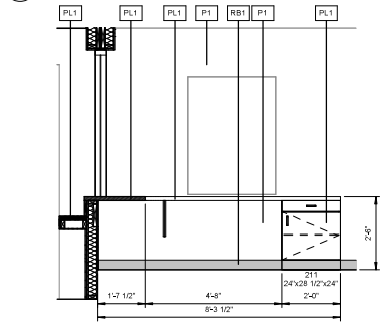
COUNTER & BACK SPLASH

MODEL#
WIDTHxHEIGHTxDEPTH
REMARKS

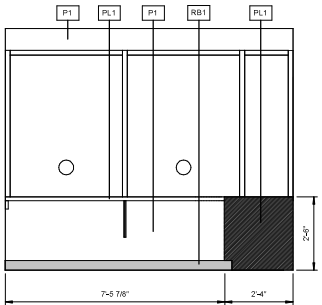
NOTE:
GENERAL CASEWORK MODEL NUMBERS ARE BASED ON ARCHITECTURAL WOODWORKING INSTITUTE STANDARDS AND PROVIDE A BASIS FOR DESIGN. REFER TO SPECIFICATIONS FOR ACCEPTABLE MANUFACTURERS.
BASE CABINET HEIGHT IS GIVEN TO THE BOTTOM OF 1/2" COUNTER TOP



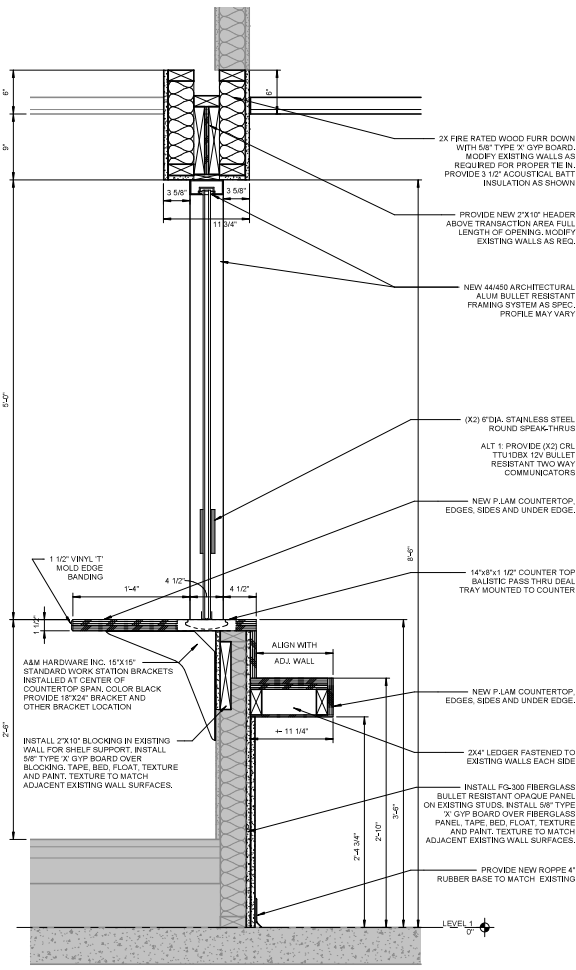
H4 INTERIOR ELEVATION - UTILITY SERVICE WINDOW
1/2" = 1'-0"



F4 CASEWORK ELEVATION
1/2" = 1'-0"



F7 CASEWORK ELEVATION
1/2" = 1'-0"



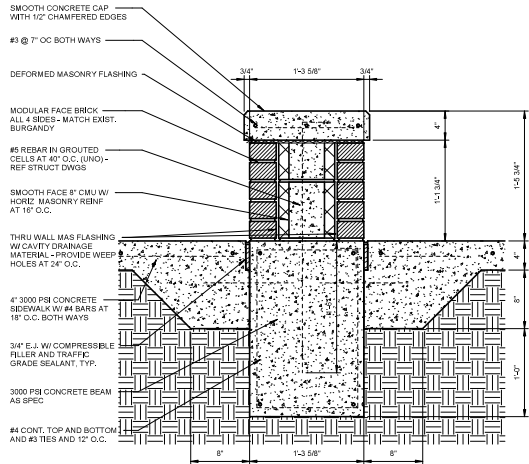
A11 SECTION DETAIL
1/2" = 1'-0"

