



CITY COUNCIL REGULAR MEETING

Monday, October 11, 2021 at 6:30 PM

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

PUBLIC NOTICE OF MEETING

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

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

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

AGENDA

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

COVID-19 MEETING PROCEDURE

Public notice is hereby given that the City Council of the City of Port Lavaca, Texas, will hold a regular meeting Monday, October 11, 2021 beginning at 6:30 p.m., at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas to consider the following items of business:

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

Join Zoom Meeting:

<https://us02web.zoom.us/j/88327064781?pwd=TEVoS25mZXphVUhPRG5PV0JDQU5QZz09>

Meeting ID: 883 2706 4781

Passcode: 765823

One Tap Mobile

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

Dial by your location

+1 346 248 7799 US (Houston)

I. ROLL CALL

II. CALL TO ORDER

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE**V. PRESENTATION(S)**

1. Proclamations by the Mayor- October 2021 is National Fire Prevention Month with the theme “Learn the Sounds of Fire Safety” effectively serves to remind citizens it is important to learn the different sounds of smoke and carbo monoxide alarms.

VI. COMMENTS FROM THE PUBLIC - *Limited to 3 minutes per individual unless permission to speak longer is received in advance. You may make public comments as you would at a meeting on Zoom by logging on with your computer and/or smart phone as described in the zoom invitation below or on Facebook Live through the comment section, which will be monitored and answered. As appropriate.***VII. CONSENT AGENDA** - *Council will consider/discuss the following items and take any action deemed necessary*

- A. Proclamations by the Mayor- October 2021 is National Fire Prevention Month with the theme “Learn the Sounds of Fire Safety” effectively serves to remind citizens it is important to learn the different sounds of smoke and carbo monoxide alarms.
- B. Minutes of September 13, 2021 Regular Meeting (Cancelled-Tropical Storm Nicholas)
- C. Minutes of September 20, 2021 Special Meeting
- D. Minutes of September 27, 2021 Special Meeting and Workshop Session
- E. Payment of Invoices Exceeding \$1,500
- F. Receive monthly Financial Highlight Report

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

1. Consider request of Our Lady of the Gulf Catholic Church for a parade permit and traffic control assistance for the “Christ the King” procession parade on Sunday, November 21, 2021 beginning at 5:00 p.m. and waiver of any fees associated with the event. Presenter is Colin Rangnow
2. Consider request of Parkway Church (Port Lavaca Campus) for the use of the Bayfront Peninsula Park from 4:00 p.m. to 6:00 p.m. on Sunday, October 31, 2021 for a community event with additional request to waive any fees associated with this event. Presenter is Tania French
3. Consider appointment/reappointment of two (2) members to the Recreation and Parks Board for new two-year terms commencing in October 2021. Presenter is Jody Weaver
4. Consider Resolution No. 101121-1 to nominate candidates for the Board of Directors of the Calhoun County Appraisal District for a two-year term commencing January 1, 2022 and ending on December 31, 2023. Presenter is Jody Weaver
5. Consider Resolution No. 101121-2 in connection with the San Antonio Water System's (SAWS) Bed and Banks Application No.13098. Presenter is Jody Weaver

6. Consider award of the construction bid for the Re-Roof of the Police Department Project. Presenter is Jody Weaver
7. Consider recommendation of the Port Commission to give written notice to T.W. LaQuay Marine, LLC that the City will terminate their lease of Tracts 3, 11 and 12 at the Harbor of Refuge at the end of the current lease term of December 31, 2021. Presenter is Jody Weaver
8. Consider recommendation of the Port Commission to award the bid to replace nine (9) exterior doors at Nautical Landings Marina to Barefoot Construction. Presenter is Jody Weaver
9. Announcement by Mayor that City Council will retire into closed session:
 - For consultation with City Attorney on matters in which the duty of the Attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act (Title 5, Chapter 551, Section 551.071(2) of the Texas Government Code). Presenter is Mayor Whitlow
 - To discuss personnel matters in accordance with Title 5, Section 551.074 of the Texas Government Code (to discuss appointment, employment, evaluation, responsibilities and duties, reassignment, discipline or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee [City Manager]). Presenter is Mayor Whitlow
10. Return to Open Session and take any action deemed necessary with regard to matters in closed session. Presenter is Mayor Whitlow

IX. ADJOURNMENT

CERTIFICATION OF POSTING NOTICE

This is to certify that the above notice of a regular meeting of The City Council of The City of Port Lavaca, scheduled for **Monday, October 11, 2021**, beginning at 6:30 p.m., was posted at city hall, easily accessible to the public, as of **5:00 p.m. Friday, October 08, 2021**.

/s Mandy Grant, City Secretary

ADA NOTICE

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

COMMUNICATION

SUBJECT: Proclamations by the Mayor- October 2021 is National Fire Prevention Month with the theme “Learn the Sounds of Fire Safety” effectively serves to remind citizens it is important to learn the different sounds of smoke and carbo monoxide alarms.

INFORMATION:

**CITY COUNCIL SPECIAL MEETING**

Wednesday, September 01, 2021 at 5:30 PM
202 N. Virginia Street

MINUTES

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

On this the 1st day of September, 2021, 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
Tim Dent	Councilman, District 2
Allen Tippit	Councilman, District 3
Rosie G. Padron	Councilwoman, District 4, Mayor Pro Tem
Jim Ward	Councilman, District 5
Ken Barr	Councilman, District 6

And with the following absent:

Jerry Smith	Councilman, District 1
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Constituting a quorum for the transaction of business, at which time the following business was transacted:

II. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 5:46 P.M. and presided.

III. COMMENTS FROM THE PUBLIC

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

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

1. **Conduct first public hearing on 2021-2022 fiscal year budget. Presenter is Susan Lang**

Finance Director Lang advised Council that in accordance with the State of Texas Property Tax Code, the Comptroller of Texas' Truth-in-Taxation rules, the Local Government Code and the City's Charter, the City is required to hold a public hearing on the 2021-2022 Fiscal Year Budget.

Mayor Whitlow announced that the public hearing was now open at 5:48 p.m.

Mayor Whitlow announced that the first public hearing on the proposed 2021-2022 Fiscal Year Budget was now closed at 5:50 p.m.

Mayor Whitlow announced that only one public hearing is required and satisfies the requirements for a later vote on the first reading of ordinance adopting the annual budget.

Mayor Whitlow also announced that Council will consider the second and final reading of the ordinance to adopt the 2021-2022 Fiscal Year Budget at the regular meeting scheduled for Monday, September 13, 2021, commencing at 6:30 p.m.

No action necessary and none taken.

2. Conduct public hearing on the proposed 2021 tax rate. Presenter is Susan Lang.

Finance Director Lang advised Council that In accordance with the State of Texas Property Tax Code, the Comptroller of Texas' Truth-in-Taxation rules, the Local Government Code and the City's Charter, the City is required to hold a public hearing on the 2021 Tax Rate.

Mayor Whitlow announced that the public hearing was now open at 5:51 p.m.

Mayor Whitlow announced that the first public hearing on the proposed 2021 Tax Rate was now closed at 5:53 p.m.

Mayor Whitlow announced that only one public hearing is required and satisfies the requirements for a later vote on the first reading of ordinance adopting the Tax Rate.

Mayor Whitlow also announced that Council will consider the second and final reading of the ordinance to adopt the 2021 Tax Rate at the regular meeting scheduled for Monday, September 13, 2021, commencing at 6:30 p.m.

No action necessary and none taken.

3. Consider Resolution No. R-090121-1 to adopt a five-year plan (2021-2026) for the Capital Improvement Program (CIP) in compliance with article 7.02(15) of the city's home rule charter. Presenter is Jody Weaver

Motion made by Councilman District 5 Ward

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

WHEREAS the City Manager submitted a Five-Year Capital Program to the City Council on July 26, 2021 in compliance with the City Charter and,

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

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

THAT the Five-Year Capital Program (October 1, 2021 – September 30, 2026), a copy of which is attached hereto and incorporated in the Fiscal Year Budget 2021-2026, is hereby adopted in compliance with the City Charter.

Seconded by Councilman District 6 Barr

Voting Yea:

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

4. **Consider proposed city's compensation plan for the 2021-2022 fiscal year. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council of the following:

BACKGROUND:

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

FINANCIAL IMPACT:

With the salary increases implemented in the 2020-2021 fiscal year, the salary of all City employees was brought to at least the minimum level of their salary range, as was determined by a Salary survey completed in January 2021 by Public Sector Personnel Consultants.

This year's budget includes a total of \$219,118.00 earmarked for staff raises (\$254,931.00 salary plus benefits). Each department head is being allocated an amount equal to 5% of their current department base salary expense, in order to provide their employees with raises within their salary range, based upon their job performance, with a 2% minimum increase.

The budgeted full-time positions for 2021-2022 fiscal year are 98 and the full-time equivalent (FTE) part-time positions are 2.83. Note the budgeted full-time positions for the 2020-2021 fiscal year was 92 and the FTE part-time positions was 2.58/ The 2021-2022 fiscal year budget adds six (6) new full-time positions as follows:

- 3 each new Fire Fighters;

- 1 each new Mental Health Police Officer;
- 1 each new RV Park Camp Host; and
- 1 each new Utility Maintenance Worker.

RECOMMENDATION:

Effective October 1, 2021, staff recommends Council approve the compensation plan for the 2021-2022 fiscal year as follows:

- A 5% merit increase amounting to \$219,118 in base salary as presented in the budget
- The creation of 6 new job positions as described herein
- City Headcount is increased to 98 full-time employees and 2.83 FTE part-time positions.

MOTION #1:

Motion made by Councilman District 2 Dent

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

THAT, Council hereby approves the 5% merit increase for salaries in the 2021-2022 fiscal year budget to be effective on October 1, 2021 for all employees.

Seconded by Councilman District 3 Tippit

Voting Yea:

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

MOTION #2:

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 formally adopts the City of Port Lavaca Salary Survey and 2020 Fiscal Year Salary Plan including the summary of recommendations and salary schedule, with the exception that merit increases are effective October 1st of each year instead of employee anniversary date.

Seconded by Councilman District 5 Ward

Voting Yea:

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

MOTION #3:

Motion made by Councilman District 2 Dent

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

LAVACA, TEXAS:

THAT, Council hereby approves to increase budgeted full-time headcount by six (6) positions as follows:

- 3 each new Fire Fighters;
- 1 each new Mental Health Police Officer;
- 1 each new RV Park Camp Host; and
- 1 each new Utility Maintenance Worker.

bringing total full-time head count to 98 with 2.83 full-time equivalent part-time workers, and to approve the new job descriptions and revision to existing job description as provided.

Seconded by Councilman District 3 Tippit

Voting Yea:

Councilman District 3 Tippit, Councilwoman District 4 Mayor Pro Tem Padron, Councilman District 5 Ward, Councilman District 6 Barr.

Voting Nay:

Councilman District 2 Dent

Councilman Dent also stated that minutes will reflect that the Police Department Mental Health Officer will make quarterly reports to City Council.

5. Receive certification of additional sales and use tax to pay debt services. Presenter is Susan Lang

Finance Director Lang advised Council that in accordance with the State of Texas Property Tax Code, a governing body of a taxing unit that imposes an additional sales and use tax may not adopt the component of the tax rate of the taxing unit described by Tax Code Section 26.05 (a)(1) until the chief financial officer or the auditor for the taxing unit submits to the governing body of the taxing unit a written certification that the amount of additional sales and use tax revenue that will be used to pay debt service has been deducted from the total amount described by Tax Code Section 26.04(e)(3)(C) as required by Subsection (a)(1).

In 1989, the citizens of the City of Port Lavaca voted to adopt an additional Sales and Use Tax of \$0.005 dedicated to Property Tax Relief. The amount of additional Sales and Use Tax collected for Property Tax Relief is provided to the Tax Assessor/Collector and used to reduce the amount of the component of the tax rate when applied to the City of Port Lavaca.

The Certification, as developed by the Texas Comptroller of Public Accounts, is provided to City Council to satisfy the requirements of the Tax Code.

No action necessary and none taken.

6. Consider first reading of an ordinance (S-1-21) approving the annual budget for the City of Port Lavaca, Texas and adopting the budget document for the fiscal year October 01, 2021 thru September 30, 2022. Presenter is Susan Lang

Finance Director Lang advised Council that in accordance with the State of Texas Property Tax Code, the Comptroller of Texas' Truth-in-Taxation rules, the Local Government Code and the City's Charter, staff has prepared an Ordinance that, if approved, meets the requirements as established by the governing legislation.

On July 26, August 2, and August 16, 2021, the City Council held budget workshops to review recommendations from the City Manager for the FY 2021-2022 budget. The proposed budget was filed with the City Secretary and published on the City's website on August 16th.

On August 16, 2021, the City Council announced a public hearing on the FY 2021-2022 Budget to be held on September 1, 2021. Because the proposed tax rate exceeds the No-New-Revenue rate, legislation considers it a tax increase, and requires special language to be included in the Notice of Public Hearing on the Budget, the front page of the proposed budget and the front page of the adopted budget.

The City published a notice of public hearing on the budget in the newspaper of general circulation (Port Lavaca Wave) on August 25, 2021 and posted the same notice on the City's website.

The budget, as presented in the August 16, 2021 workshop, is recommended for the City Council's approval, and contains combined Revenues of \$30,959,325 followed by combined Expenditures of \$33,054,147 leaving combined Fund Balance reserves of \$12,164,946.

Councilman Dent requested the minutes reflect that in fiscal year 2021-2022 the city is budgeting sales tax revenue differently than in past years. Since about 2003 the city has budgeted sales tax revenue at 95% or a five-year rolling average of previous years sales tax. This year the city is budgeting 100% of 12 months previous revenue.

Motion made by Councilman District 2 Dent

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

THAT, Council hereby adopts the Fiscal Year 2021-2022 Annual Budget as presented by the City Manager.

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

THAT, in accordance with recommendation of staff, Council hereby approves the Fiscal Year 2021-2022 Annual Budget Ordinance (S-1-21) on this its first reading.

Seconded by Councilman District 5 Ward

Voting Yea and Record Vote:

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

Voting Nay and Record Vote:
Councilman District 2 Dent

Absent: Councilman District 1 Smith,

7. Consider first reading of an ordinance (S-2-21) fixing the tax rate and tax levy for the city for the year 2021. Presenter is Susan Lang

Finance Director Lang advised Council that in accordance with the State of Texas Property Tax Code, the Comptroller of Texas' Truth-in-Taxation rules, the Local Government Code and the City's Charter, staff has prepared an Ordinance that, if approved, meets the requirements as established by the governing legislation.

On August 16, 2021, the City Council took a record vote to propose the same tax rate (\$0.7944) as levied on properties as the previous year. Because the proposed tax rate exceeded the No-New-Revenue rate, legislation considers it a tax increase, and requires a public hearing. City Council announced a date and time for a public hearing on the tax rate to be held on September 1, 2021.