CEILING LEGEND

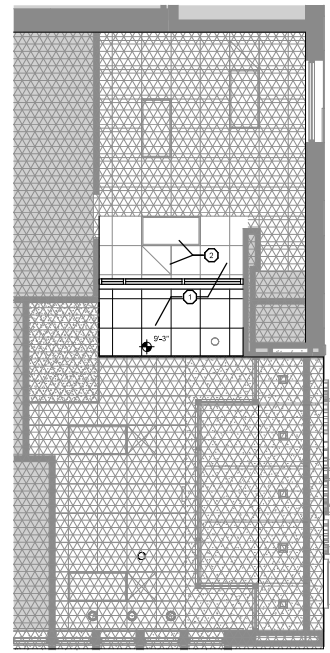
- EXISTING ACoustical PANEL CEILING SYSTEM TO REMAIN.
- EXISTING ACoustical PANEL CEILING SYSTEM TO BE REWORKED.
- ELEVATION HEIGHT SYMBOL INDICATES HEIGHT ABOVE FINISH FLOOR.
- EXISTING SUPPLY AND RETURN AIR GRILLS TO BE REINSTALLED IN REWORKED CEILING.
- EXISTING RECESSED 2' X 4' LIGHTING FIXTURE TO BE REINSTALLED IN REWORKED CEILING.

REF. CEILING PLAN KEYNOTES

- REWORK EXISTING CEILING TILES AND GRID AS REQUIRED FOR NEW FURRED DOWN AND TEMPORARILY REMOVE OR SUPPORT EXISTING LIGHTING, AIR DIFFUSERS AND CEILING MOUNTED EQUIPMENT AS REQUIRED. REINSTALL EXISTING LIGHTING, HVAC DIFFUSERS, AND CEILING MOUNTED EQUIPMENT AND DEVICES IN REWORKED LAY-IN CEILING SYSTEM.
- RELOCATE EXISTING AIR DIFFUSER, ASSOCIATED DUCT WORK, AND LIGHT FIXTURE AS REQUIRED FOR NEW HEADER INSTALLATION.



A6 BRICK AND CONCRETE SEATING WALL (ALT 2)
1/2" = 1'-0"



A1 RCP - UTILITY OFFICE ENTRY
1/4" = 1'-0"

11/10/2024 4:00:33 PM
C:\Inet Local Files\PCP\City Hall Master Plan\Phase 3\A12_C1.rvt

COMMUNICATION

SUBJECT: Consider Resolution No. R-120924-1 of the City of Port Lavaca for the purpose of adopting the 2024 Drought Contingency Plan for the City of Port Lavaca. Presenter is Wayne Shaffer

INFORMATION:

CC MEETING: DECEMBER 09, 2024

DATE: 11-08-24

TO: JODY WEAVER, INTERIM CITY MANAGER
cc: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: WAYNE SHAFFER, PUBLIC WORKS DIRECTOR

SUBJECT: Adoption of Updated drought contingency Plan for 2024

BACKGROUND: The City of Port Lavaca Drought Plan (DCP) must be updated every 5 years to keep in line with TCEQ and the TWDB. Staff has updated this plan to meet aforementioned requirements. The DCP will assist the city in meeting current and future needs of its citizens.

FINANCIAL IMPLICATIONS: No implications.

IMPACT ON COMMUNITY SUSTAINABILITY: The city needs this plan in place in order facilitate the needs of the citizens and to promote growth in our community.

RECOMMENDATION: Staff recommends adoption of the updated plan.

ATTACHMENTS: 2024 Drought Contingency Plan

RESOLUTION NO. R-120924-1

**DROUGHT CONTINGENCY PLAN
FOR THE
CITY OF PORT LAVACA**

APRIL 7, 2003

Reviewed for update June 4, 2024

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Port Lavaca hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section XI of this Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Port Lavaca by means of a notice to the customers on *their monthly water bill* and a Public Notice in the Port Lavaca Wave, an area newspaper.

Section III: Public Education

The City of Port Lavaca will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of utility bill inserts or a public notice in the Port Lavaca Wave.

Section IV: Coordination with Regional Water Planning Groups

The service area of the City of Port Lavaca is located within the South-Central Texas Regional Water Planning Group (Region L) and the City of Port Lavaca has provided a copy of this Plan to SCTRWPG.

Section V: Authorization

The City Manager for the City of Port Lavaca (hereinafter City Manager) or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Port Lavaca. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by the City of Port Lavaca.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan.
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle.
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection.
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street.
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools.
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life.
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than firefighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Section VIII: Criteria for Initiation and Termination of Drought Response Stages

The City Manager or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached.

The triggering criteria described below are based on information provided to the City of Port Lavaca by the Undine, LLC. Port Lavaca Water Treatment Plant Division. Undine, LLC. supplies all the treated drinking water to the City of Port Lavaca.

Water for Undine, LLC. ’s customers are secured by run-of- river water rights granted GBRA or by storage rights owned by GBRA in Canyon Dam and Reservoir near New Braunfels, Texas. If drought

or demand conditions fully engage all of the available GBRA run-of-river water supply, and the water demand continues to increase, then the further water demand will be satisfied by Canyon stored water rights. The Water Supply Division of GBRA, in coordination with the TCEQ Watermaster for the Guadalupe River, will determine when these trigger demand points occur, and will inform all GBRA customers affected.

Stage 1 Triggers – MILD Water Shortage Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII – Definitions, when the City of Port Lavaca has received notification from GBRA that they have begun operating the Barrier at river mile 10 on the Guadalupe River in order to raise the normal pool level immediately upstream of the Barrier to an elevation sufficient for the efficient diversion of water through the outtake structure. Operation of the Barrier at river mile 10 will be based on:

- Demand of all GBRA and other permitted customers for surface water
- Available surface water flow from the Guadalupe River and its tributaries at river mile 10.

Requirements for termination

Stage 1 of the Plan may be rescinded upon notification by GBRA that the operation of the Barrier to raise the pool level has ceased.

Stage 2 Triggers – MODERATE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan upon notification from GBRA that Stage I conditions are active and in addition, no flow over the Barrier and downstream toward the mouth of the river is occurring.

Requirements for termination

Stage 2 of the Plan may be rescinded upon notification by GBRA that the triggering event (no flow over the Barrier) has ceased. Stage I (Mild Water Shortage Conditions) will go into effect at this time.

Stage 3 Triggers – SEVERE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when Stage 1 and Stage 2 conditions are active and in addition:

The release of stored water from Canyon Dam to meet demand in Calhoun County is being executed by GBRA, to supplement its run-of-the river permitted supply available at the Barrier.

Requirements for termination

Stage 3 of the Plan may be rescinded when the triggering event (the release of stored water for Calhoun County customers from Canyon Dam) ceases. Stage 2 conditions go into effect upon termination of Stage 3.

Stage 4 Triggers – CRITICAL Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when Stage 3 conditions are active and, in addition, all customer demand in Calhoun County is being met by the permitted release of stored water in Canyon Dam. The initiation of Stage 4 will also depend on:

- The cessation of flow from one or both of the two major springs, Comal and San Marcos Springs (equivalent to the drought of record).
- Encroachment of salt water from San Antonio bay toward the Barrier.

Requirements for termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist. Upon termination of Stage 4, Stage 3 becomes operative.

Stage 5 Triggers – EMERGENCY Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the City Manager, or his/her designee, determines that a water supply emergency exists based on:

- Major water line breaks, or pump or system failures occur, which cause unprecedented loss of Capability to provide water service; or
- Natural or man-made contamination of the water supply source(s).

Requirements for termination

Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

Stage 6 Triggers – WATER ALLOCATION

Requirements for initiation

Water Code Section 11.039

Distribution of Water During Shortage

(a) If a shortage of water in a water supply not covered by a water conservation plan prepared in compliance with Texas Commission on Environmental Quality or Texas Water Development Board rules results from drought, accident, or other cause, the water to be distributed shall be divided among all customers pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.