The City published a notice of public hearing on a tax increase in the newspaper of general circulation (Port Lavaca Wave) on August 25, 2021 and posted the same notice on the City's website.

MOTION #1:

Motion made by Councilman District 2 Dent

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

THAT, the property tax rate be increased by the adoption of a tax rate of \$0.7944, which is effectively a 6.5% increase in the tax rate.

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

THAT, in accordance with recommendation of staff, Council hereby approves fixing the 2021 Tax Rate and Tax Levy Ordinance (S-2-21) on this its first reading.

Seconded by Councilman District 5 Ward

Voting Yea and Record Vote:

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

Voting Nay and Record Vote: None

Absent: Councilman District 1 Smith,

MOTION #2:

Motion made by Councilman District 2 Dent

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

THAT, City Council adopts a Maintenance and Operations rate of \$0.7308.

Seconded by Councilman District 6 Barr

Voting Yea:

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

Voting Nay: None

Absent: Councilman District 1 Smith,

MOTION #3:

Motion made by Councilman District 2 Dent

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

THAT, City Council adopts an Interest & Sinking rate of \$0.0636.

Seconded by Councilwoman District 4 Mayor Pro Tem Padron

Voting Yea:

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

Voting Nay: None

Absent: Councilman District 1 Smith,

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

Finance Director Lang advised Council that in accordance with Local Government Code Section 102.007(c) when adopting a budget that will require raising more revenue from property taxes than in the previous year, a separate vote of the governing body to ratify the property tax increase reflected in the budget is required. This vote is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate.

Motion made by Councilman District 2 Dent

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

THAT, Council hereby approves to ratify the property tax revenue increase reflected in the 2021-2022 fiscal year Budget.

Seconded by Councilman District 5 Ward

Voting Yea:

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

9. Consider first reading of an ordinance (G-4-21) to make amendments to Appendix A - Fees, Rates and Charges; and providing for an effective date. Presenter is Jody Weaver

Interim City Manager Weaver and staff presented some amendments to Appendix A - Fees, Rates and Charges as Ordinance G-4-21. In Chapter 54, Waterways on the Harbor of Refuge - Use of Rail Spur, the new proposed rate was \$1,000 per month and recommendation was to change that amount to \$833.00 per month, for the second and final reading.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with recommendation of staff, Council hereby approves amending Appendix A – Fees, Rates and Charges ordinance (G-4-21) on this its first reading with correction to Chapter 54 Waterways as presented above.

Seconded by Councilman District 3 Tippit

Voting Yea:

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

10. Consider reviewing bids and award construction contract for the 2021 Capital Improvement project (CIP) for East George Street reconstruction. Presenter is Jody Weaver

Interim City Manager Weaver advised Council that the Capital Improvements Projects (CIP) plan for 2020-2021 includes \$880,000.00 to reconstruct George Street from Virginia to Commerce Street. She said that in October 2020 an engineering contract was awarded to CivilCorp in the amount of \$95,000 for this project, leaving \$785,000.00 available for construction.

Staff received two bids as follows:

Lester Contracting, Inc. \$627,435.25 150 Calendar Days allowed

Brannan Paving Co., Ltd. \$667,720.35

Staff recommendation is to award to the low bidder, Lester Contracting, Inc. in the amount of \$627,435.25 to be completed within 150 days of receipt of Notice to Proceed.

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 awards a construction contract to Lester Contracting, Inc. for the 2021 Capital Improvements Project (CIP) "East George Street Reconstruction Project" in the amount of \$627,435.25 to be completed within 150 days of receipt of Notice to Proceed.

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

Seconded by Councilman District 5 Ward

Voting Yea:

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

V. ADJOURN SPECIAL MEETING

Mayor asked for motion to adjourn.

Motion made by Councilman District 5 Ward, Seconded by Councilman District 6 Barr

Voting Yea:

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

Special Meeting adjourned at 6:29 p.m.

These minutes were approved on October 11, 2021.

Jack Whitlow, Mayor

Mandy Grant, City Secretary

COMMUNICATION

SUBJECT: Minutes of September 13, 2021 Regular Meeting (Cancelled-Tropical Storm Nicholas)

INFORMATION:

Public notice is hereby given that the City Council of the City of Port Lavaca, Texas, will hold a regular meeting Monday, September 13, 2021 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:

THIS MEETING WAS CANCELLED DUE TO TROPICAL STORM NICHOLAS

COMMUNICATION

SUBJECT: Minutes of September 20, 2021 Special Meeting

INFORMATION:

**CITY COUNCIL SPECIAL MEETING**

Monday, September 20, 2021 at 6:30 PM

Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca

MINUTES

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

On this the 20th day of September, 2021, the City Council of the City of Port Lavaca, Texas, convened in a special session at 6:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following members in attendance:

I. ROLL CALL

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

And with the following absent:

None

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

II. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 6:40 p.m. and presided.

III. INVOCATION

- Councilman Ward gave the invocation.

IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

V. PRESENTATION(S)

- Proclamations by the Mayor (Not read during session)
 - National Small Business Week - September 13 to 17, 2021

VI. COMMENTS FROM THE PUBLIC - *Limited to 3 minutes per individual unless permission to speak longer is received in advance. You may make public comments as you would at a meeting on Zoom by logging on with your computer and/or smart phone as described in the zoom invitation below or on Facebook Live through the comment section, which will be monitored and answered. As appropriate.*

- James Ramirez on Facebook about the new Skate Park's progress.

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

- A. Minutes of August 02, 2021 Workshop**
- B. Minutes of August 09, 2021 Regular Meeting**
- C. Minutes of August 16, 2021 Special and Workshop**
- D. Payment of Invoices Exceeding \$1,500**
- E. Receive monthly Financial Highlight Report**

Motion made by Councilman District 5 Ward

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

THAT, in accordance with recommendation of staff, Council hereby approves all consent agenda items as listed:

Seconded by Councilman District 6 Barr

Voting Yea:

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

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

- Consider request of Calhoun County Fair Association (CCFA) for waiver of parade permit fees on Saturday, October 09, 2021 and also assistance with traffic control from Sandcrab Stadium, San Faubion, N. Virginia, Main streets to end at the Bayfront Peninsula. Presenter is Amanda Gonzales**

Motion made by Councilman District 1 Smith

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

THAT, in accordance with recommendation of staff, Council hereby approves request of Calhoun County Fair Association (CCFA) for waiver of parade permit fees on Saturday, October 09, 2021 and also assistance with traffic control.

Seconded by Councilman District 6 Barr

Voting Yea:

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

2. **Consider request of Calhoun High School Class of 2023 to host a “Color Run” as a fundraiser to help with prom expenses, on Saturday, December 11, 2021, assist with traffic control along the route and waive any fees associated with the event. Presenter is Erin Smith and Esmeralda Sanchez**

Tania French made the request on behalf of the Calhoun High School Class of 2023.

Motion made by Councilman District 3 Tippit

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

THAT, in accordance with recommendation of staff, Council hereby approves request of Calhoun High School Class of 2023 to host a “Color Run” as a fundraiser to help with prom expenses, on Saturday, December 11, 2021, assist with traffic control along the route and waive any fees associated with the event.

Seconded by Councilman District 5 Ward

Voting Yea:

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

3. **Consider request of Our Lady of the Gulf Alter Society for closure of Benavides Street between Leona and Austin Streets for their Turkey Dinner drive-thru on November 07, 2021 from 10:00 a.m. to 1:30 p.m. Presenter is Anne Marie Odefey**

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

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

THAT, in accordance with recommendation of staff, Council hereby approves request of Our Lady of the Gulf Alter Society for closure of Benavides Street between Leona and Austin Streets for their Turkey Dinner drive-thru on November 07, 2021 from 10:00 a.m. to 1:30 p.m.

Seconded by Councilman District 5 Ward

Voting Yea:

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

4. **Consider award of the construction bid for the Lighthouse Beach RV Park electrical repairs.**
Presenter is Wayne Shaffer

Interim City Manager Weaver advised Council that on July 26, the electrical power for the "hillside" RV spaces became overloaded and blew. Staff contracted with G&W Engineers for a lump sum fee of \$7,000.00 to prepare technical specifications to bid out repairs to the existing meter loop and add another.

Staff advertised for bids in the Port Lavaca Wave Newspaper and had three (3) potential bidders pick up bid packages. Staff received only one (1) bid on September 2 from Lectric Electrical Contracting, Inc of Rockport, in the amount of \$52,565.00. She said this is the electrical contractor working on the Lighthouse Beach Pier. G&W's engineer's estimate was \$50,000.00.

FINANCIAL IMPACT:

This project is required to return power to 28 RV spaces so they can be offered for rent again. This is a potential \$14,000.00 per month of revenue, if full with monthly rentals.

Weaver reminded Council that the 2020-2021 fiscal year budget includes \$250,000.00 in Capital Expenditure in the Beach Operating Fund for the Lighthouse Beach Reconstruction. Per her memo to Council on January 25, 2021, \$31,000.00 of General Fund Reserves was required to fully fund the pier reconstruction. She said all of the \$250,000.00 of the Beach Revenue Fund has not been expensed yet, so staff is proposing to encumber this \$52,565.00 using the remaining budgeted Beach Revenue Fund Capital Improvement Budget, which will result in requiring an additional \$52,565.00 of General Fund Reserves to fully fund the pier reconstruction project.

Staff recommends an award of a construction contract to Lectric Electrical in the amount of \$52,565.00.

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 award of construction bid for the Lighthouse Beach RV Park electrical repairs to Lectric Electric in the amount of \$52,565.00.

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

Seconded by Councilman District 1 Smith

Voting Yea:

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

5. **Consider appointment/reappointment of member(s) to Planning Board to fill a vacancy and/or start a new term. Presenter is Jessica Carpenter**

Economic Development Director Carpenter advised Council the Planning Board has a vacancy and a letter of interest from Sheryl Cuellar has been received. She has expressed interest in a second full-term appointment with the Planning Board. Mrs. Cuellar is a pillar in the Port Lavaca community and feels that her experience in meetings and passion towards Port Lavaca will be a good resource to the Planning Board.

Motion made by Councilman District 1 Smith

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

THAT, in accordance with recommendation of staff, Council hereby reappoints Sheryl Cuellar to the Planning Board to serve a new two-year term.

Seconded by Councilman District 3 Tippit

Voting Yea:

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

6. **Consider second and final reading of an ordinance (S-1-21) approving the annual budget for the City of Port Lavaca, Texas and adopting the budget document for the fiscal year October 01, 2021 thru September 30, 2022. Presenter is Susan Lang**

Motion made by Councilman District 3 Tippit

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

THAT, Council hereby adopts the Fiscal Year 2021-2022 Annual Budget as presented by the City Manager.

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

THAT, in accordance with recommendation of staff, Council hereby approves the Fiscal Year 2021-2022 Annual Budget Ordinance (S-1-21) on this its second and final reading.

Seconded by Councilman District 1 Smith

Voting Yea and Record Vote:

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

Voting Nay and Record Vote:
Councilman District 2 Dent

City Attorney Odefey made the observation, after the motions and votes were taken, that the Ordinance document (No. S-1-21 for the 2021-2022 fiscal year budget) in the council meeting packet, was not correct. She declared the motions were correct; however, minutes were to reflect the typographical error.

Author's note: The Ordinance S-1-21 has been substituted with the corrected one and does have authorized signatures affixed to the document and a copy, in its entirety, is on file in the office of the City Secretary.

7. **Consider second and final reading of an ordinance (S-2-21) fixing the tax rate and tax levy for the city for the year 2021. Presenter is Susan Lang**

MOTION #1:

Motion made by Councilman District 3 Tippit

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

THAT, the property tax rate be increased by the adoption of a tax rate of \$0.7944, which is effectively a 6.5% increase in the tax rate.

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

THAT, in accordance with recommendation of staff, Council hereby approves fixing the 2021 Tax Rate and Tax Levy Ordinance (S-2-21) on this its second and final reading.

Seconded by Councilman District 1 Smith

Voting Yea:

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

Voting Nay: None

MOTION #2:

Motion made by Councilman District 3 Tippit

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

THAT, City Council adopts a Maintenance and Operations rate of \$0.7308.

Seconded by Councilman District 1 Smith

Voting Yea:

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

Voting Nay: None

MOTION #3:

Motion made by Councilman District 3 Tippit

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

THAT, City Council adopts an Interest & Sinking rate of \$0.0636.

Seconded by Councilman District 1 Smith

Voting Yea:

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

Voting Nay: None

City Attorney Odefey made the observation, after the motions and votes were taken, that the Ordinance document (No. S-2-21 for fixing the 2021 Tax Rate and Tax Levy) in the council meeting packet, was not correct. She declared the motions were correct; however, minutes were to reflect the typographical error.

Author's note: The Ordinance S-2-21 has been substituted with the corrected one and does have authorized signatures affixed to the document and a copy, in its entirety, is on file in the office of the City Secretary.

8. **Consider second and final reading of an ordinance (G-4-21) to make amendments to Appendix A - Fees, Rates and Charges; and providing for an effective date. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that she had followed their recommendation to amend fees in Chapter 54, Waterways on the Harbor of Refuge - Use of Rail Spur from \$1,000.00 per month down to \$833.00 per month, for the second and final reading.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with recommendation of staff, Council hereby approves amending Appendix A – Fees, Rates and Charges ordinance (G-4-21) on this its first reading with correction to Chapter 54 Waterways as presented above.

Seconded by Councilman District 6 Barr

Voting Yea:

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

9. **Consider Resolution No. R-092021-1 for Prevailing Wage Rate on the City of Port Lavaca Police Department Re-Roof Project. Presenter is Jody Weaver**

Motion made by Councilman District 5 ward

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

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

NOW THEREFORE, BE IT RESOLVED that the City of Port Lavaca City Council hereby selects Section 2258.022(a), Subsection (2) of the Texas Government Code as its option in determining the general prevailing rate of per diem wages in the locality in which the public work is to be performed for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work as determined by the United States Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Section 276a et seq.), and its subsequent amendments as can be found on the following web site (www.wdol.gov/dba.aspx#0), for the construction project titled " Police Department Re-Roof".