(b) If a shortage of water in a water supply covered by a water conservation plan prepared in compliance with Texas Natural Resource Conservation Commission or Texas Water Development Board rules results from drought, accident, or other cause, the person, association of persons, or corporation owning or controlling the water shall divide the water to be distributed among all customers pro rata, according to:

(1)the amount of water to which each customer may be entitled; or

(2)the amount of water to which each customer may be entitled, less the amount of water the customer would have saved if the customer had operated its water system in compliance with the water conservation plan.

(c) Nothing in Subsection (a) or (b) precludes the person, association of persons, or corporation owning or controlling the water from supplying water to a person who has a prior vested right to the water under the laws of this state.

Section IX: Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The City Manager or his/ her designee shall notify the public by means of:

- Publication in the local newspaper
- Public service announcements
- Postings on the City Web Pages
- Push notifications through Dropcountr
- Notification through Code red alerts
- Posting through various social media outlets

Additional Notification:

The City Manager or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

Mayor and members of the City Council	Numbers listed in City Managers Office
Fire Chief	361-552-3241
County Judge & Commissioner(s)	361-553-4600
TCEQ Corpus Christi Regional Office	361-881-6900
Calhoun County Hospital	361-552-6713
DaVita Port Lavaca Dialysis	833-343-0450

Stage 1 Response – MILD Water Shortage Conditions

Goal: Achieve a voluntary 10% percent reduction in total water use.

Supply Management Measures:

Reduced flushing of water mains.

Voluntary Water Use Restrictions:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
- (b) All operations of the City of Port Lavaca shall adhere to the same water use restrictions.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 Response – MODERATE Water Shortage Conditions

Goal: Achieve a 15% reduction in total domestic water use.

Supply Management Measures:

See Stage I. Also reduced irrigation of public landscaped areas.

Water Use Restrictions.

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Port Lavaca.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City of Port Lavaca, the facility shall not be subject to these regulations.
- (g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (h) The following uses of water are defined as non-essential and are prohibited:
 - 1. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.

2. use of water to wash down buildings or structures for purposes other than immediate fire protection.
3. use of water for dust control.
4. flushing gutters or permitting water to run or accumulate in any gutter or street; and
5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 Response – SEVERE Water Shortage Conditions

Goal: Achieve a 20% reduction in total domestic water use.

Supply Management Measures:

See Stage 2. Eliminate the flushing of all water mains except for decontamination purposes, discontinue irrigation of public landscaped areas and all water use for street sweeping.

Water Use Restrictions . All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is always prohibited.
- (b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City of Port Lavaca.
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 4 Response – CRITICAL Water Shortage Conditions

Goal: Achieve a 20% reduction in total water use.

Supply Management Measures:

See Stage 3. Upon implementation of Stage 4 the City of Port Lavaca, upon having issued written notice, will disconnect the water services of willful violators if necessary to prevent the deliberate wasting of water.

Water Use Restrictions. All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are always prohibited.

(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.

(c) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.

(d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(e) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Stage 5 Response – EMERGENCY Water Shortage Conditions

Goal: Achieve a 50% percent reduction in total water use.

Supply Management Measures:

See Stage 4. Notify the Port Lavaca Fire Department and Calhoun County Emergency Management Coordinator. Contact the top 10 water customers and coordinate the usage of water in accordance with their respective needs.

Water Use Restrictions. All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

Stage 6 Response – WATER ALLOCATION

In the event that water shortage conditions threaten public health, safety, and welfare, the City Manager is hereby authorized to allocate water according to the following water allocation plan:

Single-Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

Persons per Household	Gallons per Month
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

“Household” means the residential premises served by the customer’s meter. “Persons per household” includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer’s household is comprised of two (2) persons unless the customer notifies the City of Port Lavaca of a greater number of persons per household on a form prescribed by the City Manager. The City Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer’s responsibility to go to the City of Port Lavaca offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the City Manager. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the City of Port Lavaca on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the City of Port Lavaca in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the City Manager shall adopt methods to ensure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the City of Port Lavaca of a reduction in the number of persons in a household shall be two hundred dollars (\$200).

Residential water customers shall pay the following surcharges:

Up to the threshold amounts, the monthly bill will be calculated in the normal manner. Over and above the threshold amounts indicated above, an additional 50% will be calculated for the existing block rate (the amount typically paid per 1000 gallons for all water used above the monthly minimum) per thousand-gallon increment.

Surcharges shall be cumulative.

Master-Metered Multi-Family Residential Customers

The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer’s meter serves two dwelling units unless the customer notifies the City of Port Lavaca of a greater number on a form prescribed by the City Manager. The City Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not

receive such a form, it shall be the customer's responsibility to go to the City of Port Lavaca offices to complete and sign the form claiming more than two (2) dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the City Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Port Lavaca in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the City Manager shall adopt methods to ensure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the City of Port Lavaca of a reduction in the number of dwelling units served by a master meter shall be fined two hundred dollars (\$200).

Customers billed from a master meter under this provision shall pay the following monthly surcharges:

Up to the threshold amounts (6000 gallons/month/dwelling unit), the monthly bill will be calculated in the normal manner. Over and above the threshold amounts an additional 50% will be calculated for the existing block rate (the amount typically paid per 1000 gallons for all water used above the monthly minimum) per thousand-gallon increment.

Surcharges shall be cumulative.

Commercial Customers

A monthly water allocation shall be established by the City Manager, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75% of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists, but in any case, not less than 6000 gallons per month. The City Manager shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Port Lavaca to determine the allocation. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Manager.

Nonresidential commercial customers shall pay the following surcharges:

Up to the threshold amounts, the monthly bill will be calculated in the normal manner. Over and above the threshold amounts an additional 50% will be calculated for the existing block rate (the amount typically paid per 1000 gallons for all water used above the monthly minimum) per thousand-gallon increment.

The surcharges shall be cumulative.

Industrial Customers

A monthly water allocation shall be established by the City Manager, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 90% percent of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 80% percent of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the 12-month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.

The City Manager shall give his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Port Lavaca to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased, (1) if the designated period does not accurately reflect the customer's normal water use because the customer had shut down a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shut down or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Manager.

Industrial customers shall pay the following surcharges:

Up to the threshold amounts, the monthly bill will be calculated in the normal manner. Over and above the threshold amounts an additional 50% will be calculated for the existing block rate (the amount typically paid per 1000 gallons for all water used above the monthly minimum) per thousand-gallon increment.

The surcharges shall be cumulative.

Section X: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the **City of Port Lavaca** for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City Manager, or his/her designee, in accordance with provisions of this Plan.
- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of two hundred dollars (\$200). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of

three or more distinct violations of this Plan, the City Manager, shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, as indicated in the City of Port Lavaca Water Rates and Service Ordinance, and any other costs incurred by the City of Port Lavaca in discontinuing service. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

(c) Any person, including a person classified as a water customer of the City of Port Lavaca, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

(d) Any employee of the City of Port Lavaca, police officer, or other individual designated by the City Manager, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged and shall direct him/her to appear in municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

Section XI: Variances

The City Manager, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

(a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.

- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of Port Lavaca within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager, or his/her designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water uses restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

Variances granted by the City of Port Lavaca shall be subject to the following conditions, unless waived or modified by the City Manager or his/her designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

COMMUNICATION

SUBJECT: Consider approval of Exhibit A Texas Settlement Subdivision Participation and Release Form in the Kroger Texas Settlement. Presenter is Anne Marie Odefey

INFORMATION:

Exhibit A

TEXAS SETTLEMENT SUBDIVISION PARTICIPATION AND RELEASE FORM

Political Subdivision:	City of Port Lavaca	Texas
Authorized Official:	Jack Whitlow, Mayor	
Address 1:	202 N. Virginia Street	
Address 2:		
City, State, Zip:	Port Lavaca, Texas 77979	
Phone:	361-552-9793	
Email:	jwhitlow@portlavaca.org	