Seconded by Councilman District Dent

Voting Yea:

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

10. **Consider Resolution No. R-092021-2 for Delegation of Authority on the City of Port Lavaca Police Department Re-Roof Project. Presenter is Jody Weaver**

Motion made by Councilman District 5 Ward

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

WHEREAS, The City of Port Lavaca City Council wishes to delegate its authority under SUBCHAPTER D. COMPETITIVE SEALED PROPOSAL METHOD of CHAPTER 2269; CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS, SECTION 2269.155, SELECTION OF OFFEROR, of the Texas Government Code to the designated person of Jody Weaver, City Manager, as authorized by Section 2269.053(a), of the Texas Government Code as it relates to the selection of an Offeror as prescribed under Section 2269.155 of the Texas Government Code for the construction project titled "Police Department Re-Roof";

NOW THEREFORE, BE IT RESOLVED that the City of Port Lavaca City Council hereby delegates its authority under SUBCHAPTER D. COMPETITIVE SEALED PROPOSAL METHOD of CHAPTER 2269; CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS, SECTION 2269.155, SELECTION OF OFFEROR, of the Texas Government Code to the designated person of Jody Weaver, City Manager, as authorized by Section 2269.053(a), of the Texas Government Code as it relates to the selection of an Offeror as prescribed under SECTION 2269.155, SELECTION OF OFFEROR of the Texas Government Code for the construction project titled "Police Department Re-Roof", and

THEREFORE, LET IT BE FURTHER RESOLVED by the City of Port Lavaca City Council that it desires for Jody Weaver, City Manager, within the scope of the authority delegated to her under Section 2269.155, SELECTION OF OFFEROR of the Texas Government Code for the construction project titled "Police Department Re-Roof" to form a committee of her choosing, which may, but not necessarily, include some members of the City Council of the City of Port Lavaca in numbers not establishing a quorum of the Council, to advise her in the selection process for Construction Services for the selection of an Offeror as prescribed under Section 2269.155 of the Texas Government Code for said construction project and bring her recommended selection to the City of Port Lavaca City Council for final approval.

Seconded by Councilman District 3 Tippit

Voting Yea:

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

11. **Consider Resolution No. R-092021-3 for Construction Procurement Method on the City of Port Lavaca Police Department Re-Roof Project. Presenter is Jody Weaver**

Motion made by Councilman District 5 Ward

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

WHEREAS, the City of Port Lavaca City Council has determined that the construction procurement method specified under SUBCHAPTER D. COMPETITIVE SEALED PROPOSAL METHOD of CHAPTER 2269. CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS of the Texas Government Code provides the best value for the City of Port Lavaca for the construction project titled "Police Department Re-Roof"

THEREFORE, LET IT BE RESOLVED by the City of Port Lavaca City Council that the Council has decided to use the Competitive Sealed Proposal process as specified under SUBCHAPTER D. COMPETITIVE SEALED PROPOSAL METHOD of CHAPTER 2269. CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS of the Texas Government Code for the construction project titled "Police Department Re-Roof".

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

12. **Consider Resolution No. R-092021-4 for Selection Committee and Proposal Ranking Criteria on the City of Port Lavaca Police Department Re-Roof Project. Presenter is Jody Weaver**

Motion made by Councilman District 1 Smith

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

WHEREAS, the City of Port Lavaca City Council by resolution adopted on September 13th 2021 did delegate its authority under SUBCHAPTER D. COMPETITIVE SEALED PROPOSAL METHOD of CHAPTER 2269; CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS, SECTION 2269.155, SELECTION OF OFFEROR, of the Texas Government Code to the designated person of Jody Weaver, City Manager as authorized by Section 2269.053(a), of the Texas Government Code as it relates to the selection of an Offeror as prescribed under Section 2269.155 of the Texas Government Code for the construction project titled "Police Department Re-Roof";

AND WHEREAS the City of Port Lavaca City Council stated in that resolution that its desire was for Jody Weaver, City Manager within the scope of the authority delegated to her under Section 2269.155, SELECTION OF OFFEROR of the Texas Government Code for the construction project titled "Police Department Re-Roof" to form a committee of her choosing, including but not limited to some members of the City Council of the City of Port Lavaca, to advise her in the selection process for Construction Services for the selection of an Offeror as prescribed under Section 2269.155 of the Texas Government Code for said construction project and bring her recommended selection to the City Council of the City of Port Lavaca for final approval.

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

Jody Weaver	City Manager
Colin Rangnow	Police Chief
Susan Lang	Finance Director
Tim Dent	Councilman
William Berger	Project Architect of Record
Brian Parker	Architect's Project Manager

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

Price	50%
Offeror's Qualifications	25%
Time	25%

PRESENTED FOR THE RECORD to the City Council of the City of Port Lavaca by Jody Weaver, City Manager, on this 20th day of September 2021.

Seconded by Councilman District 5 Ward

Voting Yea:

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

13. **Consider approval of TIPS Agreement # 190402 for the Enterprise Fleet management and authorize the City Manager to execute the following contracts subject to approval by the City Attorney. Presenter is Jody Weaver**

- **Master Equity Lease Agreement**
- **Amendment to the Master Equity Agreement**
- **Maintenance Agreement**
- **Maintenance Management and Fleet Rental Agreement**
- **Agreement to Sell Customer Vehicles**
- **Consignment Auction Agreement**

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 TIPS Agreement # 190402 for the Enterprise Fleet management and authorize the City Manager to execute the following contracts subject to approval by the City Attorney.

- Master Equity Lease Agreement
- Amendment to the Master Equity Agreement
- Maintenance Agreement
- Maintenance Management and Fleet Rental Agreement
- Agreement to Sell Customer Vehicles
- Consignment Auction Agreement

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

Seconded by Councilman District 1 Smith

Voting Yea:

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

14. **Consider award of construction contract for renovations to the South Pacific Depot.**
Presenter is Jody Weaver

Interim City Manager Weaver advised Council that for this project, the city has \$65,575.00 remaining of the 2020-2021 Capital Improvements Projects (CIP) budgeted funds and \$125,000.00 in the 2021-2022 CIP budgeted funds, for a total of \$190,575.00.

Weaver said that Lynn Engineering recently completed bid documents for the Renovations to the Southern Pacific Railway Depot and staff began advertising for bids and conducted a mandatory pre-bid conference on July 8. Due to rain, a second mandatory pre-bid was held on July 27 and the bid date was postponed to August 31 at 3:00 p.m. Two (2) bids were received.

The Base Bid includes new siding and trim, new windows, New door, new cornices, a new soffit for the east end, and a complete reroof using 19/32" CDX and Enviroshake shingle system to provide the appearance of cedar shingles.

Alternate #1 is to reroof with 7/18" OSB and 30-year architectural shingles instead of the Enviroshake. Alternate #2 is to replace the outside deck area.

The Apparent Low Bidder is Barefoot Construction.

The Base Bid and Alternate 2	\$ 189,820.00	* Enviroshake
The Base Bid + Alternate 1 + Alternate 2	\$ 162,720.00	* 30-year asphalt shingles

The Enviroshake shingles have a 50-year warranty and are rated for 180 mph (granted the building itself probably won't withstand a 180-mph storm). Note that they are installed on thicker plywood.

If we go with replacing the outside deck (Alternate 2), we will want to take the opportunity to do some fill and grading and possible yard type drainage under the deck area. I do not have a scope established for this but may be \$25,000.00 or so.

The Enviroshake provides the appearance of the cedar shingles of the original depot. I've attached a photo of some of the original cedar shingles that still remain, a copy of what the Enviroshake will look like and what the 30-year architectural shingles will look like.

I have discussed the bid differential with Mark Barefoot and he is completely comfortable with his bid as submitted.

Staff therefor recommends awarding a contract to Barefoot Construction in the amount of \$189,820.00, being the Base Bid + Alternate 2. This will provide a more accurate appearance of the original depot roof (cedar shakes) but will require additional general fund dollars to provide area grading and drainage improvements.

If instead Council votes to accept the Base Bid+ Alt #2+ Alt #1 (architectural asphalt shingles), this would provide a savings of \$27,100.00 which should pay for the grading and drainage improvements.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with recommendation of staff, Council hereby approves award of construction base bid plus Alternate 2, for renovations to the South Pacific Depot, to Barefoot Construction in the amount of \$189,820.00 a copy which is on file in its entirety, in the office of the City Secretary.

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

Seconded by Councilman District 2 Dent

Voting Yea:

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

15. **Receive Comprehensive Plan 5-Year Review Report. Presenter is Jody Weaver**

Interim City Manager Weaver presented Council with the Comprehensive Plan 5-Year Review Report, a copy is on file in the office of the City Secretary, in its entirety.

No action necessary and none taken.

16. **Consider recommendation of the Planning Board for approval of the Dry Tinder Square Replat being all of lots 1 and 2 of block 1 of the Rafei Subdivision, Calhoun County, Texas. To replat 2 lots into 3 lots. Located on Bauer Street, north of Austin Street. The property identification numbers for this replat are as follows: PIN 86471 and PIN 86472. Presenter is Jessica Carpenter**

Development Services Director Carpenter advised Council that the applicant has adhered to the proper subdivision replat application submittal and review procedural process prior to presentation before the Planning Board.

The intent of this replat of lots 1 and 2 of block 1 of Rafei Subdivision is to replat 2 lots into 3 lots. The purpose is to develop each of the three lots with a 4-unit multi family structure on each lot. The proposed development is 0.62 acres and will have a total of 12 units.

The proposed medium-density four-plex residential townhome development preliminary site plan does display setbacks and the structures do appear to meet minimum setback requirements. The development team has participated in a predevelopment meeting with city staff and the terms of development were discussed for adherence.

The Planning Board and staff recommend approval of this request.

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

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

THAT, in accordance with recommendation of the Planning Board and staff, Council hereby approves the Dry Tinder Square Replat being all of lots 1 and 2 of block 1 of the Rafei Subdivision, Calhoun County, Texas. To replat 2 lots into 3 lots. Located on Bauer Street, north of Austin Street. The property identification numbers for this replat are as follows: PIN 86471 and PIN 86472.

Seconded by Councilman District 1 Smith

Voting Yea:

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

17. **Consider recommendation of the Planning Board for approval of a 3-lot final minor plat, Howlett's Subdivision. Generally located at the northeast corner of Austin Street and Henry Barber Way. The legal description for this parcel is A0137 SAMUEL SHUPE, TRACT PT 54, ACRES 3.671. The property identification for this site is 40677. Presenter is Jessica Carpenter**

Development Services Director Carpenter advised Council that the Howlett's Subdivision final plat is a 3.671-acre parcel subdivided into three (3) lots. Lot one being 0.35 acres and has an old gas station on the site. Lot two being 0.53 acres and has two metal buildings. Lot three, being 0.46 acres and has a manufactured home on site. All structures exist and have been on site for a long duration.

The final plat represents a 60' access and fire lane easement for lot 2 and lot 3 which are landlocked lots. The 60 ft. access and fire lane easement meets access easement requirements. Access and Fire Lane easement is not required to be improved to city private road standards. However, if future permits are needed, the access easement/fire lane must be improved to city road standards. The remainder parcel will require platting prior to sale or issuance of a permit.

The Planning Board and staff recommend approval of this request.

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 Planning Board and staff, Council hereby approves a 3-lot final minor plat, Howlett's Subdivision. Generally located at the northeast corner of Austin Street and Henry Barber Way. The legal description for this parcel is A0137 SAMUEL SHUPE, TRACT PT 54, ACRES 3.671. The property identification for this site is 40677.

Seconded by Councilman District 1 Smith

Voting Yea:

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

18. **Consider recommendation of the Planning Board for approval of a conceptual multifamily apartment complex. To be located on Alcoa Drive also known as FM 1090. The legal description for each lot is A0137 SAMUEL SHUPE, TRACT PT 52, ACRES 7.02 and 0137 SAMUEL SHUPE, TRACT PT 52, ACRES 6.96. Property identification numbers are 40462 and 90212. Presenter is Jessica Carpenter**

Development Services Director Carpenter advised Council that the applicant is proposing a multifamily apartment complex. The site location is currently not platted and is vacant land. The preliminary density is anticipated to be 75 to 150 units. This is contingent upon if the developer can purchase both lots or just one. One of the lots is currently owned by the church that is adjacent to this conceptual apartment complex location. The applicant has already approached the church to consider selling the additional lot needed to attain the 150-unit density. The church is considering the offer and may require a reconfiguration of the lots under the platting process to appease both the church and the apartment complex developer. The Future Land Use map designates this parcel as high density residential and mixed use. Therefore, the proposed apartment complex is compliant with the Future Land Use map.

The Planning Board and staff recommend approval of this request.

Motion made by Councilman District 1 Smith

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

THAT, in accordance with recommendation of the Planning Board and staff, Council hereby approves a conceptual multifamily apartment complex. To be located on Alcoa Drive also known as FM 1090. The legal description for each lot is A0137 SAMUEL SHUPE, TRACT PT 52, ACRES 7.02 and 0137 SAMUEL SHUPE, TRACT PT 52, ACRES 6.96. Property identification numbers are 40462 and 90212.

Seconded by Councilman District 6 Barr

Voting Yea:

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

19. **Consider recommendation of the Planning Board for approval of a Variance Request for the proposed Prosperity Bank sign. The variance request is for a 75 ft. high freestanding pole sign with a 360 sq. ft. surface area. This sign will be located at 1107 N SH 35 on the Prosperity Bank property. Presenter is Jessica Carpenter**

Author's Note: There is a typographical error. Agenda item should read:

"Consider recommendation of the Planning Board for ~~approval~~ DENIAL of a Variance Request for the proposed Prosperity Bank sign. The variance request is for a 75 ft. high freestanding pole sign with a 360 sq. ft. surface area. This sign will be located at 1107 N SH 35 on the Prosperity Bank property"

Development Services Director Carpenter advised Council that the Prosperity Bank sign variance request is for a 75 ft. freestanding pole sign with a 360 sq. ft. surface area. The request is 50% larger than the sign code maximum surface area square footage of 180 sq. ft., and more than 50% greater than the sign code maximum height of 20 ft. The current freestanding pole sign was originally permitted at a height of 25 ft. back in 1999 for the former property owner - First Capital Bank. In 2005, Prosperity Bank was permitted to replace the 50 sq. ft. surface area sign from the former First Capital Bank to Prosperity Bank but the existing 25ft. freestanding pole sign was not altered.

Prosperity Bank's hardship for this location and the need for the increased height and allowed square footage on the pylon sign, is without approval on the size requested, Prosperity Bank will lack visibility and not be able to fairly advertise their business with the neighboring competition and businesses. In addition, just as the neighboring Whataburger, this site has severe visibility issues due to the power lines on the property. Prosperity Bank would like to increase the height of the pylon to 75ft. overall height pylon with approximately 360 sq. ft. main-id cabinet due to the proximity of the highway and to give their customers better visibility of the location.

In June of 2016 the City Council approved the Whataburger variance for the 75 ft. freestanding pole sign with a 355 sq. ft. surface area. Consideration was given to this variance, as this sign dimension was the prior Whataburger sign dimension in their former location. Therefore, it was reviewed with a legal nonconforming use intent. In August of 2014 the City Council approved a variance for the Port Lavaca Ford Dealership requesting to place a sign that is 47.5 ft in height.

Planning Board and Staff recommends denial of this variance request for the proposed Prosperity Bank sign. The variance request is for a 75 ft. high freestanding pole sign with a 360 sq. ft. surface area.

This sign will be located at 1107 N. SH 35 on the Prosperity Bank property. The request is 50% greater than the sign code maximum surface area, and more than 50% greater than the sign code maximum height.

Approving this variance request sets a precedent for future requests for signage proposals with signs 50% larger than the sign code maximum surface area square footage of 180 sq. ft., and more than 50% greater than the sign code maximum freestanding pole height of 20 ft.

If consideration for a variance approval is given staff recommends the following for review:

- Designation of a percentage above the maximum free standing pole height of 20 ft. as per sign code and/or a percentage above the maximum sign surface area square footage of 180 sq. ft. that best aligns with the SH-35 corridor and the aesthetic vision for the city Gateway in this location.
- Designation of a compromise for a pole height and sign surface area square footage that fits the SH-35 commercial corridor for signage now and for future growth and development, as well as the aesthetic vision for the city Gateway in this location.

The Planning Board and staff recommend denial of this request.

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 Planning Board and staff, Council hereby denies this variance request for the proposed Prosperity Bank sign, as presented.

Seconded by Councilman District 6 Barr

Voting Yea:

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

20. **Consider recommendation of the Port Commission for a new lease with Something More Media at Nautical Landings Marina. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the current lease for Something More Media (Suite 4 Nautical Landings Office Building) expires on September 30, 2021. The current lease had a 2-year term with a one-year option to extend and annual adjustments per the MCI. Tania French is currently paying \$484.36/mo plus \$30.00/mo for electricity. I prepared the attached draft Lease and presented it to the Port Commission for comment and recommendations to Council. The Standard Office Lease Document used was prepared by City Attorney Odefey. I had met with Tania and discussed that her rent would require an increase to compare to other rents being collected in the complex. She had told me she would be comfortable with up to \$125.00 a month increase, which is 24%. The proposed lease includes the following:

Electricity: From research that Harbor Master Rudellat has done, the meter that includes the electricity for this Suite, also includes the electricity for Edwards Jones (Suite 3) and the electricity for the Day Room.

The A/C for the Day Room is on a different meter, but this meter includes the Day Room Lights, plugs, Refrigerator, Washer and Dryer. On average we are paying \$268.00/month for this meter. This Suite accounts for approximately 25% of the area of the Day Room, Suite 3 and Suite 4. There is no definitive way to determine how much each tenant is using, so I am proposing we agree to a fixed amount of \$68.00/month. This is an increase of \$38.00 over what she is currently paying. (This amount correlates to the 11 cents per sf cost that Suite 2 pays for electricity. Suite 2's meter is not combined with any other space).

Rent (622 sf): Suite 4's current rate is \$0.78/sf. Edward Jones and Bay Ltd are paying \$1.05/sf, although the latter's lease ends on October 30, so will require a new lease next month. Spiretek is about \$1.17/sf without the electricity and this lease also expires at the end of October. Knowing that the market rate may be as much as \$1.17/sf, but also knowing Council does not favor making large increases at one time and also trying to target an approximate \$125.00/month increase overall for Something More Media, I am proposing a \$1.00/sf rental rate for this unit, but offering a discount of \$50.00 a month to Something More Media to account for the following circumstances:

for the convenience of the City, Tania uses her office to stage a variety of materials and supplies used for various City events throughout the year and also she serves as a backup to Harbor Master Rudellat in handling the conference room rentals and other tenant needs from time to time. (With the discount, this is \$0.92/sf). Should the situation change and the reasons for the discount are no longer applicable or valid, the discount will be revoked.

In Summary:

- New monthly rent payment = \$572.00 (\$622.00 x \$1/SF - \$50.00. (This is 18% increase to Rent).
- New monthly electric cost = \$68.00 (this is a \$38.00/mo increase
- Total \$640.00 (this is a \$125.64/mo increase or 24.4%).
- Rent shall be adjusted annually during term of lease, per MCI, 2% min and 5% maximum.
- Electric cost will be adjusted as may be required by any percentage increase in the KWH cost, which is currently at 0.03883/KWH.

Port Commission Recommendation:

- The Port Commission concurs with the \$1/sf and the \$68.00/month for electricity (\$690.00/month) but does NOT recommend any discount be offered to the rent.
- (\$690.00/month equates to a 34% increase).
- The Port Commission recommends a one (1)-year lease with a one (1)-year option, so that the City may make market adjustments on a more frequent basis if the market warrants.
- If Tenant shall holdover following expiration of the lease, Tenant shall pay the sum of 150% of the Base Rent per month for each month of holdover.
- Language regarding Default by Tenant/Landlord's Remedies be amended to remove mention of Landlord having to sue (D.11).

City Manager Recommendation:

- I recommend approval of a budget amendment to reduce the amount that the Port Revenue Fund contributes to the General Fund Administration by \$600, being equal to the \$50/month discount to the Suite 4 rent.

- *To offer a bit more stability for the tenant and offer a compromise between the Port Commission and the tenant, I recommend a two (2)-year lease with a one (1)-year option which is the same as the current lease. Note: the lease provides language for an annual increase per the MCI with a minimum 2% and maximum 5%.
- *If Tenant shall holdover following expiration of the lease, Tenant shall pay the sum of 125% of the Base Rent per month for each month of holdover.
- *After consult with Anne Marie, it seems that the Language of Section D.11 of the Standard Lease is standard language for such a lease and she does not recommend changing it. I concur. Note: that the language provides several avenues to the City to Remedy a default - it does not require City to sue.

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 a new lease with Something More Media, Suite 4 at Nautical Landings Marina, for a base rent of \$640.00 per month (includes utilities) for 24 months, commencing on October 1, 2021 and terminating on September 30, 2023 with a one (1) year option to extend, upon 90 days advance written notice. A copy of this lease is on file in the office of the City Secretary, in its entirety.

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

Seconded by Councilman District 3 Tippit

Voting Yea:

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

21. **Consider Urban Engineer's Task Order #23 for Brooks Wastewater Lift Station Replacement. Presenter is Wayne Shaffer**

Interim City Manager Weaver advised Council that the City has budgeted \$300,000.00 to construct a replacement for the Brooks Lift Station. In the January 2020 Sanitary Sewer Lift Station Assessment Report, prepared by Urban Engineering, the Brooks Lift Station was listed as being in a "unsafe/very poor condition," with a total replacement recommended. The new lift station will be designed with added capacity for growth. The Brooks Lift Station is located in City Park on Half League Road.

Urban Engineering has submitted a Task Order in the amount of \$2,800.00 for the topographic survey work and \$30,000.00 for the design, bid documents, and construction administration.

FINANCIAL IMPACT:

This project is budgeted for in the 2021-2022 fiscal year budget. It will take several months to complete the design and bid documents before bidding and construction can begin.

Staff recommends approval of Task Order #23 to Urban Engineering's Professional Services Agreement dated 11.13.2017, in the amount of \$32,800.00.

Motion made by Councilman District 6 Barr

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

THAT, in accordance with recommendation of staff, Council hereby approves Urban Engineer's Task Order #23 for Brooks Wastewater Lift Station Replacement Project, in the amount of \$32,800.00.

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

Seconded by Councilman District 2 Dent

Voting Yea:

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

22. **Announcement by Mayor that City Council will retire into closed session for consultation with City Attorney on matters in which the duty of the Attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act (Title 5, Chapter 551,-Section 551.071(2) of the Texas Government Code). Presenter is Mayor Whitlow**

Mayor Whitlow announced City Council would take a recess at 8:29 p.m.

Mayor Whitlow announced that Council would retire into closed session at 8:41 p.m.

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

Mayor Whitlow announced that Council was back in open session at 10:02 p.m. and there would be no action taken with regards to matters in closed session.

IX. ADJOURNMENT

Mayor asked for motion to adjourn.

Motion made by Councilman District 6 Barr, Seconded by Councilman District 5 Ward.

Voting Yea:

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

Meeting adjourned at 10:02 p.m.

These minutes were approved on October 11, 2021.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary



CITY COUNCIL SUPPLEMENTAL AGENDA

Monday, September 20, 2021 at 6:30 PM

Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas

MINUTES

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

- Consider approval of a one-year subscription to the Buxton Economic Development Platform with Match and Mobilytics for a cost of \$35,000 and authorize the City manager to execute the agreement subject to approval of the City Attorney and take any action deemed necessary. Presenter is Jessica Carpenter**

Development Services Director Carpenter introduced Council to a Power Point presentation for the Buxton Economic Development Platform with Match and Mobilytics.

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 a one-year subscription to the Buxton Economic Development Platform with Match and Mobilytics for a cost of \$35,000 and authorizes the City manager to execute the agreement, subject to approval of the City Attorney.

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

Seconded by Councilman District 3 Tippit

Voting Yea:

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

- Consider request of Calhoun High School Class of 2023 for the use of the Bayfront Peninsula Park on Saturday, December 11, 2021 for a fundraising event with additional request to waive any fees associated with the event and taken any action deemed necessary. Presenter is Tania French**

Tania French presented this request for the Calhoun High School Class of 2023 for the use of the Bayfront Peninsula Park on Saturday, December 11, 2021 for a fundraising event with additional request to waive any fees associated with the event.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with recommendation of staff, Council hereby approves request of the Calhoun High School Class of 2023 for the use of the Bayfront Peninsula Park on Saturday, December 11, 2021 for a fundraising event and waives any fees associated with the event.

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

Seconded by Councilman District 1 Smith

Voting Yea:

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

These minutes were approved on October 11, 2021.

ATTEST:

Jack Whitlow, Mayor

Mandy Grant, City Secretary

COMMUNICATION

SUBJECT: Minutes of September 27, 2021 Special Meeting and Workshop Session

INFORMATION:



CITY COUNCIL SPECIAL/WORKSHOP MEETING

Monday, September 27, 2021 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 27th day of September, 2021, the City Council of the City of Port Lavaca, Texas, convened in a special and workshop session at 5:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following members in attendance:

I. ROLL CALL

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

And with the following absent:

Ken Barr	Councilman, District 6
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Constituting a quorum for the transaction of business, at which time the following business was transacted:

CITY COUNCIL SPECIAL MEETING

II. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 5:35 P.M. and presided with the following announcement:

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

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

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

1. Consider award of a construction contract to vendor, Lester Contracting, for site subgrade preparation for the New Skatepark project. Presenter is Jody Weaver

Interim City Manager Weaver reminded Council that the city had contracted with SPA Skatepark for \$270,000.00 to construct a Skate Park at Wilson Park. She said the \$270,000.00 contract was based upon an assumption of 12" of select fill below the concrete slab. She said the city contracted with TSI Laboratories to perform soils testing and provide a geotechnical report and recommendations. The soils turned out to be extremely expansive with a 4" potential vertical rise (PVR). To avoid significant structural cracking, the PVR needs to be 1". In order to prepare the subgrade to meet this PVR and bring back to the existing ground elevation, a couple alternates were considered, but the less expensive of the two was to cut 4 ft, lime stabilize 24" of subgrade and fill back the excavation with 4 ft of select fill. Clearly this was beyond the initial design assumptions. SPA Skatepark's scope of 12" of select fill throughout the footprint is generally equivalent to the select fill required above the existing grade, being 0" in some places, and 2 ft and 3 ft in other places.

With SPA Skatepark's help bids were solicited for this subgrade prep work. The low bidder was local Lester Contracting, Inc. for \$49,512.00.

Weaver reminded Council there is \$190,000.00 budgeted for additional improvements to compliment the skate park, including sidewalks, lighting, etc. The Parks Board had talked about considering reducing the footprint of the skatepark before paying for additional subgrade preparation out of this fund; however, with an estimated cost of just \$13,000.00 to perform the 12" thickness in the SPA Skatepark contract, a reduction of the footprint is not going to save the city much and would sacrifice quality of the park. Weaver would not recommend moving forward with a concrete skatepark with less select fill than has been recommended by the Geotechnical Engineer.

With the expenditure of \$49,512.00, that leaves \$140,000.00 for other improvements. Note that solar lights cost approximately \$5,000.00 each, and sidewalks are \$50.00 per Linear Foot. Weaver recommended the construction contract be awarded to Lester Contracting, Inc. in the amount of \$49,512.60 for the subgrade preparation for the new Skate Park.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with the recommendation of staff, Council hereby approves awarding a construction contract to Lester Contracting, Inc. for site subgrade preparation for the New Skatepark project, in the amount of \$49,512.60.

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

Seconded by Councilman District 1 Smith

Voting Yea

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

2. Consider award of the construction bid to vendor, Staff Concrete Construction, for the City Harbor Upper Dock Repairs. Presenter is Jody Weaver

Interim City Manager Weaver advised Council the final Hurricane Harvey damage eligible for FEMA reimbursement is the repairs needed to the Upper Dock at City Harbor. She said the eligible scope is limited to an area of the upper dock which is 142 ft long x 20 ft wide x 5" thick or 1183 CF. She said because staff wanted to include construction of an ADA ramp for pedestrian access to the upper dock from Fulton Street, the flatwork concrete at the upper dock is less at 128 ft long, but we are constructing a 6" thickness instead of 5". The actual width is 17.3 ft which all equals 1107 cf which is less than 1183 cf, so all of this upper flat work should be reimbursed.

Staff recently advertised for bids and received only one bid on September 7, 2021 from Staff Concrete Construction. Weaver said that based upon her calculations, she anticipates that the city should receive \$39,505.00 in reimbursement from FEMA, which leaves \$152,400.00 to complete the scope of the Base Bid. She did confirm with FEMA that our procurement met all requirements, so there is no issue in the fact that we received only one bid. In the Economic Development Capital Improvement Plan for 2021-2022 fiscal year, staff has \$150,000.00 budgeted for this project.

Weaver said that with the construction of the ADA ramp, pedestrian access to the upper dock from Fulton Street will be safer. She said the city should consider the installation of a handrail for public safety. Alternate Bid No. 1 is to install an aluminum handrail similar to that installed along the recently completed bulkhead/walkway near Scully's restaurant. She said all these improvements are pieces of the overall goal of a walking path which will go ultimately from the Bayfront Park, around or through Clement Cove wetlands, around Scully's and City Harbor to Broadway Street. In addition, long range plans are to potentially utilize this area for markets days, small festivals with food trucks etc. Electrical conduit for future electrical outlets has been incorporated into the design.

Weaver said that in order to award the Base Bid and the Alternate handrail, staff will require \$103,650.00 of General Fund Reserves above what has already been budgeted (assuming FEMA reimbursement as anticipated). Recall that the adopted 2021-2022 fiscal year budget shows over \$4M still available for Capital Improvement projects after required reserves and already budgeted items. Staff recommends awarding a construction contract to Staff Concrete Construction in the amount of \$293,155.50 for the Upper Dock repairs.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with the recommendation of staff, Council hereby approves awarding the construction bid to Staff Concrete Construction, for the City Harbor Upper Dock Repairs, in the amount of \$293,155.50.