The governmental entity identified above (“Texas Political Subdivision”), in order to obtain and in consideration for the benefits provided to the Texas Political Subdivision pursuant to the Kroger Texas Settlement Agreement and Full Release of All Claims dated October 30, 2024 (“Kroger Texas Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Kroger Texas Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Texas Political Subdivision above is aware of and has reviewed the Kroger Settlement Agreement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Texas Political Subdivision elects to participate in the Kroger Texas Settlement and become a Participating Texas Political Subdivision as provided therein.
2. The Texas Political Subdivision shall immediately cease any and all litigation activities as to the Released Entities and Released Claims and, within 14 days of executing this Participation and Release Form, its counsel shall work with Kroger’s counsel to dismiss with prejudice any Released Claims that it has filed.
3. The Texas Political Subdivision agrees to the terms of the Kroger Texas Settlement pertaining to Texas Political Subdivisions as provided therein.
4. By agreeing to the terms of the Kroger Texas Settlement and becoming a Releasor, the Texas Political Subdivision is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date of the Release.
5. The Texas Political Subdivision agrees to use any monies it received through the Kroger Texas Settlement solely for the purposes provided therein.

6. The Texas Political Subdivision submits to the exclusive jurisdiction and authority of the Texas Consolidated Litigation Court as defined in the Kroger Texas Settlement. For the avoidance of doubt, nothing contained in this Participation and Release Form, or the Kroger Texas Settlement, constitutes consent to jurisdiction, express or implied, over the Texas Political Subdivision or its selected counsel to the jurisdiction of any other court (including without limitation MDL 2804, the MDL 2804 Fee Panel, the MDL 2804 Enforcement Committee, or the Court in which any Texas Consent Judgment is filed) for any purpose whatsoever.
7. The Texas Political Subdivision, as a Participating Texas Subdivision, has the right to enforce the Kroger Texas Settlement in the Texas Consolidated Litigation Court as provided therein.
8. The Texas Political Subdivision, as a Participating Texas Subdivision, hereby becomes a Releasor for all purposes in the Kroger Texas Settlement, including but not limited to all provisions of Section V (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Texas Political Subdivision hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entities in any forum whatsoever. The releases provided for in the Kroger Texas Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entity the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Texas Political Subdivision to release claims. The Kroger Texas Settlement shall be a complete bar to any Released Claim.
9. The Texas Political Subdivision hereby takes on all rights and obligations of a Participating Texas Subdivision as set forth in the Kroger Texas Settlement.
10. In connection with the releases provided for in the Kroger Texas Settlement, each Texas Political Subdivision expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Texas Political Subdivision hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Kroger Texas Settlement.

- 11. The Texas Political Subdivision acknowledges, agrees, and understands that the Maximum Texas Settlement Amount to be paid under the Kroger Texas Settlement for the benefit of the Participating Texas Political Subdivision, is less than or equal to the amount, in the aggregate, of the Alleged Harms allegedly suffered by the governmental entity, constitutes restitution and remediation for damage or harm allegedly caused by Kroger in order to restore, in whole or part, the governmental entity to the same position or condition that it would be in had it not suffered the Alleged Harms; and constitutes restitution and remediation for damage or harm allegedly caused by the potential violation of a law and/or is an amount paid to come into compliance with the law.
- 12. Nothing herein is intended to modify in any way the terms of the Kroger Texas Settlement Agreement, to which the Texas Political Subdivision hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Kroger Texas Settlement, the Kroger Texas Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Texas Political Subdivision.

Signature: _____
 Name: Jack Whitlow
 Title: Mayor of City of Port Lavaca
 Date: _____

COMMUNICATION

SUBJECT: Consider Resolution No. R-120924-3 of the City of Port Lavaca for the adoption of a Covered Applications and Prohibited Technology Policy. Presenter is Jody Weaver

INFORMATION:

A RESOLUTION OF THE CITY OF PORT LAVACA, TEXAS, ADOPTING COVERED APPLICATIONS AND PROHIBITED TECHNOLOGY POLICY

WHEREAS, On December 7, 2022, Governor Greg Abbott required all state agencies to ban the video-sharing application TikTok from all state-owned and state-issued devices and networks over the Chinese Communist Party’s ability to use the application for surveilling Texans.