BE IT ALSO RESOLVED, that the City Manager is instructed to solicit bids to demolish the old City Freezer Plant.

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

Seconded by Councilman District 2 Dent

Voting Yea

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

3. **Consider Resolution No. R-092721-1 for the City of Port Lavaca to renew the application with the Texas Department of Housing and Community Affairs (TDHCA) to continue participation in the HOME Investment Partnerships Program, Homeowner Reconstruction Assistance Program. Presenter is Jessica Carpenter**

Motion made by Councilman District 1 Smith

WHEREAS, the Texas Department of Housing and Community Affairs (TDHCA) has notified the public of a funding availability to benefit low-income residents of the State of Texas communities through the Texas HOME Investment Partnerships Program; and

WHEREAS, the City of Port Lavaca has identified significant housing needs, particularly for the reconstruction of owner-occupied housing; and

WHEREAS, the City of Port Lavaca wishes to assist low-income homeowners with safe, decent, sanitary and affordable housing, and at the same time enhance the health, economic, and aesthetic quality of the community:

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

ONE, the City of Port Lavaca, acknowledges and approves that an application be completed and submitted to the TDHCA to participate in the HOME Investment Partnerships Program, Homeowner Reconstruction Assistance Program.

TWO, the City of Port Lavaca will utilize general funds in the amount of \$40,000 as cash reserve to utilize during the agreement term for eligible program costs before reimbursements are received from the State of Texas HOME Program.

THREE, HOME Program Match, if applicable, will be provided in accordance with 10 TAC 23 in the amount of Fourteen Thousand Three Hundred dollars (\$14,300.) or Eleven percent (11%) of project hard costs, whichever is less, per household assisted through the Texas HOME Program, in the form of waived fees, cash, leverage, and other forms of eligible match.

FOUR, the City of Port Lavaca designates JoAnna P. Weaver, City Manager, as the person authorized to represent the City of Port Lavaca in all matters related to the HOME Program and, with signature authority to sign all forms and documents related to the administration of the HOME Program, including loan documents, grant agreements and the Reservation System Participation Agreement and/or Contract, unless otherwise stated.

Seconded by Councilman District 5 Ward

Voting Yea

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

V. ADJOURN SPECIAL MEETING

Mayor asked for motion to adjourn.

Motion made by Councilman District 5 Ward

Seconded by Councilman District 3 Tippit

Voting Yea

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

Special Meeting adjourned at 6:04 p.m.

CITY COUNCIL WORKSHOP

VI. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 6:04 P.M. and presided with the following announcement:

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

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

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

1. Discuss and Review presentation of prioritization of a list of Sub-Standard Buildings for demolition. Presenter is Jessica Carpenter

Council discussed this workshop item only. Move forward with 624 Mulberry Street property.

No action was taken.

2. **Discuss and Review presentation of New “AMI” Water Meter System. Presenter is Wayne Shaffer**

Council discussed this workshop item only. Received presentation by Ferguson Waterworks representatives Mr. Zeb Wright, BDM – Meters – Central Region and Mr. Barry Ferguson, AMR/AMI Specialist.

No action was taken.

IX. ADJOURN WORKSHOP

Mayor asked for motion to adjourn.

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

Seconded by Councilman District 5 Ward

Voting Yea

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

Workshop adjourned at 7:00 p.m.

These minutes were approved on October 11, 2021.

Jack Whitlow, Mayor

Mandy Grant, City Secretary



CITY COUNCIL SUPPLEMENTAL AGENDA

Monday, September 27, 2021 at 5:30 PM

Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas:

MINUTES

- I. **ACTION ITEMS** - Council will consider/discuss the following items and take any action deemed necessary
1. **Consider request of Our Lady of the Gulf Catholic Church for a parade permit and traffic control assistance for the “Marian Rosary” procession parade on Sunday, October 10, 2021 beginning at 5:00 p.m. and waiver of any fees associated with the event. Presenter is Colin Rangnow**

Motion made by Councilman District 5 Ward

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

THAT, in accordance with the recommendation of staff, Council hereby approves the request of Our Lady of the Gulf Catholic Church (OLG) to host a walking procession, for the “Marian Rosary”, on Sunday, October 10, 2020 beginning at 5:00 p.m., assistance with traffic control and also waive all fees associated with this event.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea

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

These minutes were approved on October 11, 2021.

Jack Whitlow, Mayor

Mandy Grant, City Secretary

COMMUNICATION

SUBJECT: Payment of Invoices Exceeding \$1,500

INFORMATION:

VENDOR/INVOICE #	POST DT	CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-104011 ABSHER CONSTRUCTION					
INV APP 1	8/23/2021 9/1/2021	9/2/2021 58155	CONSTRUCTION OF MENS RESTROOM	CITY HALL	\$45,401.82
01-102300 AEP - TEXAS					
INV 80304573	8/20/2021 9/1/2021	9/2/2021 58156	LED LIGHTS UPGRADE	STREETS	\$3,032.92
01-103862 ALL PUMP & EQUIPMENT CO.					
INV 8012675	8/20/2021 9/29/2021	9/30/2021 58355	LABOR TO REMOVE MOTOR	WWTP	\$5,000.00
01-101109 ANDERSON MACHINERY CO.					
INV Z09610	8/23/2021 9/29/2021	9/30/2021 58358	EXCAVATOR RENTAL	STREETS	\$10,020.73
01-101855 THIRKETTLE CORPORATION					
INV INV0084185	8/24/2021 9/29/2021	9/30/2021 58360	ANNUAL CONTRACT & MAINTENANCE	UTILITY MAINTENENCE	\$18,765.32
INV INV0084228	8/26/2021 9/15/2021	9/16/2021 58245	WATER METERS	UTILITY MAINTENENCE	\$3,816.95
INV INV0084533	9/20/2021 9/29/2021	9/30/2021 58360	WATER METERS	UTILITY MAINTENENCE	\$2,912.86

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-102265 BIO-AQUATIC TESTING, INC.					
INV 00059238	9/15/2021 9/29/2021	9/30/2021 58363	TESTING SERVICES	WWTP	\$1,610.00
01-104014 MUNGIA, FELIX					
INV 2431	9/17/2021 9/29/2021	9/30/2021 58364	FIRE TRUCK REPAIRS	FIRE DEPARTMENT	\$4,347.78
01-104016 BUXTON COMPANY					
INV 053026	9/23/2021 10/13/2021	9/30/2021 58442	TECHNOLOGY PACKAGE CONTRACTED SERVICES	ECONOMIC DEVELOPMENT	\$35,000.00
01-100096 CAL CNTY APPRAISAL DISTRICT					
INV 2021-4	8/18/2021 9/1/2021	9/2/2021 58161	4TH QTR CCAD FEES	NON DEPARTMENTAL	\$21,786.27
01-101569 CALHOUN COUNTY YMCA					
INV 08/2021	9/20/2021 9/29/2021	9/30/2021 58365	MEMBERSHIP DUES AUGUST 2021	ALL DEPARTMENTS	\$1,792.00
01-102565 CARD SERVICE CENTER					
INV 0305/082021	9/7/2021 9/15/2021	9/16/2021 115	CREDIT CARD CHARGES	ALL DEPARTMENTS	\$1,654.44

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-101233 CIVILCORP, LLC					
INV 160581	8/24/2021 9/15/2021	9/16/2021 58253	ENGINEERING- EZZELL ST 2020-2021 CIP	STREETS	5,600.00
INV 160582	8/24/2021 9/15/2021	9/16/2021 58254	ENGINEERING - EAST GEORGE ST 2020-2021 CIP	STREETS	31,375.00
01-101609 COASTAL OFFICE PRODUCTS					
INV OE-QT-18344-1	8/27/2021 9/1/2021	9/2/2021 58166	DISINFECTANT SPRAYER	POLICE DEPARTMENT	1,903.79
01-100110 COASTAL REFRIGERATION					
INV 5114900	9/20/2021 9/29/2021	9/30/2021 58371	BLOWER BELTS	BAUER COMMUNITY CENTER	2,150.85
01-100129 CORE & MAIN LP					
INV P393987	9/17/2021 9/29/2021	9/30/2021 58372	3/4 STRAIGHT CURBSTOP	UTILITY MAINTENANCE	3,234.00
01-102609 DATAPROSE, LLC					
INV DP2103133	8/31/2021 9/15/2021	9/16/2021 58258	UTILITY BILLING AUGUST 2021	UTILITY BILLING	2,592.45

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-102555 DIAMOND K SERVICES, INC.					
INV 5415	9/14/2021 9/15/2021	9/16/2021 58261	MAINTENANCE TO HELENA RAIL	PORT REVENUE FUND	18,298.00
01-101145 DOOLEY TACKABERRY, INC.					
INV 1093458	9/22/2021 9/29/2021	9/30/2021 58379	RESCUE UNIFORMS	FIRE DEPARTMENT	8,340.70
01-100728 FERGUSON ENTERPRISES, INC.					
INV 9680184	8/27/2021 8/29/2021	9/30/2021 58382	WATER & SEWER MAIN PARTS	UTILITY MAINTENANCE	10,337.89
INV 9680184-1	9/2/2021 9/29/2021	9/30/2021 58382	WATER & SEWER MAIN PARTS	UTILITY MAINTENANCE	3,869.45
01-100154 FIRESTONE OF PORT LAVACA					
INV 0074904	8/24/2021 9/15/2021	9/16/2021 58266	REPAIRS TO UNIT #3200	POLICE DEPARTMENT	1,683.25
01-102882 FRONTIER SOUTHWEST INC					
INV 18830907065/092021	9/10/2021 9/29/2021	9/30/2021 58385	PHONE CHARGES SEPTEMBER 2021	ALL DEPARTMENTS	2,261.56

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-102490 U.S. BANK NATIONAL ASSOCIATION					
INV 08/2021	8/24/2021 9/1/2021	9/2/2021 58181	FUEL AUGUST 2021	ALL DEPARTMENTS	7,210.84
INV 09/2021	9/27/2021 9/29/2021	9/30/2021 58386	FUEL SEPTEMBER 2021	ALL DEPARTMENTS	7,205.51
01-100174 G & W ENGINEERS, INC.					
INV 9101.205-08-21	8/31/2021 9/15/2021	9/16/2021 58268	LIGHTHOUSE BEACH RV PARK ELECTRICTY REPAIR	LIGHTHOUSE BEACH	7,000.00
01-102645 GEXA ENERGY, LP					
INV 32757902-4	8/25/2021 9/1/2021	9/2/2021 58183	ELECTRICITY SERVICES AUGUST 2021	ALL DEPARTMENTS	26,646.21
01-100170 GT DISTRIBUTORS, INC.					
INV ATX0274312	1/28/2021 9/1/2021	9/2/2021 58235	RIFLES AND SIGHTS	POLICE DEPARTMENT	11,088.00
01-100186 GUADALUPE BLANCO RIVER					
INV SI013174	9/8/2021 9/15/2021	9/16/2021 58272	WATER PURCHASED AUGUST 2021	NON-DEPARTMENTAL	100,196.06

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-100187 GUADALUPE BLANCO RIVER					
INV SI013146	9/7/2021 9/15/2021	9/16/2021 58273	STORED WATER IN CANYON LAKE	NON-DEPARTMENTAL	35,168.00
01-100203 HAHN EQUIPMENT CO INC.					
INV 110393	9/23/2021 9/29/2021	9/30/2021 58392	REPAIRS TO PUMP ON MAIN	WWTP DEPARTMENT	19,256.29
01-101839 HARRISON,WALDROP					
INV 82784	8/31/2021 9/15/2021	9/16/2021 58278	AUDIT FEES	NON-DEPARTMENTAL	5,000.00
01-103972 HIGHWAY 84 ENTERTAINMENT					
INV 202108309639	8/30/2021 9/1/2021	9/2/2021 58188	FLIP FLOP FESTIVAL 2021	HOTEL OCCUPANCY TAX	1,500.00
INV 202108309640	8/30/2021 9/1/2021	9/2/2021 58188	FLIP FLOP FESTIVAL 2021 TAYLOR BAND	HOTEL OCCUPANCY TAX	2,150.00
01-103865 HR GREEN INC.					
INV 146730	9/21/2021 9/29/2021	9/30/2021 58393	AWIA RISK ASSESSMENT	UTILITY MAINTENANCE	2,280.25

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-104003 IMPACT PROMOTIONAL SERVICE					
INV INV15082	9/16/2021 9/29/2021	9/30/2021 58394	PATROL UNIFORMS	POLICE DEPARTMENT	2,306.68
01-103973 KOROL, BORIS					
INV 202108309646	8/30/2021 9/1/2021	9/2/2021 58191	FLIP FLOP FESTIVAL 2021 - BAND	HOTEL OCCUPANCY TAX	2,500.00
01-100253 KRAFTSMAN, LP					
INV 37307	8/26/2021 9/1/2021	9/2/2021 58192	REPLACEMENT PARTS FOR BEACH PLAYScape	LIGHTHOUSE BEACH	7,054.83
INV 37308	8/26/2021 9/1/2021	9/2/2021 58192	REPLACEMENT SLIDES	LIGHTHOUSE BEACH	11,624.88
01-101909 LEADS ONLINE					
INV 320516	8/15/2021 9/1/2021	9/2/2021 58194	YEARLY ONLINE RENEWAL 21-22	POLICE DEPARTMENT	1,718.00
01-100260 LESTER CONTRACTING, INC.					
INV 2114801	8/31/2021 9/29/2021	9/30/2021 58441	EZZEL STREET RECONSTRUCTION	STREETS	9,987.47

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-102904 JESSE JAMES LLC					
INV 1748	9/7/2021 9/15/2021	9/16/2021 58283	IT SERVICES 9/7/21-10/6/21	TECHNOLOGY (POLICE DEPARTMENT)	1,810.00
INV 1751	9/17/2021 9/29/2021	9/30/2021 58400	IT SERVICES 9/17/21-10/16/21	TECHNOLOGY (ALL DEPARTMENTS)	2,500.00
01-103842 LYNN ENGINEERING					
INV 35484	8/5/2021 9/1/2021	9/2/2021 58196	ENGINEERING SERVICES BRACE/REROOF TRAIN DEPOT	PARKS & RECREATION	7,000.00
01-102016 MARVELOUS GARDENS INC.					
INV 5977	8/15/2021 9/15/2021	9/16/2021 58285	MOWING ON HWY MEDIAN	STREETS	4,996.66
INV 6179	9/15/2021 9/15/2021	9/16/2021 58285	MOWING ON HWY MEDIAN	STREETS	4,996.66
01-100267 MCCREARY, VESELKA					
INV 08/2021	9/16/2021 9/29/2021	9/30/2021 58404	COLLECTION DELINQUENT TAX FEES	NON DEPARTMENTAL	6,850.85
01-100661 MERCER CONSTRUCTION COMPANY					
INV 04421	8/16/2021 9/1/2021	9/2/2021 58199	REPAIR LEAK ON WATER MAIN	UTILITY MAINTENANCE	52,316.14