WHEREAS, Governor Abbott also directed the Texas Department of Public Safety (DPS) and the Texas Department of Information Resources (DIR) to develop a plan providing state agencies guidance on managing personal devices used to conduct state business.

WHEREAS, Following the issuance of the Governor’s directive, the 88th Texas Legislature passed Senate Bill 1893, which prohibits the use of covered applications on governmental entity devices.

WHEREAS, As required by the Governor’s directive and Senate Bill 1893, this model policy prohibits the installation or use of covered applications or prohibited technologies on applicable devices.

WHEREAS, deems it appropriate to adopt such policy.

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

Section One.

The Covered Applications and Prohibited Technology Policy attached hereto is hereby adopted.

Section Two.

Unless otherwise amended or revised by resolution of City Council, the Covered Applications and Prohibited Technology Policy shall remain in full force and effect and shall supersede such technology policies of prior date.

Section Three.

This Resolution shall be effective as of November 20, 2024.

PASSED AND APPROVED on this 9th day of December, 2024.

Jack Whitlow, Mayor

ATTEST:

APPROVED AS TO FORM:

Mandy Grant, City Secretary

Anne Marie Odefey, City Attorney

CITY OF PORT LAVACA



Covered Applications and Prohibited Technology Policy

Date: November 20, 2024

CONTENTS

- 1.0 Introduction..... 3**
 - 1.1 Purpose 3
 - 1.2 Scope and Application..... 3
- 2.0 Covered Applications Policy for Governmental Entities..... 4**
 - 2.1 Scope and Definitions..... 4
 - 2.2 Covered Applications on Government-Owned or Leased Devices 4
 - 2.3 Covered Applications on Personal Devices used to Conduct City Business 5
 - 2.4 Ongoing and Emerging Technology Threats..... 5
 - 2.5 Covered Application Exceptions..... 6
- 3.0 Policy Compliance 6**
- 4.0 Policy Review..... 6**

1.0 INTRODUCTION

1.1 PURPOSE

On December 7, 2022, Governor Greg Abbott required all state agencies to ban the video-sharing application TikTok from all state-owned and state-issued devices and networks over the Chinese Communist Party's ability to use the application for surveilling Texans. Governor Abbott also directed the Texas Department of Public Safety (DPS) and the Texas Department of Information Resources (DIR) to develop a plan providing state agencies guidance on managing personal devices used to conduct state business. Following the issuance of the Governor's directive, the 88th Texas Legislature passed [Senate Bill 1893](#), which prohibits the use of covered applications on governmental entity devices.

As required by the Governor's directive and Senate Bill 1893, this model policy establishes a template that entities subject to the directive or bill may mimic to prohibit the installation or use of covered applications or prohibited technologies on applicable devices.

1.2 SCOPE AND APPLICATION

Due to distinctions in requirements between the Governor's directive and SB 1893, Sections 2 and 3 apply to distinct organizations. Where appropriate, each section will identify the unique entities to whom the section applies and the appropriate definitions.

Governmental entities, including local governments, must adopt a covered applications policy as described by [Section 2.0](#).

State agencies to whom the Governor issued his December 7, 2022 directive must adopt a prohibited technology policy as described by [Section 3.0](#). To the extent a state agency is also subject to the requirements of Senate Bill 1893, that agency must also adopt a covered applications policy as described by [Section 2.0](#).

2.0 COVERED APPLICATIONS POLICY FOR GOVERNMENTAL ENTITIES

2.1 SCOPE AND DEFINITIONS

Pursuant to Senate Bill 1893, governmental entities, as defined below, must establish a covered applications policy:

- A department, commission, board, office, or other agency that is in the executive or legislative branch of state government and that was created by the constitution or a statute, including an institution of higher education as defined by Education Code Section 61.003.
- The supreme court, the court of criminal appeals, a court of appeals, a district court, or the Texas Judicial Council or another agency in the judicial branch of state government.
- A political subdivision of this state, including a municipality, county, or special purpose district.