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-101697 METRO FIRE APPARATUS					
INV 175425-1	8/24/2021 9/1/2021	9/2/2021 58200	LIGHTS & EQUIPMENT	FIRE DEPARTMENT	1,996.20
01-103218 MIDCOAST PETROLEUM, LLC.					
INV 08198	8/13/2021 9/1/2021	9/2/2021 58201	FUEL	UTILITY MAINTENANCE	4,372.48
01-1 MISCELLANEOUS					
INV 202109249670	9/24/2021 9/29/2021	9/30/2021 58402	MARRIOT MARQUIS HOUSTON TML CONFERENCE 2021	NON- DEPARTMENTAL	8,484.84
01-101682 MOTOROLA SOLUTIONS, INC					
INV 8281219856	7/31/2021 9/1/2021	9/2/2021 58202	FIRE TRUCK RADIOS	FIRE DEPARTMENT	4,428.65
01-103897 MUELLER, INC.					
INV 6382347	6/2/2021 9/29/2021	9/30/2021 58408	ROOFING MATERIAL	LIGHTHOUSE BEACH	2,283.73
01-103883 NEWLINE SKATEPARKS FL, INC.					
INV 075	8/25/2021 9/1/2021	9/2/2021 58204	ENGINEERING- SKATE PARK	PARKS & RECREATION	2,500.00
INV 087	8/25/2021 9/29/2021	9/30/2021 58411	ENGINEERING- SKATE PARK	PARKS & RECREATION	2,500.00

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-103883 NEWLINE SKATEPARKS FL, INC.					
INV 472	5/24/2021 9/15/2021	9/16/2021 58294	ENGINEERING- SKATE PARK	PARKS & RECREATION	4,000.00
01-100853 NFPA					
INV 7991627X	7/2/2021 9/1/2021	9/2/2021 58205	2021 MEMBERSHIP FEE	FIRE DEPARTMENT	1,520.50
01-102337 MICKEY D CARSON					
INV 0820211	9/21/2021 9/29/2021	9/30/2021 58412	POLYMER	WWTP	1,593.00
01-100980 ODESSA PUMPS & EQUIPMENT					
INV 669984	8/31/2021 9/29/2021	9/30/2021 58414	REPAIR SEAL	WWTP	2,443.12
INV 670789	9/14/2021 9/29/2021	9/30/2021 58414	EQUIPMENT RENTAL	WWTP	1,875.00
01-103938 P&W TREE TRIMMING					
INV INV0119	8/23/2021 9/1/2021	9/2/2021 58208	REMOVE BRUSH & BULK	NON DEPARTMENTAL	3,400.00
INV INV0120	9/13/2021 9/15/2021	9/16/2021 58295	HAUL BRUSH & BULK	NON DEPARTMENTAL	2,550.00

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-103938 P&W TREE TRIMMING					
INV INV0122	9/22/2021 9/29/2021	9/30/2021 58415	REMOVE BRUSH & BULK	NON DEPARTMENTAL	2,125.00
INV INV0123	9/24/2021 9/29/2021	9/30/2021 58415	HAUL BRUSH & BULK	NON DEPARTMENTAL	3,400.00
INV INV0126	9/28/2021 9/29/2021	9/30/2021 58415	RETRIMMING OF PALM TREES	STREETS	10,944.00
01-103847 ENVIRONMENTAL SCIENCE CORP					
INV 1402749-S	8/31/2021 9/15/2021	9/16/2021 58296	CHEMICALS	WWTP	1,515.00
01-100335 PORT LAVACA, CITY OF					
INV 08/2021	8/21/2021 9/1/2021	9/2/2021 58210	WATER/SEWER AUGUST 2021	ALL DEPARTMENTS	10,511.86
INV 09/2021	9/21/2021 9/29/2021	9/30/2021 58419	WATER/SEWER SEPTEMBER 2021	ALL DEPARTMENTS	7,670.28
01-103984 PREMIUM PUMPS & CONTROLS					
INV 1621	8/30/2021 9/29/2021	9/30/2021 58421	4" SELF-PRIMING PUMP	WWTP	7,586.00

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-103984 PREMIUM PUMPS & CONTROLS					
INV 1632	9/7/2021 9/29/2021	9/30/2021 58421	LABOR TO INSTALL 4" PUMPS	WWTP	3,740.00
INV 1633	9/7/2021 9/29/2021	9/30/2021 58421	INSTALL MOTOR & WELD PIPE	WWTP	2,392.00
01-103002 REICHERT, MARTY RAY					
INV 202108309645	8/30/2021 9/1/2021	9/2/2021 58213	SOUND & LIGHTS	HOTEL OCCUPANCY TAX	3,000.00
01-102309 REPUBLIC SERVICES #847					
INV 0847-001167943	8/31/2021 9/15/2021	9/16/2021 58301	DISPOSAL RECYCLING CONTAINERS	NON DEPARTMENTAL	6,050.04
INV 0847-001169072	9/8/2021 9/15/2021	9/16/2021 58302	GARBAGE COLLECTION	NON DEPARTMENTAL	52,527.45
01-100840 ROBERTS, ODEFY, WITTE					
INV 1608-000M/63	9/3/2021 9/15/2021	9/16/2021 58305	MISC LEGAL SERVICES FEBRUARY 2021-AUGUST 2021	NON DEPARTMENTAL	7,047.00
INV 1608-003M/91	9/3/2021 9/15/2021	9/16/2021 58305	MUNICIPAL COURT / AUGUST 2021	NON DEPARTMENTAL	2,333.40

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-100840 ROBERTS, ODEFY, WITTE					
INV 1608-004M/48	9/3/2021 9/15/2021	9/16/2021 58305	PORT COMMISSION FEBRUARY 2021-AUGUST 2021	NON DEPARTMENTAL	4,853.05
INV 1608-005M/58	9/3/2021 9/15/2021	9/16/2021 58305	COUNCIL MEETINGS FEBRUARY 2021 - AUGUST 2021	NON DEPARTMENTAL	11,025.00
INV 1608-034M/6	9/3/2021 9/15/2021	9/16/2021 58305	GBRA LEGAL SERVICES FEBRUARY 2021 - AUGUST 2021	NON DEPARTMENTAL	1,524.00
01-103898 RUSSELL MARINE LLC					
INV 12579	8/25/2021 9/29/2021	9/30/2021 124	CONSTRUCTION OF LHB FISHING PIER	LIGHTHOUSE BEACH	46,281.03
INV 12579-1	8/25/2021 9/29/2021	9/30/2021 124	CONSTRUCTION OF LHB FISHING PIER	LIGHTHOUSE BEACH	318,674.16
01-103937 STAFF CONCRETE CONSTRUCTION					
INV STA-021-46	9/21/2021 9/29/2021	9/30/2021 58424	BAUER DRIVE SIDEWALK CIP 2019-2020	STREETS	78,268.48
01-100419 TML - IEBP					
INV PPORTLA12109	8/23/2021 9/1/2021	9/2/2021 58221	HEALTH/DENTAL INSURANCE	ALL DEPARTMENTS	57,036.17

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-100419 TML - IEBP					
INV PPORTLA12110	9/23/2021 9/29/2021	9/30/2021 58428	HEALTH/DENTAL INSURANCE	ALL DEPARTMENTS	68,556.46
01-102793 TSI LABORATORIES, INC.					
INV 13281	7/12/2021 9/15/2021	9/16/2021 58315	GEOTECHINCAL SERVICES SKATEPARK	PARKS & RECREATION	2,350.00
01-100822 TYLER TECHNOLOGIES INC.					
INV 130-122632	9/1/2021 9/1/2021	9/2/2021 58223	SOFTWARE MAINTENANCE 2021-2022	TECHNOLOGY (POLICE DEPARTMENT)	2,440.62
INV 130-122792	9/1/2021 9/1/2021	9/2/2021 58223	ANNUAL MAINTENANCE 2021-2022	TECHNOLOGY (POLICE DEPARTMENT)	21,687.98
01-100445 TEXAS UNDERGROUND, INC.					
INV 0110305-IN	9/17/2021 9/29/2021	9/30/2021 58430	NOZZLES	UTILITY MAINTENANCE	2,520.00
01-102134 VICTORIA ENGINEERING					
INV 16622	7/1/2021 9/15/2021	9/16/2021 58317	ENGINEERING PROJECT LYNNHAVEN LIFT STATION	WWTP	3,580.74
INV 16644	8/5/2021 9/29/2021	9/30/2021 58433	ENGINEERING PROJECT LYNNHAVEN LIFT STATION	WWTP	3,382.38

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-100784 VICTORIA BUILDER SUPPLY					
INV INV-45929	8/6/2021 9/29/2021	9/30/2021 58437	DOORS, WINDOW AND GLASS	BAUER COMMUNITY CENTER	1,650.00
01-100182 W.W GRAINGER, INC.					
INV 9014228614	8/6/2021 9/1/2021	9/2/2021 58230	SUBMERSIBLE LEVEL TRANSMITTER	WWTP	1,815.09
01-103910 WP CONSTRUCTION					
INV 14	8/19/2021 9/1/2021	9/2/2021 58233	PARKS WAREHOUSE	NON DEPARTMENTAL	38,700.00

TOTAL INVOICES PAID OVER \$1500.00	\$1,416,286.07
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CITY OF Section VII. Item #E.

Account Number: XXXX XXXX XXXX 0305

Billing Questions:
800-367-7576Website:
www.cardaccount.netSend Billing Inquiries To:
Card Service Center, PO Box 569120, Dallas, TX 75356FIRST NATIONAL BANK IN PORT LAVACA Credit Card Account Statement
August 9, 2021 to September 7, 2021

SUMMARY OF ACCOUNT ACTIVITY

Previous Balance	\$11,305.26
- Payments	\$11,305.26
- Other Credits	\$962.70
+ Purchases	\$2,617.14
+ Cash Advances	\$0.00
+ Fees Charged	\$0.00
+ Interest Charged	\$0.00
= New Balance	\$1,654.44

Account Number XXXX XXXX XXXX 0305
 Credit Limit \$26,500.00
 Available Credit \$24,634.00
 Statement Closing Date September 7, 2021
 Days in Billing Cycle 30

PAYMENT INFORMATION

New Balance: \$1,654.44
 Minimum Payment Due: \$49.64
 Payment Due Date: October 2, 2021

TRANSACTIONS

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

Tran Date	Post Date	Reference Number	Transaction Description	Amount
08/23	08/23	F1127007B00CHGDDA	AUTOMATIC PAYMENT - THANK YOU	\$11,305.26-
			TOTAL XXXXXXXXXXXXX0305	\$11,305.26-
08/07	08/09	55432866W5SMAPMEQ	BUC-EE'S 12 PORT LAVACA TX	\$15.15
08/07	08/09	55309596WRQEGX7MJ	MURPHY7204ATWALMART PORT LAVACA TX	\$36.48
08/08	08/09	55432866X5SX15T5D	BUC-EE'S 12 PORT LAVACA TX	\$23.51
08/08	08/09	55309596XRQEGXD4L	MURPHY7204ATWALMART PORT LAVACA TX	\$42.06
			ERIC SALES	
			TOTAL XXXXXXXXXXXXX0776	\$117.20
08/22	08/24	55506297B11GWP12S	MOODY GARDENS HOTEL GALVESTON TX CREDIT	\$113.85-

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: \$1,654.44
 Minimum Payment Due: \$49.64
 Payment Due Date: October 2, 2021

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

11273390700003050000496400001654445



TRANSACTIONS (continued)

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

Tran Date	Post Date	Reference Number	Transaction Description	Amount
		CHECK-IN 08/22/21	FOLIO #0000046601	
08/22	08/24	55506297B11GWP124	MOODY GARDENS HOTEL GALVESTON TX CREDIT	\$113.85-
		CHECK-IN 08/22/21	FOLIO #0000046598	
08/19	08/22	55506297811GWNH37	MOODY GARDENS HOTEL 4096834000 TX	\$113.85
		CHECK-IN 08/22/21	FOLIO #00044963	
08/19	08/22	55506297811GWNJVM	MOODY GARDENS HOTEL 4096834000 TX	\$113.85
		CHECK-IN 08/22/21	FOLIO #00045144	
08/31	09/01	55436877L4DZ5M6FH	HILTON GARDEN INN NEW BRAUNFELS TX	\$108.48
		CHECK-IN 08/30/21	FOLIO #304672	
		JAVIER RAMOS		
		TOTAL XXXXXXXXXXXXX0867		\$108.48
08/28	08/30	15270217G002L5JY7	ADOBE INC 8008336687 CA	\$194.72
		WAYNE SHAFFER		
		TOTAL XXXXXXXXXXXXX1212		\$194.72
08/10	08/11	55429506YRTSR4VBE	PAYPAL *TCCA TCCA 4029357733 TX	\$150.00
08/26	08/27	05436847E8PKS48W0	WALMART GROCERY 800-966-6546 AR	\$129.74
		MANDY GRANT		
		TOTAL XXXXXXXXXXXXX1238		\$279.74
08/12	08/13	02305377100J1QGKD	USPS PO 4872200979 PORT LAVACA TX	\$4.10
08/14	08/15	5543286725SARRZ7D	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	\$265.00
08/23	08/23	55432867B2XF5FJY2	APPLE.COM/BILL 866-712-7753 CA	\$140.71
08/29	08/30	55432867H5S93GVK1	APPLE.COM/BILL 866-712-7753 CA	\$4.32
		JESSICA CARPENTER		
		TOTAL XXXXXXXXXXXXX1329		\$414.13
08/24	08/24	55432867Q2XB3NY40	TEXAS MUNICIPAL LEAGUE 512-231- CREDIT	\$245.00-
08/24	08/24	55432867Q2XB3NY48	TEXAS MUNICIPAL LEAGUE 512-231- CREDIT	\$245.00-
08/20	08/23	85230177AS66JPW8N	COUNTYGOVERNMENTRECORD 800-6462633 TX	\$2.00
08/27	08/29	02300967F8PLX46JV	GOVERNMENT FINANCE OFF CHICAGO IL	\$150.00
08/27	08/30	55207397G90ZEM043	TYLER TECHNOLOGIES, IN YARMOUTH ME	\$300.00
		SUSAN LANG		
		TOTAL XXXXXXXXXXXXX1345		\$38.00-
08/22	08/23	55131587A2M750EHN	MICROSOFT*MICROSOFT 36 MSBILL.INFO WA	\$108.24
		JOE REYES JR		
		TOTAL XXXXXXXXXXXXX0215		\$108.24
08/26	08/26	55432867E2XE4XT6Q	TEXAS MUNICIPAL LEAGUE 512-231- CREDIT	\$245.00-
08/12	08/13	554295070ML9W8360	EB CAREER SUICIDE SOC 8014137200 CA	\$50.00
08/13	08/15	5543286715S96D2WN	J2 *EFAX CORPORATE SVC 323-817-1155 CA	\$138.06
08/26	08/27	55432867E2XWTD5GF	AMZN MKTP US*2D2KZ4212 AMZN.COM/BILL WA	\$23.99
08/26	08/27	82711167E00049ED9	DOWNTOWN DEVEL CENTER MOUNTAIN LAKE NJ	\$45.45
08/30	08/31	55432867J5SLARJHW	UPS*BILLING CENTER 800-811-1648 GA	\$27.65
09/01	09/03	55207397M0078NVWJ	AUTHORIZE.NET SAN FRANCISCO CA	\$30.00
		JOANNA WEAVER		
		TOTAL XXXXXXXXXXXXX0249		\$70.15
08/12	08/15	855003971S66QZSPG	TRWA AUSTIN TX	\$85.00
08/16	08/17	5543286745V0GAV9L	AMAZON.COM*2D2K78PD0 AMZN.COM/BILL WA	\$51.27
08/17	08/17	5543286755V3V0V3X	AMZN MKTP US*2D20Y24O2 AMZN.COM/BILL WA	\$83.08
08/17	08/18	554887276BM0FHDPW	TX DEPT AG LICENSE 5124754701 TX	\$76.94
08/18	08/19	254573377000FMKNA	PREP BLAST 615-6893546 TN	\$43.50
08/31	09/01	55432867K5SVVSTG2	AMZN MKTP US*2550O5H10 AMZN.COM/BILL WA	\$59.99

Transactions continued on next page



CITY OF

Section VII. Item #E.

Account Number: XXXX XXXX XXXX 0305

TRANSACTIONS (continued)

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

Tran Date	Post Date	Reference Number	Transaction Description	Amount
CYNTHIA HEYSQUIERDO				
TOTAL XXXXXXXXXXXX0264				\$399.78

INTEREST CHARGE CALCULATION

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

Type of Balance	Annual Percentage Rate (APR)	Balance Subject to Interest Rate	Days in Billing Cycle	Interest Charge
Purchases	14.24% (v)	\$0.00	30	\$0.00
Cash Advances	14.24% (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.

COMMUNICATION

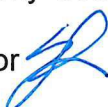
SUBJECT: Receive monthly Financial Highlight Report

INFORMATION:



CITY OF
PORT LAVACA

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

To: Mayor and Members of the City Council
From: Susan Lang, Finance Director 
Subject: FY 20-21 Financial Highlights through **September 30, 2021**
Date: October 5, 2021

Below are the following reports for the period ending **September 30, 2021**, or **100%** of the year:

The major highlights of the Report are as follows:

Property Tax collections as reported by CCAD - are **\$4,557,944** for the year as of August. Collections in FY20-21 are 97.4% of total adjusted tax levy. Total current year Property Taxes Outstanding as of August is **\$120,861**.

In the General Fund, revenues through **9/30/21** are **110%** of budget. In addition:

1. *Current Property Tax* collections - are **\$4,162,257** for the year as of September. Collections in FY20-21 are 105% of budget.
2. *Sales Tax* collections through September were **\$3,520,989** or 120% of budget. Collections through September in FY 19-20 were **\$3,287,441**.
3. *Licenses & Permits* collections are **\$163,485** for the year, or 138% of budget. Collections through September in FY 19-20 were **\$174,243**.
4. *Bauer Center Rentals* through September are **\$58,205** or 166% of budget. Collections through September in FY 19-20 were **\$33,195**.
5. *Court Fines* are **\$95,855** for the year, or 77% of budget. Collections through September in FY 19-20 were **\$76,758**.

Expenditures in the General Fund for the year are **88.5%** of budget.

In the Utility Fund, revenues as of **9/30/21** are **114% **** of budget. In addition:

1. *Metered Water* sales through September are **\$2,032,568 or 83%** of budget.
2. *Residential Sewer* sales through September are **1,036,845 or 86%** of budget.
3. *Garbage Billings* through September are **\$694,486 or 100%** of budget.

Adjusted expenditures in the Utility Fund for the year are **100%** of budget.

Summary – FY 2020-2021 through 9/30/21

<u>Fund</u>	<u>Revenues</u>	<u>% Budget</u>	<u>Expense</u>	<u>Reserve Xfer to CIP *</u>	<u>Adjusted Expense</u>	<u>% Budget</u>	<u>Revenues Less Expense</u>
General	\$10,302,750	110%	\$11,196,106	(2,410,000)	\$8,786,106	88.5%	\$1,516,644
Utility	\$6,799,784	114%	8,012,610	0	8,012,610	100%	(1,212,826)
HOT	\$431,588	86%	497,054	0	497,054	85%	(65,466)
Beach	\$511,331	88%	312,945	(15,000)	297,945	52.5%	213,386
Port	\$683,406	109%	1,421,597	0	1,421,597	76%	(738,191)
Total							(286,453)

*The City reserves flexibility to delay and/or cancel approved CIP projects, if necessary

** Received CLFRF Grant for COVID Relief



**Port Lavaca
PROPERTY TAX COLLECTION REPORT
August 31, 2021**

TAXES DUE AT CERTIFICATION 4,550,879.43

Adjustments to Date 94,239.16

TOTAL TAX LEVY 4,645,118.59

2020 Tax Collections

	Base	Penalties & Interest	Total
October	2,385,941.36	0.00	2,385,941.36
November	250,627.48	0.00	250,627.48
December	550,129.61	0.00	550,129.61
January	797,130.19	0.00	797,130.19
February	179,292.57	5,665.60	184,958.17
March	188,397.18	14,483.71	202,880.89
April	65,863.15	6,573.81	72,436.96
May	43,174.80	4,022.86	47,197.66
June	22,377.36	2,939.84	25,317.20
July (Delinquent as of July 1, 2021)			0.00
August			0.00
September			0.00

TOTAL 4,482,933.70 33,685.82 4,516,619.52

**Last Year %
Collected**

% Collected 97.40%

96.07%

TRANSFERRED TO DELINQUENT ROLL

July, Aug, and Sept Payments 41,324.06

2020 TAXES OUTSTANDING 120,860.83

% Current Outstanding 2.60%

DELINQUENT COLLECTIONS

	Base	Penalties & Interest	Total
October	14,649.34	6,979.64	21,628.98
November	36,432.40	8,654.61	45,087.01
December	7,670.46	2,534.35	10,204.81
January	10,684.73	4,067.54	14,752.27
February	2,857.19	860.16	3,717.35
March	7,356.81	2,593.32	9,950.13
April	7,792.68	2,917.66	10,710.34
May	7,153.07	2,417.96	9,571.03
June	2,332.38	1,021.52	3,353.90
July	4,659.62	2,081.32	6,740.94
August	5,732.63	2,487.04	8,219.67
September			0.00

TOTAL 107,321.31 36,615.12 143,936.43

DELINQUENT TAXES OUTSTANDING

314,059.27

TOTAL TAXES OUTSTANDING

434,920.10

[Signature]

COMMUNICATION

SUBJECT: Consider request of Our Lady of the Gulf Catholic Church for a parade permit and traffic control assistance for the “Christ the King” procession parade on Sunday, November 21, 2021 beginning at 5:00 p.m. and waiver of any fees associated with the event. Presenter is Colin Rangnow

INFORMATION:

Subject: OUR LADY OF THE GULF'S UPCOMING PROCESSIONS

From: "Mary Lupita Reyes" <m.reyes0707@yahoo.com>

Sent: 9/23/2021 11:56:54 AM

To: "mgrant@portlavaca.org" <mgrant@portlavaca.org>; "Chief Colin Rangnow" <crangnow@portlavaca.org>; "E. Salles" <esalles@portlavaca.org>;

CC: "Tommy Chen" <tommychen1002@hotmail.com>; "Fr. James Dvorak" <jamesdvorak28@gmail.com>; "Richard Barfield" <chrbarfield@gmail.com>; "Helen Morales" <helen@olgulf.org>; "Tim Dent" <tim@olgulf.org>;

Mandy, confirming our phone conversation this morning I am requesting the City's permission for two (2) upcoming processions for Our Lady of the Gulf. As we discussed the October 10th procession will be added to the agenda on the special meeting scheduled for Monday, September 27th. The November 21st procession will be added to the agenda for the City's meeting scheduled for October 11th.

- The Marian Rosary Procession is scheduled for Sunday, October 10, at 5:00 PM.
- The Christ the King Procession is schedule for Sunday, November 21, at 5:00 PM.

Both processions will start from the entrance of Our Lady of the Gulf Church. We will walk across the parking lot to Nueces St., take a right on S. Nueces St., walk two (2) block towards W. Live Oak St., turn right on W. Live Oak St., walk three (3) blocks towards S. Ann St., turn right on S. Ann, walk one (1) block and take a right on W. Leona St. and back to the Our Lady of the Gulf's parking lot. To ensure the safety of everyone participating, we would appreciate having a police escort for the procession both these Sundays.

Thank you for your consideration and permission for both these processions. If you have any questions or need something more formal please give me a call. Thanks again for your time.

Mary Lupita Reyes
361-482-9932

COMMUNICATION

SUBJECT: Consider request of Parkway Church (Port Lavaca Campus) for the use of the Bayfront Peninsula Park from 4:00 p.m. to 6:00 p.m. on Sunday, October 31, 2021 for a community event with additional request to waive any fees associated with this event. Presenter is Tania French

INFORMATION:

Subject: Agenda item request

From: "tania@somethingmoremedia.com" <tania@somethingmoremedia.com>

Sent: 10/5/2021 1:54:46 PM

To: "Mandy Grant" <mgrant@portlavaca.org>;

CC: "Lorena Perez-Diaz" <ldiaz@portlavaca.org>; "Jody Weaver" <jweaver@portlavaca.org>;

Hi everyone,

Could I please get the following on the next council agenda?

Consider request of Parkway Church (Port Lavaca Campus) for the use of the Bayfront Peninsula Park from 4 to 6 p.m. Sunday, Oct. 31, 2021 for a community event with additional request to waive any fees associated with the event.

I've cleared with Public Works that they don't have anything scheduled there that day.

Thanks!

Tania

COMMUNICATION

SUBJECT: Consider appointment/reappointment of two (2) members to the Recreation and Parks Board for new two-year terms commencing in October 2021. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

CC MEETING: **OCTOBER 11, 2020** **AGENDA ITEM #** _____

DATE: 10/6/2021

TO: HONORABLE JACK WHITLOW AND CITY COUNCIL MEMBERS

FROM: JOANNA WEAVER, INTERIM CITY MANAGER

SUBJECT: REAPPOINTMENT OF RECREATION AND PARKS BOARD
MEMBER

BACKGROUND:

The Recreation and Parks Board has two terms that have expired for Mac Sistrunk and Olga Szela. Both members have requested to be reappointed to the Recreation and Parks Board. There are no term limits established and the full term is for a period of two (2) years.

FINANCIAL IMPLICATIONS:

IMPACT ON COMMUNITY SUSTAINABILITY:

RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Letter of interest from board members for reappointment is attached.

October 6, 2021

Dear Members of City Council, City of Port Lavaca, TX:

As a longtime member of the Recreation and Parks Board (R&PB) and Board Chairman for the past several years, I am seeking reappointment to fill a vacancy on the board which would result from my expiring term.

I believe that the R&PB has made several significant contributions to Council in recommended actions and projects during the course of time in which I have served on the Board. As I am totally aware, the R&PB is purely an advisory board whose only authority lies in the credibility of recommendations presented to Council, which in turn has the actual power of approval and implementation.

I would like to continue serving on the Recreation and Parks Board. We have made significant progress in the development in the parks system at almost all of our city parks, especially at Bayfront Peninsula Park, Wilson Park, City Park and Lighthouse Beach. While continuing to work on these parks, the R&PB also will be looking at future projects at Butterfly and George Adams Parks. I want to be a part of that developmental effort.

With this letter, I am asking that I be reappointed for another two-year term.

Sincerely,

Mac Sistrunk

COMMUNICATION

SUBJECT: Consider Resolution No. 101121-1 to nominate candidates for the Board of Directors of the Calhoun County Appraisal District for a two-year term commencing January 1, 2022 and ending on December 31, 2023. Presenter is Jody Weaver

INFORMATION:

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



Board of Directors

William Swope, Chairman
William Bauer, Vice Chairman
Jessie Rodriguez, Secretary
Vern Lyssy, Board Member
Kevin Hill, Board Member

Section VIII. Item #4.

Chief Appraiser

Jesse W. Hubbell

September 20, 2021

Greetings to the County Judge, County Commissioners, President of the Board of Trustees and Superintendent of the Calhoun County Independent School District, Mayors, City Managers, City Secretaries and City Clerks of the Cities of Port Lavaca, Point Comfort and Seadrift:

It is time to nominate candidates for the Board of Directors of the Calhoun County Appraisal District for the next two-year term. The term begins January 1, 2022 and ends December 31, 2023. I have included with this letter a *calendar of events* for the **deadlines for action** on the part of each governing body, the calculation indicating the number of votes to which each taxing unit is entitled and a nomination form.

The first action you should take is to nominate candidates. **Nominations must be submitted to the chief appraiser no later than October 14, 2021.** You may nominate, **by resolution** adopted by your governing body, one candidate for each position. All five (5) positions are up for election. I will submit the official voting ballots with all the nominees to you no later than October 29, 2021.

Should you have any questions please do not hesitate to contact me.

Respectfully,

A handwritten signature in blue ink that reads "Jesse W. Hubbell".

Jesse W. Hubbell
Chief Appraiser

361-552-4560 x108

CALENDAR OF EVENTS

FOR THE ELECTION OF THE CALHOUN COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS (2022-2023 TERM):

DEADLINES FOR ACTION BY THE GOVERNING BODIES ARE IN RED

Before October 1, 2021:

Chief Appraiser will calculate and deliver to each taxing unit entitled to vote the number of votes to which each unit is entitled. The number of votes for each taxing unit entitled to vote is determined by the ratio of the individual taxing unit levy to the aggregate total levy of all taxing units entitled to vote.