This policy applies to all CITY OF PORT LAVACA full- and part-time employees, contractors, paid or unpaid interns, and other users of government networks. All CITY OF PORT LAVACA employees are responsible for complying with this policy.

A covered application is:

- The social media service TikTok or any successor application or service developed or provided by ByteDance Limited, or an entity owned by ByteDance Limited.
- A social media application or service specified by proclamation of the governor under Government Code Section 620.005.

2.2 COVERED APPLICATIONS ON GOVERNMENT-OWNED OR LEASED DEVICES

Except where approved exceptions apply, the use or installation of covered applications is prohibited on all CITY OF PORT LAVACA-owned or -leased devices, including cell phones, tablets, desktop and laptop computers, and other internet-capable devices.

The CITY OF PORT LAVACA will identify, track, and manage all CITY OF PORT LAVACA-owned or -leased devices including mobile phones, tablets, laptops, desktop computers, or any other internet-capable devices to:

- a. Prohibit the installation of a covered application.
- b. Prohibit the use of a covered application.
- c. Remove a covered application from a government-owned or -leased device that was on the device prior to the passage of S.B. 1893 (88th Leg, R.S.).
- d. Remove an application from a government-owned or -leased device if the Governor issues a proclamation identifying it as a covered application.

The CITY OF PORT LAVACA will manage all government-owned or leased mobile devices by implementing the security measures listed below:

- a. Restrict access to “app stores” or unauthorized software repositories to prevent the installation of unauthorized applications.
- b. Maintain the ability to remotely wipe non-compliant or compromised mobile devices.
- c. Maintain the ability to remotely uninstall unauthorized software from mobile devices.

2.3 COVERED APPLICATIONS ON PERSONAL DEVICES USED TO CONDUCT CITY BUSINESS

Employees must not use any personally owned device to conduct City Business, if the device has been installed with any Covered Application or Prohibited Technology.

2.4 ONGOING AND EMERGING TECHNOLOGY THREATS

To provide protection against ongoing and emerging technological threats to the government’s sensitive information and critical infrastructure, DPS and DIR will regularly monitor and evaluate additional social media applications or services that pose a risk to this state.

DIR will annually submit to the Governor a list of social media applications and services identified as posing a risk to Texas. The Governor may proclaim items on this list as covered applications that are subject to this policy.

If the Governor identifies an item on the DIR-posted list described by this section, then The CITY OF PORT LAVACA will remove and prohibit the covered application.

The CITY OF PORT LAVACA may also prohibit social media applications or services in addition to those specified by proclamation of the Governor.

2.5 COVERED APPLICATION EXCEPTIONS

The CITY OF PORT LAVACA may permit exceptions authorizing the installation and use of a covered application on government-owned or -leased devices consistent with the authority provided by Government Code Chapter 620.

Government Code Section 620.004 only allows the CITY OF PORT LAVACA to install and use a covered application on an applicable device to the extent necessary for:

- (1) Providing law enforcement; or
- (2) Developing or implementing information security measures.

If The CITY OF PORT LAVACA authorizes an exception allowing for the installation and use of a covered application, The CITY OF PORT LAVACA must use measures that The CITY OF PORT LAVACA deems appropriate to mitigate the risks posed to the state during the application's use. The CITY OF PORT LAVACA must document the measures it took to mitigate the risks posed to the state during the use of the covered application.

All exception requests must be submitted in writing to the City Managers' office for approval and reporting.

3.0 POLICY COMPLIANCE

All CITY OF PORT LAVACA employees shall sign a document annually confirming their understanding of the agency's covered applications and prohibited technology policies.

The CITY OF PORT LAVACA will verify compliance with this policy through various methods, including but not limited to, IT/security system reports and feedback to leadership.

A CITY OF PORT LAVACA employee found to have violated this policy may be subject to disciplinary action, including termination of employment.

4.0 POLICY REVIEW

This policy will be reviewed annually and updated as necessary to reflect changes in state law, additions to applications identified under Government Code Section 620.006, updates to the prohibited technology list posted to DIR's website, or to suit the needs of The CITY OF PORT LAVACA.