No later than October 14, 2021:

The governing body may nominate candidates by resolution, but must send the results to the chief appraiser no later than October 14, 2021. You may nominate up to 5 candidates for the appraisal district board. You may email nomination to: jhubbell@calhouncad.org or maria@calhouncad.org

No later than October 29, 2021:

After receiving all timely submitted nominations the chief appraiser will prepare the ballot by listing the names of each candidate in alpha order and distribute the ballot to each taxing unit entitled to vote. (County, CCISD, City of Port Lavaca, City of Seadrift and City of Point Comfort)

No later than December 14, 2021:

The governing body shall determine its vote by resolution and submit it to the chief appraiser. Each taxing unit may cast all votes for one or distribute them to as many candidates as desired. It takes 834 votes to assure election to the board of directors.

No later than December 30, 2021:

The chief appraiser will count the votes, declare the 5 candidates receiving the largest cumulative vote totals as elected and submit the results to the governing body of each taxing unit in the District and to the candidates.

2021 VOTING ALLOCATION
CCAD BOARD OF DIRECTORS VOTING ALLOCATION FOR 2022-2023

Section VIII. Item #4.

Taxing Unit	2020 Tax Levy	TOTAL LEVY FOR ALL TAX UNITS ELIGIBLE TO VOTE	Tax Unit Levy vs Total Tax Levy	Multiplier Per Tax Code	Rounded to Nearest Whole Number	Number of Directors	Number of Votes for Each Tax Unit
CCISD	\$ 44,988,512	\$ 72,120,342	0.62379782	1000	624	5	3119
COUNTY	\$ 21,302,941	\$ 72,120,342	0.29538048	1000	295	5	1477
CITY OF PORT LAVACA	\$ 4,635,467	\$ 72,120,342	0.06427405	1000	64	5	321
CITY OF SEADRIFT	\$ 456,629	\$ 72,120,342	0.00633148	1000	6	5	32
CITY OF POINT COMFORT	\$ 736,793	\$ 72,120,342	0.01021617	1000	10	5	51
TOTAL	\$ 72,120,342		1		1000		5000

TO ASSURE ELECTION TO THE BOARD OF DIRECTORS ONE MUST RECEIVE 834 VOTES

VOTES MAY BE CAST FOR ONE NOMINEE OR SPLIT AMONG THE CANDIDATES.

COMPLETED BALLOTS MUST BE RETURNED TO THE CHIEF APPRAISER NO LATER THAN OCTOBER 14, 2019.

RESOLUTION NO. R-101121-1

A RESOLUTION OF THE CITY OF PORT LAVACA, TEXAS, FOR
THE NOMINATION OF CANDIDATES FOR THE BOARD OF
DIRECTORS OF THE CALHOUN COUNTY APPRAISAL
DISTRICT 2022-2023 TERM

WHEREAS, this is selection year for the Board of Directors of the Calhoun County Appraisal District; and

WHEREAS, the Board of Directors consists of five members who serve two-year terms, beginning January 1, 2022 through December 31, 2023; and

WHEREAS, the City of Port Lavaca, Texas is a taxing unit entitled to nominate candidates to the Calhoun County Appraisal District, if so desired.

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

THAT, the following individuals are nominated and submitted, as exhibited in the attached list, to Calhoun County Appraisal District for election to the Board of Directors of the Calhoun County Appraisal District Board of Directors.

PASSED AND APPROVED on this 11th day of October, 2021.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

OFFICIAL NOMINATIONS FOR THE CALHOUN COUNTY BOARD
OF DIRECTORS: 2022-2023 TERM

TAXING UNIT: CITY OF PORT LAVACA

NOMINEES

- 1.) _____
- 2.) _____
- 3.) _____
- 4.) _____
- 5.) _____

Current Board Members:

William Swope
William H. Bauer Jr.
Jessie Rodriguez
Kevin Hill
Vern Lyssy

COMMUNICATION

SUBJECT: Consider Resolution No. 101121-2 in connection with the San Antonio Water System's (SAWS) Bed and Banks Application No.13098. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA
RESOLUTION NO. R-101121-2

A resolution opposing the SAWS Bed & Banks Application 13098, calling for a contested case hearing regarding said application, requesting party status and authorizing Special Counsel to take all actions necessary to protect the interests of the City of Port Lavaca (City) and their citizens in this matter.

The City believes that it is important to have a healthy San Antonio Bay, however the San Antonio Water Systems' (SAWS) bed and banks application, filed on December 30, 2013 with the Texas Commission on Environmental Quality (TCEQ) will in reality make environmental flows less secure than at present and render our local economy and the San Antonio Bay defenseless during periods of drought.

The City recognizes that there is no legal basis for SAWS to claim ownership for any purpose to wastewater discharged from a wastewater treatment plants (WWTP). All surface water, that is all water that reaches the bed & banks of a waterbody, is real property of the State of Texas. It makes no difference when or how water reaches the river, whether it comes from rainfall, surface runoff, a sewer system, or groundwater springs. In every such case, water belongs to the state, as do the bed and banks of navigable streams.

Texas state never sells its water, rather it allows individuals and others to use its water in a manner that financially or otherwise benefits the state and does no harm to others. TCEQ manages state owned water on behalf of the state. TCEQ regulates historic water rights based on estimates of availability at a particular location, including estimates of the amount of water diverted and the amount thereof that will naturally return to the river.

SAWS falsely claims the right to dedicate 50,000 ac./ft to San Antonio Bay, allegedly to preserve instream flows in the river and the bay during periods of drought. Not true. The SAWS application will not benefit the environment as it adds no new source of water to what is already available to San Antonio Bay. The application will however subordinate the water rights of everyone downstream of San Antonio, and some of those water rights have been in use for over 100 years.

Water is used and reused many times from Kendall County down to Calhoun County along the Guadalupe and San Antonio River Basins. What SAWS is doing is in effect to cancel the senior water rights from Gonzales to Calhoun Counties to San Antonio Bay. Almost all the water in the Guadalupe River has its origin in the Edwards Aquifer, and much, if not most, of that water passes through the City of San Antonio at some point.

SAWS has revived this application in a manner that allows them to claim title to all water discharged from its wastewater facilities. SAWS takes this step to offset inordinate expenses now coming due for water derived from their Vista Ridge Project. This application is an assault on traditional concepts of water law that have served the State well since its inception, and the City faces serious potential of harm if this application is allowed to go forward.

The City now authorizes Special Counsel to take all actions necessary to protect the interests of the City of Port Lavaca (City) and their citizens in regard to SAWS Bed & Banks Application 13098, including the call for a contested case hearing, securing party status and representation at said hearing.

This resolution shall become effective immediately upon adoption.

PASSED, this the 11th day of October, 2021.

AYES:

NAYS:

ABSTENTIONS:

APPROVED AND ADOPTED, this 11th day of October, 2021.

Jack Whitlow, Mayor of the City of Port Lavaca, Texas

ATTEST:

APPROVED AS TO LEGAL FORM:

MANDY GRANT, City Secretary

ANNE MARIE ODEFY, City Attorney

Distribution: Legal Department
Public Works Department
Finance Department

Copies Sent: _____

COMMUNICATION

SUBJECT: Consider award of the construction bid for the Re-Roof of the Police Department Project. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

DATE: 9.22.2021

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: REROOF OF THE POLICE STATION

As you recall we have \$200,000 in the FY 2021-22 budget to reroof the Police Station. We recently advertised for competitive proposals and received two: Rain King and Rain Seal Master, both from Victoria.

Rain King submitted a proposal for \$197,400 and 90 days; fully complied with all bidding instructions

Rain Seal Master submitted a proposal for \$198,500 and 60 days; did not submit Qualifications 5 days in advance

The selection committee comprised of myself, Colin Rangnow, Susan Lang, Tim Dent and William Berger and Brian Parker of RMA.

The average scores from the committee are as follows:

	Maximum Points	RAIN KING	RAIN SEAL MASTER
Price of Proposal	50	50	49.6
Qualifications	25	25	15
Calendar Days	25	18	25
Total	100	93	89.5

The Selection Committee recommends awarding a contraction contract to Rain King in the amount of \$197,400.

COMMUNICATION

SUBJECT: Consider recommendation of the Port Commission to give written notice to T.W. LaQuay Marine, LLC that the City will terminate their lease of Tracts 3, 11 and 12 at the Harbor of Refuge at the end of the current lease term of December 31, 2021. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

DATE: 10.7.2021

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: **LaQuay Lease of Tracts 3, 11 and 12 at the Harbor of Refuge**

Linda LaQuay of T.W. LaQuay, LLC entered into two leases at the Harbor of Refuge on January 1, 2019. One lease was for Tract 3 and the other was for Tracts 11 and 12. Both leases have a term of 3 years and expire on December 31, 2021.

Both leases contain the following language:

“ Tenant shall have the right with ninety (90) days advance written notice to City to exercise one two (2) year option to extend this lease until December 30, 2023. City shall have the right with sixty (60) days advance written notice to tenant to terminate lease at the end of the current lease term. “

On August 5th, I received an email from Linda LaQuay (copied below) which doesn't explicitly request to extend the lease, but infers it by the statement “If this lease is not renewed ...”.

Linda LaQuay has a pattern of late payments and is currently 6 months behind on rent and owes over \$33,000 in rent and late fees.

The Port Commission is recommending that Council provide written notice to Linda LaQuay that these leases will be terminated at the end of the current lease term, being December 31, 2021, in accordance with and as provided for in the executed lease documents.

With a letter dated October 12, this provides 80 days for Ms. LaQuay to fully vacate the property, being greater than the minimum required 60 days.

Further, the Port Commission has authorized staff to prepare a bid package to offer these tracts of land for a new lease beginning on January 1, 2022, with a required minimum bid being the amount of the current rent rate. This bidding will establish the rental market rate for the tracts.

RECOMMENDATION: The Port Commission and staff recommend that Council authorize the City Manager to provide written notification to Linda LaQuay of T.W. LaQuay, LLC. that the current leases of Tract 3 and Tracts 11 and 12 will be terminated at the end of the current lease term being December 31, 2021, in accordance with and as provided for in the executed lease documents.

Below is the email from Linda LaQuay received on August 5, 2021. No payment has been received since this date.

To whom it may concern:

Thank you for giving T. W. LaQuay Marine, LLC. an opportunity to tell you what we are using the property at the Harbor of Refuge for, as well as our plans for the future.

We leased this property in 2020. When we acquired the lease, the property had been unused for a long time. The electrical that was located at the dock had been stripped and all the copper stolen out of the wiring. We spent over \$10,000.00 to have this repaired. We then undertook the cleanup of the area. The area was unmowed, and apparently had become a dumping facility for the entire area. We removed trailer loads of trash and garbage and hauled it to the dump at our expense. The entire peninsula area was impassable. It had years of scrap trees, and scrubs grown up. We cleared the area and shaped it to the best of our ability. We spoke several times to members

of the commission as well as the city, with our serious concern of the erosion that has taken place over on the bay side of this peninsula. This Harbor was constructed as a "safe harbor" in case of storms, or if this peninsula is ever breached the harbor will no longer be a shelter. We have offered to some of the city employees if they would bring their concrete rubble, or extra dirt, that we would, in exchange for some credit on our monthly lease, spread and place the materials on the bay side to try to help stabilize the remaining land. It appears from old maps we have, and have furnished to you, that you have lost half of this property. There was no access to the peninsula in the form of a road. There are no utilities there. What we have, and will use it for, is to do repairs to our equipment, and also to pull out dredge pipe, weld up dredge pipe, and repair lines as we need to.

Our Company expects to be operating for a very long time going forward. We are a home grown industry, and the third Company that our family has chosen to base in Calhoun County. We have been here creating jobs when other companies were not around. We are a Woman-Owned Hub Zone Contractor. We normally employ approximately 60 people, but each additional piece of equipment we acquire raises that number. We always hire locally. We contribute to the local economy in many ways, including but not limited to charities, purchasing locally when we can, we participate in the County Fair Auction and have been for many, many years, when these out of town companies, do not. We are a Dredging and Marine Construction Company. We must have a dock and water access. The lease of this dock is vital to our existence. We are the ONLY small, woman owned family Dredging Company located in the State of Texas. Our payroll normally injects over \$4,000,000.00 per year.

This has been a very hard 12-18 months, not just for us, but also for everyone else. We have had issues that other companies have not, but some have had worse than us. We expect going forward to be good things for us and our employees, as well as the City and the Port. We expect to have our lease paid up thru the end of the current year as soon as possible.

If this lease is not renewed, then our Company will be forced to move from Calhoun County, for the first time since 1940. There are not many family businesses that have stayed in this area for this long.

We have been good stewards of this property. We have had compliments from many who have remarked what a good job we have done cleaning up and maintaining. We believe we contribute greatly to the County and the City. We would certainly hate to have to leave.

I appreciate your time in looking at this information. I have photos of the areas before we leased and after we have been improving it if anyone would like to review. As I said, we are pleased to offer again to work with your employees to help address the erosion issue.

Yours truly,

T. W. LaQuay Marine, LLC.

Linda LaQuay

C.E.O.

COMMUNICATION

SUBJECT: Consider recommendation of the Port Commission to award the bid to replace nine (9) exterior doors at Nautical Landings Marina to Barefoot Construction. Presenter is Jody Weaver

INFORMATION:

CITY COUNCIL MEETING: October 11, 2021

TO: City Council

Cc: Jody Weaver, Interim City Manager

From: Jim Rudellat, Harbor Master 

Subject: Replace 9 exterior doors at Nautical Landings Building Marina

The Port Commission has a total of \$80,000 budgeted for a Facelift to the Building and replace doors. \$4,935.00 has been spent to date to contract with Mark Barefoot to replace one door to get a better picture of the construction involved to replace these doors.

Jim Rudellat ordered 3 doors and accompanying windows like the one Barefoot replaced for a cost of \$4,191.00. These doors were special ordered and there was an excessive lead time of twelve (12) plus weeks for delivery.

Additional cost for restoration of metal awing window frames \$4,335.00.

Remaining balance budget of \$66,359.00

I had asked Victor Fredericksen, P.E. to write a technical bid package for the 9 exterior doors.

On October 1, 2021, Three (3) bids were submitted

	GONZALES CONTRACTING INC	BAREFOOT CONSTRUCTION	CASTLE CREEK
BASE	\$38,985.00	\$36,740.00	\$39,850.00

Port Commission is requesting approval from City Council to award bid to Barefoot Construction for the replacement of the 9 exterior doors at Nautical Landings Building.

COMMUNICATION

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

INFORMATION:

- For consultation with City Attorney on matters in which the duty of the Attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act (Title 5, Chapter 551, Section 551.071(2) of the Texas Government Code). Presenter is Mayor Whitlow
- To discuss personnel matters in accordance with Title 5, Section 551.074 of the Texas Government Code (to discuss appointment, employment, evaluation, responsibilities and duties, reassignment, discipline or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee [City Manager]). Presenter is Mayor Whitlow

COMMUNICATION

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

INFORMATION:

