



CITY COUNCIL SPECIAL MEETING

Monday, September 16, 2024 at 5:30 PM
City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

PUBLIC NOTICE OF MEETING

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

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

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

AGENDA

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

MEETING PROCEDURE

Public notice is hereby given that the City Council of the City of Port Lavaca, Texas, will hold a special meeting Monday, September 16, 2024 beginning at 5:30 p.m., at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas to consider the following items of business:

[After publication, any information in a council packet is subject to change during the meeting]

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

Join Zoom Meeting:

<https://us02web.zoom.us/j/89757770704?pwd=K7gn5sKFg53h1C5oV13wmSMiMzu0lp.1>

Meeting ID: 897 5777 0704

Passcode: 844511

One Tap Mobile

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

Dial by your location

+1 346 248 7799 US (Houston)

I. ROLL CALL**II. CALL TO ORDER****III. COMMENTS FROM THE PUBLIC**

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

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

1. Conduct Public Hearing for update on properties previously declared substandard on September 11, 2023:
 - (a) 121 Massanet Street
2. Consider and take action on property previously declared substandard, following Public Hearings held on September 11, 2023 and September 16, 2024. Presenter is Derrick Smith
 - a) 121 Massanet Street
3. Conduct Public Hearing in accordance with the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, Section 12-291 - Notice (a) and (b), for the following properties listed:
 - (a) 423 S. Benavides Street
 - (b) 304 S. Juanita Street
 - (c) 1713 Palm
 - (d) 509 Bonorden Street
4. Consider and take action to declare property to be substandard and required action following declaration, following a Public Hearing held on September 16, 2024. Presenter is Derrick Smith
 - (a) 423 S. Benavides Street
 - (b) 304 S. Juanita Street
 - (c) 1713 Palm
 - (d) 509 Bonorden Street
5. Consider Second and Final reading of an Ordinance (S-2-24) approving the annual Budget for the City of Port Lavaca, Texas and adopting the budget document for the fiscal year October 01, 2024 thru September 30, 2025. Presenter is Jody Weaver
6. Consider Ratification of Property Tax increase reflected in the Budget. Presenter is Brittney Hogan
7. Consider Second and Final reading of an Ordinance (S-3-24) fixing the Tax Rate and Tax Levy for the City of Port Lavaca, Texas for the year 2024. Presenter is Jody Weaver
8. Consider Budget Amendment No. GF-002 for 2023-2024 Fiscal Year for Fire Department Personal Protective Equipment (PPE). Presenter is Brittney Hogan

- 9. Hear presentation from RBC Capitol Markets regarding the report on the valuation consideration and overview of the City’s Water and Wastewater Utility Systems; and consider the award of Commitment for Financial Assistance from the Texas Water Development Board (TWDB to fund the Wastewater Treatment Plant (WWTP) Expansion Project. Presenter is Jody Weaver

V. **ADJOURN SPECIAL MEETING**

VI. **CERTIFICATION OF POSTING NOTICE**

This is to certify that the above notice of a special meeting of the City Council of the City of Port Lavaca, scheduled for **Monday, September 16, 2024**, beginning at 5:30 p.m., was posted at city hall, easily accessible to the public, as of 5:00 p.m. **Wednesday, September 11, 2024**.

Mandy Grant, *City Secretary*

ADA NOTICE

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

COMMUNICATION

SUBJECT: Conduct Public Hearing for update on properties previously declared substandard on September 11, 2023:

INFORMATION:

(a) 121 Massanet Street

MAYOR AND COUNCIL COMMUNICATION

CITY COUNCIL MEETING: SEPTEMBER 16, 2024 - SPECIAL

SUBJECT: Conduct Public Hearing for update on properties previously declared substandard on September 11, 2023:

INFORMATION:

- (a) 121 Massanet Street

COMMUNICATION

SUBJECT: Consider and take action on property previously declared substandard, following Public Hearings held on September 11, 2023 and September 16, 2024. Presenter is Derrick Smith

INFORMATION:

- a) 121 Massanet Street

MAYOR AND COUNCIL COMMUNICATION

CITY COUNCIL MEETING: SEPTEMBER 16, 2024 - SPECIAL

SUBJECT: Consider and take action on property previously declared substandard, following Public Hearings held on September 11, 2023 and September 16, 2024. Presenter is Derrick Smith

INFORMATION:

- a) 121 Massanet Street

121 Massanet St.



9/10/24

121 Massanet St.

Item 2.



Correct all hazards				
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EXTERIOR PROPERTY AREAS (CONT)

	Yes	No	Condition/Type	Action	Quantity
605.1 Electrical equipment installation All equipment, wiring, appliances properly installed and safe 604.3 Electrical system hazards Correct all hazards			Unable to verify		

IPMC INSPECTION CHECKLIST

121 Massanet EXTERIOR PROPERTY AREAS

	Yes	No	Condition/Type	Action	Quantity
302.1 Sanitation Clean and free from rubbish and garbage	X				
302.2 Grading and Drainage Erosion of soil, ponding/stagnant water, water within structure	X				
302.3 Sidewalks and Driveways Proper repair, free from hazards (tripping, ice ponding)		X	Driveway Cracked and broken		
302.4 Weeds Noxious weeds, growth height		X			
302.5 Rodents Evidence of presence? Harborage? <input type="checkbox"/> Weeds <input type="checkbox"/> Rubbish <input type="checkbox"/> Garbage Inoperable cars	X		Rat and mouse droppings visible through window		
302.6 Exhaust vents Hazardous discharge/noise			Unable to verify		
302.7 Accessory structures Structurally sound/ good repair Structure type <input type="checkbox"/> Garage <input type="checkbox"/> Fence <input type="checkbox"/> Wall Other _____		X	Only foundation left		
302.7 Motor vehicles <input type="checkbox"/> Inoperable <input type="checkbox"/> Unlicensed		X			
302.8 Defacement of property Location _____	X		Spray Paint on Back wall		
303.1 Pools, Spas and Hot Tubs Clean, sanitary, in good repair		X			
303.1 Enclosure Depth of water > 24"? Barrier height at least 48"? Self latching gate?		X			
307.1 Accumulation of Rubbish/ Garbage Free of		X			
307.2 and 307.3 Disposal of Rubbish/Garbage Approved containers 307.2.1 With covers 307.3.1 Garbage facilities Approved grinder, incinerator or leak proof covered container		X	No Rubbish Cans		
507.1 Storm drainage No nuisance created	X				
604.1 Electrical facilities Required occupied dwelling unit is provided with three wire service of at least 60 amps in compliance with ICC Electrical Code	X				
604.3 Electrical systems hazards			Unable to Verify		

**IPMC INSPECTION CHECKLIST
EXTERIOR STRUCTURE**

	Yes	No	Condition	Action	Quantity
304.1 General Good repair, structurally sound, sanitary		X	Foundation Damage		
304.2 Protective treatment (Paint) Is it pre 1978? If yes, order risk assessment		X			
304.3 Premises identification (address numbers)	X				
304.4 Structural members Free from deterioration and capable of support		X	Obvious Fire Damage		
304.5 Foundation walls Plumb, free from cracks, no rodent entry		X	Cracks and damage		
304.6 Exterior walls Sound, weatherproof, coated Square feet _____		X	Fire Damage		
304.7 Roofs and Flashing	X				
304.7 Roof drainage Gutters, downspouts, drains		X	No Gutters or Downspouts		
304.8 Decorative features			N/A		
304.9 Overhand extensions Good repair, safe, anchored, coated					
304.10 Chimneys and Towers Safe, sound, good repair, coated			N/A		
304.13 Windows Sound, good repair, weather tight 303.13.1 Glazing free of cracks and holes 303.13.2 Openable and hold open hardware 304.14 Insect screens 304.18.2 Sash locking device within 6 feet of ground		X	Cracked and broken windows		
304.15 Doors Good condition, locks, security, egress (§702.3) 304.13 Door frames Sound, good repair, weather tight 304.18 Security 304.18.1 Egress		X	Hole in back Door		
304.16 Basement hatchways Prevents entrance of rodents, rain and drainage water 304.18.3 Security			N/A		
304.10 Stairways Structurally sound, good repair 304.12 Handrails and guardrails Firm, good condition 306.1 Handrails and guardrails With 4+risers			N/A		
304.10 Decks, Porches and Balconies Structurally sound, good repair 304.12 Handrails and guardrails Firm, good condition 306.1 Handrails and guardrails >30 inches in height			N/A		
304.17 Guards for basement windows Rodent shields			N/A		
506 Sanitary drainage All fixtures connected to approved disposal			N/A		

506.2 Properly maintained				
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EXTERIOR STRUCTURE (CONT)

	Yes	No	Condition/Type	Action	Quantity
604.1 Electrical facilities Required occupied dwelling unit is provided with three wire service of at least 60 amps in compliance with ICC Electrical Code	X				
604.3 Electrical system hazards Correct all hazards					
605.1 Electrical equipment installation All equipment, wiring, appliances properly installed and safe 604.3 Correct all hazards			Unable to verify		

IPMC INSPECTION CHECKLIST

FURNACE/WATER HEATER ROOM

	Yes	No	Condition/Type	Action	Quantity
604.3 Electrical system hazards Correct all hazards			Unable To Verify-		
605.1 Electrical equipment installation All equipment, wiring, appliances properly installed and safe			Unable To Verify		
604.3 Correct all hazards					
605.3 Lighting fixtures At least one present			Unable To Verify		
603.1 Mechanical appliances Properly installed, safe working condition, capable of performing as intended			Unable to Verify		
603.2 Fuel burners connected to approved chimney or vent					
603.3 Required clearance from combustibles is maintained					
603.4 Safety controls in effective operation					
603.5 Combustion air Is supplied for combustion of fuel and ventilation of space containing fuel burning equipment			Unable to Verify		
603.6 Energy conservation devices Attached to fuel supply or vent and are labeled and properly approved			Unable To Verify		
607.1 Duct systems Free of obstructions and capable of performing required functions			Unable to Verify		
703.1 Fire resistance-rated assemblies Shall be maintained			Unable to Verify		

Mayor Whitlow announced that the first public hearing was now closed at 6:56 p.m.

No action necessary and none taken.

- 2. **Consider finding that the following properties listed, located in the City of Port Lavaca, Texas, are in violation of the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, following a Public Hearing held on September 11, 2023. Presenter is Derrick Smith**

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 finds that the following properties listed, with the exception of (d) 1422 Holloman, located in the City of Port Lavaca, Texas, are in violation of the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, following a Public Hearing held on September 11, 2023:

- (a) 121 Massanet Dr. No property owners present
- (b) 616 W. Mahan Arthur Piña will refurbish.
- (c) 503 S. San Antonio Vera Archangel will refurbish.
- (d) 1422 Holloman Not Substandard (to be demolished)
- (e) 112 Massanet Joe Villarreal, owner & Oscar Padron will refurbish.
- (f) 615 S. Ann St. Kenneth Yates will refurbish.

Seconded by Councilman District 5 Ward

Voting Yea:

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

- 3. **Receive Budget Report from Undine, LLC for the Port Lavaca Water Treatment Plant for the 2023-2024 Fiscal Year pursuant to the Water Treatment Contract. Presenter is Jody Weaver**

Representatives were in attendance to address Council in presenting their Budget Report from Undine, LLC for the Port Lavaca Water Treatment Plant for the 2023-2024 Fiscal Year pursuant to the Water Treatment Contract. Representatives were Andy Thomas, Vance Tillman and Rich Melcher.

No action necessary and none taken.

No improvements Made to date.
Russell Cain is to attend Meeting on 9.16.24

121 Massanet

Russell Cain <rc@russellcain.com>

Mon 9/11/2023 1:35 PM

To:Joey Perez <jperez@portlavaca.org>

Would you please give us until Spring to take care of the subject property? I have boarded the house up and am keeping the yard mowed. Felipe Bonilla, the owner, is battling cancer and other health issues. Thank you for your consideration of this request.

Russell
361-920-6313

Russell Cain
Broker #163380
Russell Cain Real Estate
2025 N Highway 35
Port Lavaca, TX 77979
361-552-6313 (Office)
361-920-6313 (Cell)
361-552-1919 (Fax)
rc@russellcain.com

<http://www.trec.texas.gov/sites/default/files/pdf-forms/CN%201-2.pdf>

https://netorg11719973-my.sharepoint.com/:b:/g/personal/lisa_russellcain_com/EatYwsgBkShKhrHkLkINb08BwR5E0EwuvuTTSIzdtRQqVw?e=U3bGbF

Structure remains
but no change.
Russell Cain wanted
more time to
remodel home.
Unknown at this time
what status is.
1-24-24

SOUTH TEXAS FOUNDATION REPAIR

P.O. BOX 1241



Post-it® Notes - 3" x 4" - 25 Sheet

EDNA, TEXAS 77957

1-361-788-3303

Russell dropped
these off for
121 Massanett

4/2/2024

MR RUSSELL CAIN

RE: FOUNDATION INSPECTION AT 121 MASSANET ST PORT LAVACA TEXAS 77979

DEAR MR CAIN

Thank you for allowing South Texas Foundation Repair the opportunity to make a bid on the foundation repairs on the house located at 121 Massanet St Port Lavaca, Texas. South Texas Foundation Repair uses the hydraulic-driven system of foundation repair. This system was invented by perma pile. Since we use this type of system we are able to give our customers A LIFE TIME WARRANTY which is transferable if the owner should ever sell the home.

NOTE: We think that the main reason that make this foundation to fall is the adverse dry weather conditions, these cycles of drought are adverse to shallow foundations supported on expansive clays.

Enclosed is a drawing of the house showing the areas I suggest are in need of repair. The problems with the house appear to be around the perimeter of the foundation, indicated by pilings numbered one through twenty five (1-25) .The costs of the repairs will be \$9,300.00. It will take approximately 3 days to complete the repairs, weather permitting.

If you would like us to do the repairs, please call as soon as possible.

THE NUMBER IS 1-361-788-3303.ALSO PLEASE CONSIDER MY LIFETIME TRANSFERABLE WARRANTY.

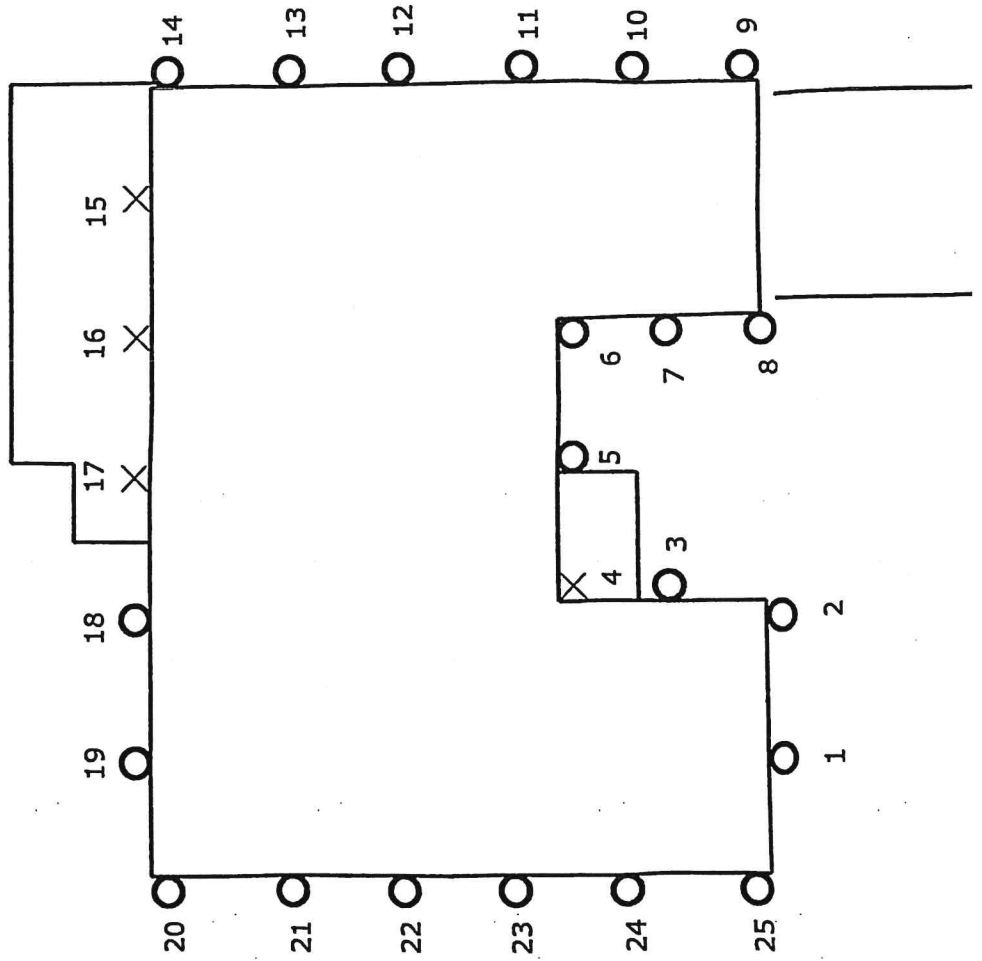
Sincerely,

Gus Macedonio: OWNER

Gus M.

HOUSE LOCATION: 121 MASSANET ST PORT LAVACA TEXAS 77979

LEGEND
O=PILING LOCATION
X=PILING WITH CONCRETE BREAK OUT



Coastal Bend Foundation Repair
P. O. Box 515
Edna, Texas 77957
361.782.6231 ~ www.cbfr-edna.com

April 17, 2024

Russel Cain (Realtor)
Inspection Address:
121 Massanet St
Port Lavaca, Texas 77979


Dear Mr. Cain,

Thank you for allowing Coastal Bend Foundation Repair the opportunity to make a bid on the foundation repairs for the home located at **121 Massanet St in Port Lavaca, Texas**. Coastal Bend Foundation Repair uses the hydraulic-driven system of foundation repair. Since we use this type of system, we are able to give our customers a lifetime warranty which is transferable if the owner should ever sell the home. **OUR LIFETIME WARRANTY IS A GUARANTEED WARRANTY BACKED BY A TRUST FUND**. We will relevel this structure at no cost to the owner if the repair job we complete ever fails.

Enclosed is a drawing of the home showing the areas we suggest are in need of repair. The problems with the home appear to be around the perimeter of the foundation indicated by pilings numbered **one through thirty (1-30)**. The cost of the repairs will be **\$14,060.00**. It should take approximately **three to four (3-4) days to complete** the repairs, weather permitting.

If you would like us to repair this foundation, please call our office at 361-782-6231. In making your decision, please consider that we provide a **GUARANTEED LIFETIME WARRANTY** on all of our slab foundation repairs. Thank you for the opportunity to bid these foundation repair needs.

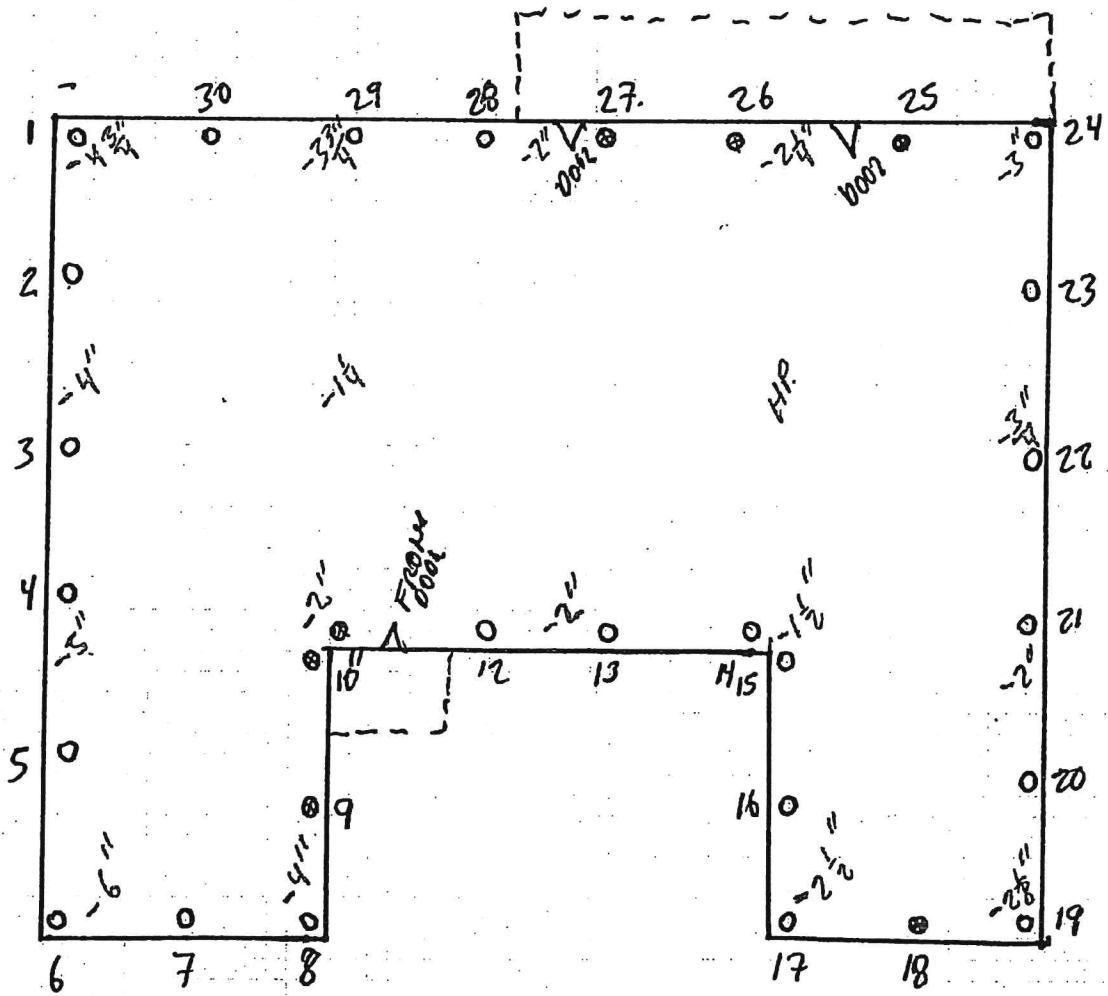
Sincerely,



Daniel L. McBride, Owner

* - ROSSEL CHAIN 361-920-6313.
- 121 MASSANET ST PORT LAVACA TX 77979.

* - LEVELING AND STABILIZE FOUNDATION
- ADD 30 PIERS \$14,000.00



121 massane #

Item 2.

4833 Saratoga, Box 286
Corpus Christi, Tx 78413



ASH ENGINEERING

Ash Hafez, P.E.
Civil/Structural

Foundation Inspections * Design * Drainage * Beam Analysis

Ash-Engineering@hotmail.com

(361) 779-9124

(713) 259-0348

COMMUNICATION

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

INFORMATION:

- (a) 423 S. Benavides Street
- (b) 304 S. Juanita Street
- (c) 1713 Palm
- (d) 509 Bonorden Street

MAYOR AND COUNCIL COMMUNICATION

CITY COUNCIL MEETING: SEPTEMBER 16, 2024 - SPECIAL

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

INFORMATION:

- (a) 423 S. Benavides Street
- (b) 304 S. Juanita Street
- (c) 1713 Palm
- (d) 509 Bonorden Street

Lorena Perez-Diaz

From: Bradley Shaffer
Sent: Monday, September 16, 2024 12:04 PM
To: Lorena Perez-Diaz
Subject: Fwd: 509 Bonorden St.

Get [Outlook for iOS](#)

From: ALM Financial <ALMFinancial@almwm.com>
Sent: Wednesday, September 11, 2024 8:45:49 AM
To: Bradley Shaffer <bshaffer@portlavaca.org>
Cc: 'Anna Alaniz' <anna.alaniz@me.com>; Alicia Casey <gnacasey@hotmail.com>
Subject: 509 Bonorden St.

Good morning Mr. Shaffer,

I am sending this email in response to the Public Hearing Notice we received regarding my mom's home on **509 Bonorden St in Port Lavaca**. Per our conversation on 9/3/24 I am notifying you and the City of Port Lavaca our plans for this home.

Our plan is to demolish the home and all other structures on the property. We spoke to Phillip Gonzalez of Gonzalez Construction, and he has agreed to demolish the home and the other structures for us. We are also requesting an extension of time so we can carry out our plans to demolish the home and the other structures present on the property. We request that you allow us until January 2025 to carry out these plans. Please let me know your decision.

Thank you.

Sincerely
Anna Alaniz (daughter)
832 419-6071

Lorena Perez-Diaz

From: Code Enforcement
Sent: Monday, September 16, 2024 12:03 PM
Cc: Lorena Perez-Diaz
Subject: Fwd: 1713 Palm Drive, Port Lavaca, TX

These and the following emails I forward to you will be all the correspondence I have with property owners.

Get [Outlook for iOS](#)

From: AMJ <avomichael@yahoo.com>
Sent: Thursday, September 5, 2024 5:01:50 PM
To: Code Enforcement <codeenforcement@portlavaca.org>
Subject: 1713 Palm Drive, Port Lavaca, TX

To: Mr Bradley Shaffer or any code enforcement officer

This is Michael Jaghasbanian, the owner of property at 1713 Palm Drive.

First of all, I would like to apologize for letting this matter come to this stage. I am not one that takes my civic responsibilities lightly.

Unfortunately the person that was doing the property upkeep had moved out of the area since May without letting me know. I have a new person attending to the yard. He did his first service call on Monday September 2nd.

I also have started reaching out to local buyers in the area in order to sell it as it is proving hard for me to be able to keep managing it without being there.

If a hearing is mandatory please assign me a new date as my son is having a medical procedure on Friday the 6th and I would not be able to make it to town on the 9th.

I will also send you copies of the For Sale Ads I will be placing in local paper and other websites.

I appreciate your cooperation and patience in this matter and I hope to resolve this matter as soon as possible

Sincerely
Michael Jaghasbanian
818.321.3284

COMMUNICATION

SUBJECT: Consider and take action to declare property to be substandard and required action following declaration, following a Public Hearing held on September 16, 2024. Presenter is Derrick Smith

INFORMATION:

- (a) 423 S. Benavides Street
- (b) 304 S. Juanita Street
- (c) 1713 Palm
- (d) 509 Bonorden Street

MAYOR AND COUNCIL COMMUNICATION

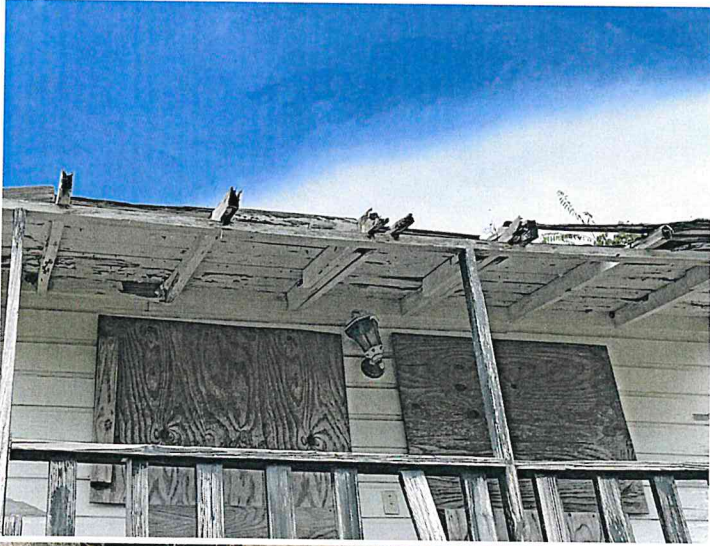
CITY COUNCIL MEETING: SEPTEMBER 16, 2024 - SPECIAL

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INFORMATION:

- (a) 423 S. Benavides Street
- (b) 304 S. Juanita Street
- (c) 1713 Palm
- (d) 509 Bonorden Street

423 S. Benavides St.



IPMC INSPECTION CHECKLIST

423 S. Benavides EXTERIOR PROPERTY AREAS

	Yes	No	Condition/Type	Action	Quantity
302.1 Sanitation Clean and free from rubbish and garbage	X				
302.2 Grading and Drainage Erosion of soil, ponding/stagnant water, water within structure	X				
302.3 Sidewalks and Driveways Proper repair, free from hazards (tripping, ice ponding)		X	No Driveway or sidewalk		
302.4 Weeds Noxious weeds, growth height		X			
302.5 Rodents Evidence of presence? Harborage? <input type="checkbox"/> Weeds <input type="checkbox"/> Rubbish <input type="checkbox"/> Garbage Inoperable cars			Unable to verify		
302.6 Exhaust vents Hazardous discharge/noise		X			
302.7 Accessory structures Structurally sound/ good repair Structure type <input type="checkbox"/> Garage <input type="checkbox"/> Fence <input type="checkbox"/> Wall Other _____			N/A		
302.7 Motor vehicles <input type="checkbox"/> Inoperable <input type="checkbox"/> Unlicensed			N/A		
302.8 Defacement of property Location _____		X			
303.1 Pools, Spas and Hot Tubs Clean, sanitary, in good repair		X			
303.1 Enclosure Depth of water > 24"? Barrier height at least 48"? Self latching gate?		X			
307.1 Accumulation of Rubbish/ Garbage Free of		X			
307.2 and 307.3 Disposal of Rubbish/Garbage Approved containers 307.2.1 With covers 307.3.1 Garbage facilities Approved grinder, incinerator or leak proof covered container		X			
507.1 Storm drainage No nuisance created	X				
604.1 Electrical facilities Required occupied dwelling unit is provided with three wire service of at least 60 amps in compliance with ICC Electrical Code		X	Does not meet requirements		
604.3 Electrical systems hazards			Unable to Verify		

Correct all hazards				
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EXTERIOR PROPERTY AREAS (CONT)

	Yes	No	Condition/Type	Action	Quantity
605.1 Electrical equipment installation All equipment, wiring, appliances properly installed and safe 604.3 Electrical system hazards Correct all hazards		X	Electrical systems in disrepair		

**IPMC INSPECTION CHECKLIST
EXTERIOR STRUCTURE**

	Yes	No	Condition	Action	Quantity
304.1 General Good repair, structurally sound, sanitary		X	Walls roof and stairs in very poor condition.		
304.2 Protective treatment (Paint) Is it pre 1978? If yes, order risk assessment			Unable to verify		
304.3 Premises identification (address numbers)		X	Not visible		
304.4 Structural members Free from deterioration and capable of support		X	Walls deteriorating		
304.5 Foundation walls Plumb, free from cracks, no rodent entry			Unable to verify		
304.6 Exterior walls Sound, weatherproof, coated Square feet _____		X	Damage in various places		
304.7 Roofs and Flashing		X	Roof in very poor condition		
304.7 Roof drainage Gutters, downspouts, drains		X	If they were there they have rotted off		
304.8 Decorative features 304.9 Overhand extensions Good repair, safe, anchored, coated			Unable to verify		
304.10 Chimneys and Towers Safe, sound, good repair, coated			N/A		
304.13 Windows Sound, good repair, weather tight 303.13.1 Glazing free of cracks and holes 303.13.2 Openable and hold open hardware 304.14 Insect screens 304.18.2 Sash locking device within 6 feet of ground		X	Windows mostly boarded up however the ones not entirely covered are broken		
304.15 Doors Good condition, locks, security, egress (§702.3) 304.13 Door frames Sound, good repair, weather tight 304.18 Security 304.18.1 Egress		X	Door held shut with a chain from outside could not verify if it was locked up due to wasps.		
304.16 Basement hatchways Prevents entrance of rodents, rain and drainage water 304.18.3 Security			N/A		
304.10 Stairways Structurally sound, good repair 304.12 Handrails and guardrails Firm, good condition 306.1 Handrails and guardrails With 4+risers		X	Stairs rotting guardrails in poor condition		
304.10 Decks, Porches and Balconies Structurally sound, good repair 304.12 Handrails and guardrails Firm, good condition 306.1 Handrails and guardrails >30 inches in height		X	Balcony is rotting and in poor condition		
304.17 Guards for basement windows Rodent shields			N/A		
506 Sanitary drainage All fixtures connected to approved disposal			Unable to Verify		

506.2 Properly maintained				
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EXTERIOR STRUCTURE (CONT)

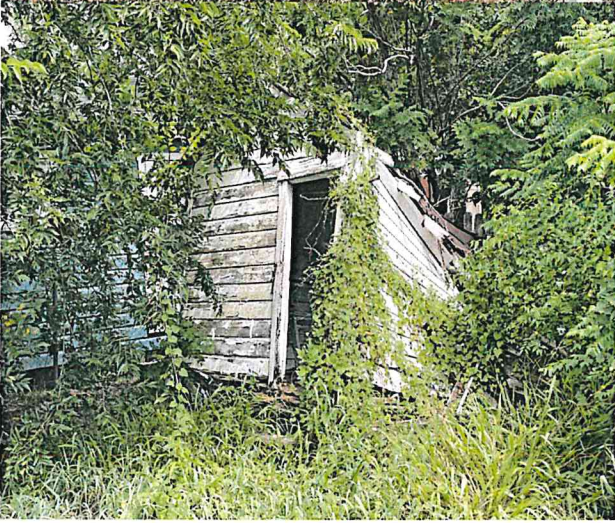
	Yes	No	Condition/Type	Action	Quantity
604.1 Electrical facilities Required occupied dwelling unit is provided with three wire service of at least 60 amps in compliance with ICC Electrical Code		X			
604.3 Electrical system hazards Correct all hazards			Unable to verify		
605.1 Electrical equipment installation All equipment, wiring, appliances properly installed and safe 604.3 Correct all hazards			Unable to verify		

IPMC INSPECTION CHECKLIST

FURNACE/WATER HEATER ROOM

	Yes	No	Condition/Type	Action	Quantity
604.3 Electrical system hazards Correct all hazards			Unable to verify		
605.1 Electrical equipment installation All equipment, wiring, appliances properly installed and safe 604.3 Correct all hazards			Unable to verify		
605.3 Lighting fixtures At least one present			Unable to verify		
603.1 Mechanical appliances Properly installed, safe working condition, capable of performing as intended 603.2 Fuel burners connected to approved chimney or vent 603.3 Required clearance from combustibles is maintained 603.4 Safety controls in effective operation			Unable to verify		
603.5 Combustion air Is supplied for combustion of fuel and ventilation of space containing fuel burning equipment			Unable to verify		
603.6 Energy conservation devices Attached to fuel supply or vent and are labeled and properly approved			Unable to verify		
607.1 Duct systems Free of obstructions and capable of performing required functions			Unable to verify		
703.1 Fire resistance-rated assemblies Shall be maintained			Unable to verify		

304 S. Juanita St.



IPMC INSPECTION CHECKLIST

304 S Juanita EXTERIOR PROPERTY AREAS

	Yes	No	Condition/Type	Action	Quantity
302.1 Sanitation Clean and free from rubbish and garbage		X	Various trash bits on property		
302.2 Grading and Drainage Erosion of soil, ponding/stagnant water, water within structure		X			
302.3 Sidewalks and Driveways Proper repair, free from hazards (tripping, ice ponding)		X	Severely over grown		
302.4 Weeds Noxious weeds, growth height	X		Very High weeds and grass		
302.5 Rodents Evidence of presence? Harborage? <input type="checkbox"/> Weeds <input type="checkbox"/> Rubbish <input type="checkbox"/> Garbage Inoperable cars	X		Grass at least 2 feet over most of property		
302.6 Exhaust vents Hazardous discharge/noise			Unable to verify		
302.7 Accessory structures Structurally sound/ good repair Structure type <input type="checkbox"/> Garage <input type="checkbox"/> Fence <input type="checkbox"/> Wall Other _____		X	Accessory Structure on the verge of falling into neighbors kitchen		
302.7 Motor vehicles <input type="checkbox"/> Inoperable <input type="checkbox"/> Unlicensed		X			
302.8 Defacement of property Location _____		X			
303.1 Pools, Spas and Hot Tubs Clean, sanitary, in good repair		X			
303.1 Enclosure Depth of water > 24"? Barrier height at least 48"? Self latching gate?		X			
307.1 Accumulation of Rubbish/ Garbage Free of		X			
307.2 and 307.3 Disposal of Rubbish/Garbage Approved containers 307.2.1 With covers 307.3.1 Garbage facilities Approved grinder, incinerator or leak proof covered container		X	No rubbish bins		
507.1 Storm drainage No nuisance created	X				
604.1 Electrical facilities Required occupied dwelling unit is provided with three wire service of at least 60 amps in compliance with ICC Electrical Code			Unable to verify		
604.3 Electrical systems			Unable to verify		

hazards Correct all hazards					
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EXTERIOR PROPERTY AREAS (CONT)

	Yes	No	Condition/Type	Action	Quantity
605.1 Electrical equipment installation All equipment, wiring, appliances properly installed and safe 604.3 Electrical system hazards Correct all hazards			Unable to verify		

**IPMC INSPECTION CHECKLIST
EXTERIOR STRUCTURE**

	Yes	No	Condition	Action	Quantity
304.1 General Good repair, structurally sound, sanitary		X	Windows broken securing straps broken		
304.2 Protective treatment (Paint) Is it pre 1978? If yes, order risk assessment			Unable to verify		
304.3 Premises identification (address numbers)	X				
304.4 Structural members Free from deterioration and capable of support			Deck pulling away from trailer		
304.5 Foundation walls Plumb, free from cracks, no rodent entry		X	Skirting damaged allowing rodents under house		
304.6 Exterior walls Sound, weatherproof, coated Square feet _____	X				
304.7 Roofs and Flashing			Unable to verify		
304.7 Roof drainage Gutters, downspouts, drains		X	No Drainage		
304.8 Decorative features 304.9 Overhand extensions Good repair, safe, anchored, coated			N/A		
304.10 Chimneys and Towers Safe, sound, good repair, coated			N/A		
304.13 Windows Sound, good repair, weather tight 303.13.1 Glazing free of cracks and holes 303.13.2 Openable and hold open hardware 304.14 Insect screens 304.18.2 Sash locking device within 6 feet of ground		X	Front windows broken		
304.15 Doors Good condition, locks, security, egress (§702.3) 304.13 Door frames Sound, good repair, weather tight 304.18 Security 304.18.1 Egress	X				
304.16 Basement hatchways Prevents entrance of rodents, rain and drainage water 304.18.3 Security			N/A		
304.10 Stairways Structurally sound, good repair 304.12 Handrails and guardrails Firm, good condition 306.1 Handrails and guardrails With 4+risers		X	Deck Rotting		
304.10 Decks, Porches and Balconies Structurally sound, good repair 304.12 Handrails and guardrails Firm, good condition 306.1 Handrails and guardrails >30 inches in height		X	Deck in poor overall condition		
304.17 Guards for basement windows Rodent shields			N/a		
506 Sanitary drainage All fixtures connected to approved			Unable to verify		

disposal				
506.2 Properly maintained				

EXTERIOR STRUCTURE (CONT)

	Yes	No	Condition/Type	Action	Quantity
604.1 Electrical facilities Required occupied dwelling unit is provided with three wire service of at least 60 amps in compliance with ICC Electrical Code			Unable to verify		
604.3 Electrical system hazards Correct all hazards			Unable to verify		
605.1 Electrical equipment installation All equipment, wiring, appliances properly installed and safe 604.3 Correct all hazards			Unable to verify		

IPMC INSPECTION CHECKLIST

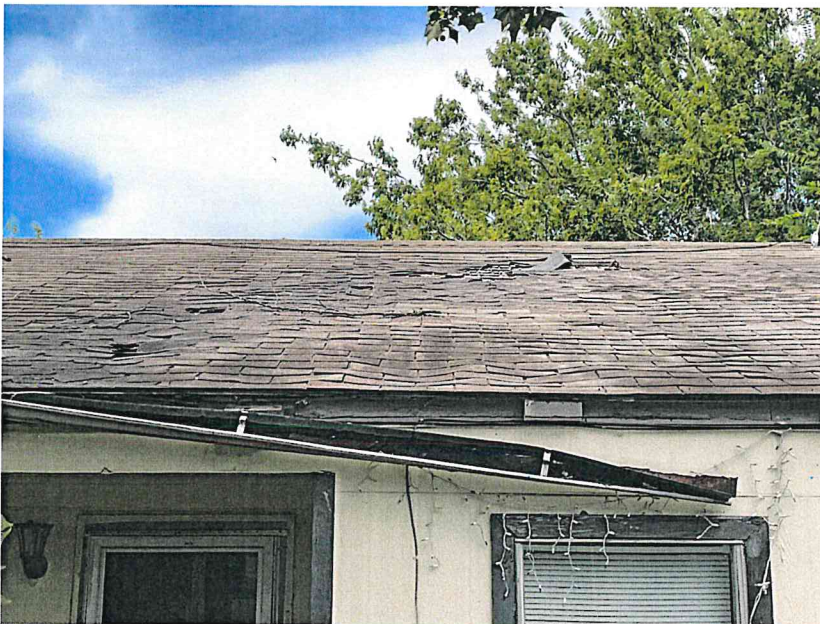
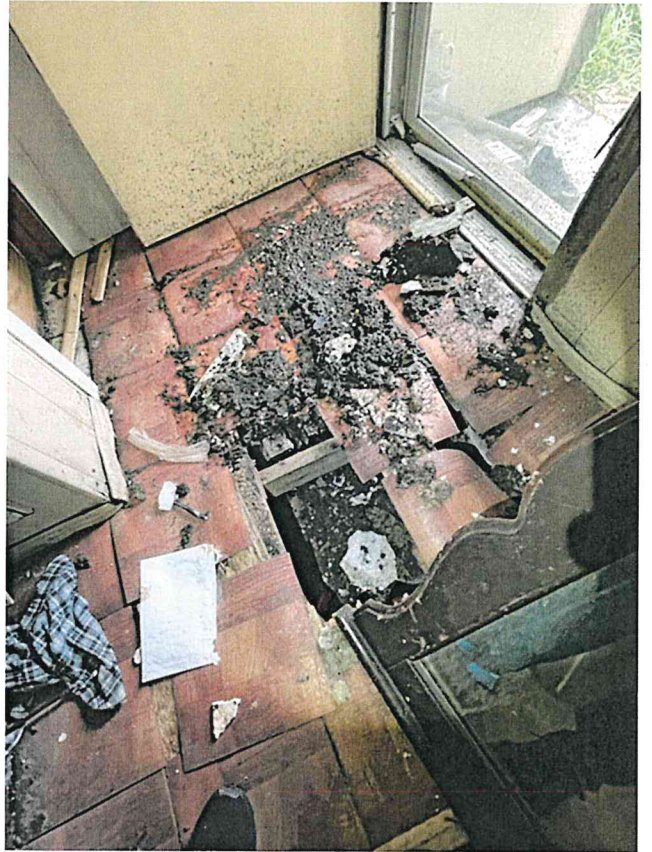
FURNACE/WATER HEATER ROOM

	Yes	No	Condition/Type	Action	Quantity
604.3 Electrical system hazards Correct all hazards			Unable to verify		
605.1 Electrical equipment installation All equipment, wiring, appliances properly installed and safe			Unable to verify		
604.3 Correct all hazards					
605.3 Lighting fixtures At least one present			Unable to verify		
603.1 Mechanical appliances Properly installed, safe working condition, capable of performing as intended			Unable to verify		
603.2 Fuel burners connected to approved chimney or vent					
603.3 Required clearance from combustibles is maintained					
603.4 Safety controls in effective operation					
603.5 Combustion air Is supplied for combustion of fuel and ventilation of space containing fuel burning equipment			Unable to verify		
603.6 Energy conservation devices Attached to fuel supply or vent and are labeled and properly approved			Unable to verify		
607.1 Duct systems Free of obstructions and capable of performing required functions			Unable to verify		
703.1 Fire resistance-rated assemblies Shall be maintained			Unable to verify		

1713 Palm Dr.



9/10/24



IPMC INSPECTION CHECKLIST

1713 Palm Dr. EXTERIOR PROPERTY AREAS

	Yes	No	Condition/Type	Action	Quantity
302.1 Sanitation Clean and free from rubbish and garbage		X	Trash and garbage in and out of house		
302.2 Grading and Drainage Erosion of soil, ponding/stagnant water, water within structure		X			
302.3 Sidewalks and Driveways Proper repair, free from hazards (tripping, ice ponding)		X			
302.4 Weeds Noxious weeds, growth height		X			
302.5 Rodents Evidence of presence? Harborage? <input type="checkbox"/> Weeds <input type="checkbox"/> Rubbish <input type="checkbox"/> Garbage Inoperable cars	X		Rodent droppings throughout house		
302.6 Exhaust vents Hazardous discharge/noise		X			
302.7 Accessory structures Structurally sound/ good repair Structure type <input type="checkbox"/> Garage <input type="checkbox"/> Fence <input type="checkbox"/> Wall Other _____	X		No accessory structures		
302.7 Motor vehicles <input type="checkbox"/> Inoperable <input type="checkbox"/> Unlicensed		X			
302.8 Defacement of property Location _____		X			
303.1 Pools, Spas and Hot Tubs Clean, sanitary, in good repair		X			
303.1 Enclosure Depth of water > 24"? Barrier height at least 48"? Self latching gate?		X			
307.1 Accumulation of Rubbish/ Garbage Free of		X	House full of trash and old clothes dishes ETC.		
307.2 and 307.3 Disposal of Rubbish/Garbage Approved containers 307.2.1 With covers 307.3.1 Garbage facilities Approved grinder, incinerator or leak proof covered container		X	No Rubbish Bins		
507.1 Storm drainage No nuisance created	X				
604.1 Electrical facilities Required occupied dwelling unit is provided with three wire service of at least 60 amps in compliance with ICC Electrical Code		X			
604.3 Electrical systems hazards	X				

Correct all hazards					
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EXTERIOR PROPERTY AREAS (CONT)

	Yes	No	Condition/Type	Action	Quantity
605.1 Electrical equipment installation All equipment, wiring, appliances properly installed and safe 604.3 Electrical system hazards Correct all hazards		X			

**IPMC INSPECTION CHECKLIST
EXTERIOR STRUCTURE**

	Yes	No	Condition	Action	Quantity
304.1 General Good repair, structurally sound, sanitary		X	Roof, Floor, walls All in various states of disrepair		
304.2 Protective treatment (Paint) Is it pre 1978? If yes, order risk assessment		X			
304.3 Premises identification (address numbers)	X				
304.4 Structural members Free from deterioration and capable of support		X	Floor walls and roof in extreme disrepair		
304.5 Foundation walls Plumb, free from cracks, no rodent entry			Unable to verify		
304.6 Exterior walls Sound, weatherproof, coated Square feet _____		X	Walls missing outer coverings in several places and prior to city intervention full of bees		
304.7 Roofs and Flashing		X	Roof badly damaged and caving in various places		
304.7 Roof drainage Gutters, downspouts, drains		X	Gutters falling off		
304.8 Decorative features			N/A		
304.9 Overhand extensions Good repair, safe, anchored, coated					
304.10 Chimneys and Towers Safe, sound, good repair, coated			N/A		
304.13 Windows Sound, good repair, weather tight 303.13.1 Glazing free of cracks and holes 303.13.2 Openable and hold open hardware 304.14 Insect screens 304.18.2 Sash locking device within 6 feet of ground		X	Most windows either broken or wide open		
304.15 Doors Good condition, locks, security, egress (§702.3) 304.13 Door frames Sound, good repair, weather tight 304.18 Security 304.18.1 Egress		X	Front door unsecured		
304.16 Basement hatchways Prevents entrance of rodents, rain and drainage water 304.18.3 Security			N/A		
304.10 Stairways Structurally sound, good repair 304.12 Handrails and guardrails Firm, good condition 306.1 Handrails and guardrails With 4+risers			N/A		
304.10 Decks, Porches and Balconies Structurally sound, good repair 304.12 Handrails and guardrails Firm, good condition 306.1 Handrails and guardrails >30 inches in height			N/A		
304.17 Guards for basement windows Rodent shields			N/A		
506 Sanitary drainage All fixtures connected to approved disposal			Unable to Verify		

506.2 Properly maintained				
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EXTERIOR STRUCTURE (CONT)

	Yes	No	Condition/Type	Action	Quantity
604.1 Electrical facilities Required occupied dwelling unit is provided with three wire service of at least 60 amps in compliance with ICC Electrical Code			Unable to verify		
604.3 Electrical system hazards Correct all hazards			Various electrical hazards on site		
605.1 Electrical equipment installation All equipment, wiring, appliances properly installed and safe 604.3 Correct all hazards		X	Most electrical appliances removed or in disrepair		

IPMC INSPECTION CHECKLIST

FURNACE/WATER HEATER ROOM

	Yes	No	Condition/Type	Action	Quantity
604.3 Electrical system hazards Correct all hazards					
605.1 Electrical equipment installation All equipment, wiring, appliances properly installed and safe 604.3 Correct all hazards		X	Vandalism runs rampant within the house		
605.3 Lighting fixtures At least one present			Unable to verify		
603.1 Mechanical appliances Properly installed, safe working condition, capable of performing as intended 603.2 Fuel burners connected to approved chimney or vent 603.3 Required clearance from combustibles is maintained 603.4 Safety controls in effective operation		X	Most appliances either missing or damaged		
603.5 Combustion air Is supplied for combustion of fuel and ventilation of space containing fuel burning equipment			Unable to verify		
603.6 Energy conservation devices Attached to fuel supply or vent and are labeled and properly approved			Unable to verify		
607.1 Duct systems Free of obstructions and capable of performing required functions			Unable to verify however areas around vents infested with rodent droppings		
703.1 Fire resistance-rated assemblies Shall be maintained		X	Not maintained		



IPMC INSPECTION CHECKLIST

509 Bonorden St EXTERIOR PROPERTY AREAS

	Yes	No	Condition/Type	Action	Quantity
302.1 Sanitation Clean and free from rubbish and garbage	X				
302.2 Grading and Drainage Erosion of soil, ponding/stagnant water, water within structure		X	Standing Water		
302.3 Sidewalks and Driveways Proper repair, free from hazards (tripping, ice ponding)		X	Cracked		
302.4 Weeds Noxious weeds, growth height		X	Property Cleaned		
302.5 Rodents Evidence of presence? Harborage? <input type="checkbox"/> Weeds <input type="checkbox"/> Rubbish <input type="checkbox"/> Garbage Inoperable cars			Unidentifiable		
302.6 Exhaust vents Hazardous discharge/noise		X	Vents Damaged		
302.7 Accessory structures Structurally sound/ good repair Structure type <input type="checkbox"/> Garage <input type="checkbox"/> Fence <input type="checkbox"/> Wall Other _____		X	Garage at rear of house leaning and in various states of disrepair		
302.7 Motor vehicles <input type="checkbox"/> Inoperable <input type="checkbox"/> Unlicensed		X			
302.8 Defacement of property Location _____		X			
303.1 Pools, Spas and Hot Tubs Clean, sanitary, in good repair		X			
303.1 Enclosure Depth of water > 24"? Barrier height at least 48"? Self latching gate?		X			
307.1 Accumulation of Rubbish/ Garbage Free of		X			
307.2 and 307.3 Disposal of Rubbish/Garbage Approved containers 307.2.1 With covers 307.3.1 Garbage facilities Approved grinder, incinerator or leak proof covered container		X	No Trash Containers		
507.1 Storm drainage No nuisance created		X			
604.1 Electrical facilities Required occupied dwelling unit is provided with three wire service of at least 60 amps in compliance with ICC Electrical Code			Unable to verify		
604.3 Electrical systems hazards			Unable to verify		

Correct all hazards					

EXTERIOR PROPERTY AREAS (CONT)

	Yes	No	Condition/Type	Action	Quantity
605.1 Electrical equipment installation All equipment, wiring, appliances properly installed and safe 604.3 Electrical system hazards Correct all hazards			Unable to Verify		

	Yes	No	Condition	Action	Quantity
14.1 General ood repair, structurally sound, sanitary		X	Building in disrepair		
14.2 Protective treatment (Paint) it pre 1978? yes, order risk assessment			Unable to verify		
14.3 Premises identification (address numbers)	X				
14.4 Structural members ree from deterioration and capable of upport		X	Walls Cracking and some are coming apart		
14.5 Foundation walls lumb, free from cracks, no rodent entry			Unable to verify		
14.6 Exterior walls ound, weatherproof, coated Square feet _____		X	Walls in various states of disrepair Cracking, breaking, separation.		
14.7 Roofs and Flashing	X				
14.7 Roof drainage utters, downspouts, drains	X				
14.8 Decorative features			N/A		
14.9 Overhand extensions ood repair, safe, anchored, coated					
14.10 Chimneys and Towers afe, sound, good repair, coated			N/A		
14.13 Windows ound, good repair, weather tight 13.13.1 Glazing free of cracks and holes 13.13.2 Openable and hold open ardware 14.14 Insect screens 14.18.2 Sash locking device within 6 feet ground		X	Some windows in decent repair others are not		
14.15 Doors ood condition, locks, security, egress (702.3) 14.13 Door frames Sound, good repair, eather tight 14.18 Security 14.18.1 Egress		X	Backdoor unlocked		
14.16 Basement hatchways vents entrance of rodents, rain and ainage water 14.18.3 Security			N/A		
14.10 Stairways tructurally sound, good repair 14.12 Handrails and guardrails rm, good condition 16.1 Handrails and guardrails with 4-risers			N/A		
14.10 Decks, Porches and Balconies tructurally sound, good repair 14.12 Handrails and guardrails rm, good condition 16.1 Handrails and guardrails >30 inches height			N/A		
14.17 Guards for basement windows odent shields			N/A		
16 Sanitary drainage ll fixtures connected to approved isposal 16.2 Properly maintained			Unable to Verify		

Item 4.

EXTERIOR STRUCTURE (CONT)

	Yes	No	Condition/Type	Action	Quantity
14.1 Electrical facilities equipped occupied dwelling unit is rovided with three wire service of at least) amps in compliance with ICC Electrical ode			Unable to verify		
14.3 Electrical system hazards orrect all hazards					
15.1 Electrical equipment installation ll equipment, wiring, appliances ronerly installed and safe					

IPMC INSPECTION CHECKLIST

FURNACE/WATER HEATER ROOM

	Yes	No	Condition/Type	Action	Quantity
604.3 Electrical system hazards Correct all hazards		X	Room open to elements		
605.1 Electrical equipment installation All equipment, wiring, appliances properly installed and safe		X	Door Falling into room		
604.3 Correct all hazards					
605.3 Lighting fixtures At least one present			No light fixture		
603.1 Mechanical appliances Properly installed, safe working condition, capable of performing as intended		X	Water heater room exposed to elements and in disrepair		
603.2 Fuel burners connected to approved chimney or vent 603.3 Required clearance from combustibles is maintained 603.4 Safety controls in effective operation					
603.5 Combustion air Is supplied for combustion of fuel and ventilation of space containing fuel burning equipment			Unable to Verify		
603.6 Energy conservation devices			Unable to verify		

Attached to fuel supply or vent and are labeled and properly approved					
607.1 Duct systems Free of obstructions and capable of performing required functions		X	Entire area not in good condition.		
703.1 Fire resistance-rated assemblies Shall be maintained		X	Not Maintained		

COMMUNICATION

SUBJECT: Consider Second and Final reading of an Ordinance (S-2-24) approving the annual Budget for the City of Port Lavaca, Texas and adopting the budget document for the fiscal year October 01, 2024 thru September 30, 2025. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: SEPTEMBER 16, 2024

AGENDA ITEM _____

DATE: 9/5/2024

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: BRITTNEY HOGAN, INTERIM FINANCE DIRECTOR

SUBJECT: CONSIDER ORDINANCE APPROVING THE ANNUAL BUDGET – 2nd READING

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

On July 22 (CIP) and August 19, 2024, the City Council held budget workshops to review recommendations from the City Manager for the FY 2024-2025 budget. The proposed budget was filed with the City Secretary and published on the City's website on August 9th.

On August 19, 2024, the City Council announced a public hearing on the FY 2024-2025 Budget to be held on September 9, 2024. 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 28, 2024 and posted the same notice on the City's website.

The budget, with changes recommended by City Council in the August 19, 2024 workshop, is recommended for the City Council's approval, and contains combined Revenues of \$24,862,058 followed by combined Expenditures of \$24,104,165 leaving combined Fund Balance reserves of \$12,496,442.

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

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

- ***Motion: "I move to adopt the FY 2024-2025 Annual Budget as presented by the City Manager."***
 - ***Must be a Record Vote of each member of the governing body by name.***

ORDINANCE #S-2-24

AN ORDINANCE APPROVING THE ANNUAL BUDGET FOR THE CITY OF PORT LAVACA, TEXAS AND ADOPTING THE BUDGET DOCUMENT FOR THE FISCAL YEAR OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2025; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council has approved a budget for the City of Port Lavaca, Texas, for the fiscal year October 1, 2024 through September 30, 2025, and accordingly held a public hearing for same, at which time all interested citizens were given an opportunity to be heard for or against any item or amount of any item contained in said budget; and

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

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

SECTION 1. That the annual budget for the City of Port Lavaca, Texas for the fiscal year October 1, 2024 through September 30, 2025 is hereby approved and the budget document is hereby in all things adopted and made a part of this ordinance as if set forth in full herein and is hereby declared to be the financial plan for the City of Port Lavaca, Texas for the fiscal year 2024/2025.

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

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

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

FIRST READING this 9th day of September, 2024.

Jack Whitlow, Mayor

SECOND AND FINAL READING this 16th day of September, 2024.

Jack Whitlow, Mayor

APPROVED AND ADOPTED this 16th day of September, 2024.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey, City Attorney

RECORD OF VOTE

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

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

COMMUNICATION

SUBJECT: Consider Ratification of Property Tax increase reflected in the Budget. Presenter is Brittney Hogan

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: SEPTEMBER 16, 2024

DATE: 8/22/2024
TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: BRITTNEY HOGAN, INTERIM FINANCE DIRECTOR
SUBJECT: CONSIDER RATIFICATION OF THE ANNUAL BUDGET

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.

Staff provides a recommended motion as follows:

- ***Motion: “I move to ratify the property tax revenue increase reflected in the 2024-2025 Budget.”***

COMMUNICATION

SUBJECT: Consider Second and Final reading of an Ordinance (S-3-24) fixing the Tax Rate and Tax Levy for the City of Port Lavaca, Texas for the year 2024. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: SEPTEMBER 16, 2024

AGENDA ITEM _____

DATE: 9/10/2024

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: BRITTNEY HOGAN, INTERIM FINANCE DIRECTOR

SUBJECT: CONSIDER ORDINANCE SETTING THE TAX RATE AND TAX LEVY – 2nd READING

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

On August 19, 2024, the City Council took a record vote to propose a higher tax rate (\$0.8000) as levied on properties as the previous year. Because the proposed tax rate exceeds the No-New-Revenue rate, legislation considers it a tax increase, and requires a public hearing. City Council announced a date and time for a public hearing on the tax rate to be held on September 9, 2024.

The City published a notice of public hearing on the tax increase in the newspaper of general circulation (Port Lavaca Wave) on August 28, 2024 and posted the same notice on the City’s website.

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

- **MOTION:** “I move that the property tax rate be increased by the adoption of a tax rate of \$0.8000, which is effectively a 4.04 percent increase in the tax rate.”
 - **Must be a Record Vote by each member of the governing body by name.**

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

Maintenance and Operations:	\$0.6743
Interest & Sinking (Debt):	\$0.1257

- **MOTION:** “I move to adopt a Maintenance and Operations rate of \$0.6743.”
- **MOTION:** “I move to adopt an Interest & Sinking rate of \$0.1257.”

ORDINANCE #S-3-24

AN ORDINANCE FIXING THE TAX RATE AND TAX LEVY FOR THE CITY OF PORT LAVACA, TEXAS, FOR THE YEAR 2024, UPON ALL TAXABLE PROPERTY IN SAID CITY OF PORT LAVACA, TEXAS SUBJECT TO TAXATION BY SAID CITY ON THE FIRST DAY OF JANUARY, 2024 IN CONFORMITY WITH THE CHARTER PROVISIONS AND ORDINANCES OF SAID CITY OF PORT LAVACA; APPROPRIATING THE FUNDS DERIVED FROM SAID TAX LEVY TO VARIOUS FUNDS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE

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

SECTION 1. That there shall be and there is hereby levied and assessed for the year 2024 upon all property of every description subject to taxation by the City of Port Lavaca, Texas on the 1st day of January, 2024, the following tax rate, to-wit:

An Ad Valorem Tax at the rate of \$0.8000 on the \$100.00 assessed value, based on 100% assessment thereof estimated in lawful currency of the United States of America, for the purpose of paying the general expenses of the City government and for payment of principal and interest on outstanding bonds and certificates of obligation for the fiscal year ending September 30, 2025.

(A) THIS YEAR'S TAX LEVY TO FUND MAINTENANCE AND OPERATIONS EXPENDITURES DOES NOT EXCEED LAST YEAR'S MAINTENANCE AND OPERATIONS TAX LEVY.

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

	Rate	Percentage
GENERAL FUND	\$ 0.6743	84.29 %
TAX SUPPORTED DEBT SERVICE FUND:		
2022 Cos & 2024 Cos	\$ 0.1257	15.71 %
TOTALS:	\$ 0.8000	100.00 %

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

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

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

FIRST READING this 9th day of September, 2024.

Jack Whitlow, Mayor

SECOND AND FINAL READING this 16th day of September, 2024

Jack Whitlow, Mayor

APPROVED AND ADOPTED this 16th day of September, 2024.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey, City Attorney

RECORD OF VOTE

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

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

COMMUNICATION

SUBJECT: Consider Budget Amendment No. GF-002 for 2023-2024 Fiscal Year for Fire Department Personal Protective Equipment (PPE). Presenter is Brittney Hogan

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: SEPTEMBER 16, 2024

AGENDA ITEM ____

DATE: SEPTEMBER 9, 2024

TO: THE HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: BRITTNEY HOGAN, INTERIM FINANCE DIRECTOR

SUBJECT: CONSIDER AND APPROVE BUDGET AMENDMENT GF-002 FOR FY 2024

BACKGROUND:

The City had the opportunity to accept a grant from the Texas A&M Forest Service to fund additional Personal Protective Equipment for the Fire Department. If Council approves this grant, it will be necessary to recognize the additional revenue and additional expense that will be added to the City’s budget for fiscal year 2024.

FINANCIAL IMPLICATIONS:

Accepting the grant will require the City to use \$2,000 from the current savings in the Fire Departments Protective Clothing line item.

RECOMMENDATION:

Approve Budget Amendment number: GF-002

COMMUNICATION

SUBJECT: Hear presentation from RBC Capitol Markets regarding the report on the valuation consideration and overview of the City's Water and Wastewater Utility Systems; and consider the award of Commitment for Financial Assistance from the Texas Water Development Board (TWDB) to fund the Wastewater Treatment Plant (WWTP) Expansion Project. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

COUNCIL MEETING: SEPTEMBER 16, 2024

AGENDA ITEM:

DATE: 9.11.2024

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: NOTICE OF VIOLATION TRACK NO 823013; 30 TAC Chapter 305.125 (1) and 305.126 (a)
PERMIT WQ0010251001

Recall, on July 26, 2022 TCEQ made an inspection of the wastewater treatment plant facility and operations which resulted in a Notice of Violation of TCEQ regulations §305.125 (1) and §305.126 (a), which are described below in this memo.

By way of a brief recap, I have attached the following documents:

- September 1, 2022: TCEQ Notice of Violation
- September 28, 2022: Corrective Action Update sent to TCEQ showing progress that AECOM had made on the WWTP Improvement project and the proposed WWTP 2MGD to 4 MGD Expansion project.
- October 14, 2022: Correspondence from TCEQ acknowledging receipt of the above information and stating documentation showing compliance was due by December 30, 2022.
- December 12, 2022: Council awards AECOM a \$494,588.00 contract for the 30% Engineering of the WWTP expansion. Staff memo and minutes of Council meeting.
- December 15, 2022: Compliance Plan Update coversheet submitted to TCEQ showing AECOM had been contracted to provide the 30% Engineering of the WWTP expansion and requesting an 18 month extension for compliance.
- February 16, 2023: Correspondence from TCEQ acknowledging receipt of the above information and providing an extension to January 5, 2024.
- Since that time we have been working with AECOM in submitting an application for a Texas Water Development Board CWSRF loan for the budgeted \$39,315,000 remaining environmental, engineering and construction funding.
- Copy of the email received on August 21, 2024 announcing the award of a commitment for financial assistance from the TWDB for a CWSRF low interest loan.
- TWDB Draft Project Funding Request documentation for Board Action on August 15, 2024
- When asked about any possibility of loan forgiveness, the TWDB stated “Funding for the City of Port Lavaca Project # 73963 was determined based on the State Fiscal Year 2024 Intended Use Plan guidelines. We have reviewed our different funding options to see if the City of Port Lavaca could be an eligible candidate for principal forgiveness. **Unfortunately, the City of Port Lavaca did not meet the requirements to receive Loan Principal Forgiveness.** The TWDB is able to offer a subsidized loan, below market rate”.

Dusty Traylor with RBC Capital Markets, our financial advisor will be in attendance at the meeting on September 16 to review this funding option with Council.

Note: This loan can be repaid with a combination of sewer rates and property taxes. I think it is appropriate for some tax dollars to be used to pay for this plant expansion. Current owners of undeveloped land (who are not utility rate payers) will benefit from this plant expansion, because it will provide additional sewer capacity and thereby allow them to sell their property for future development. You can't have development and growth without adequate water AND sewer capacity. The only mechanism for current owners of undeveloped land to help pay is through property tax, since they are not current utility rate payers. TWDB is estimating a per customer increase of \$46/month to pay for this if we use only sewer rates. We will be contracting with a consultant soon to prepare a Rate Study of both water and sewer to consider our entire operation and cost of water and sewer in order to arrive at a recommended rate.

30 TAC Chapter 305.125 (1)

The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the permit and statutes under which it was issued and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or an application for a permit for another facility.

30 TAC Chapter 305.126 (a)

Whenever flow measurements for any sewage treatment plant facility in the state reaches 75% of the permitted average daily or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the wastewater treatment and/or collection facilities. Whenever the average daily or annual average flow reaches 90% ** of the permitted average daily flow for three consecutive months, the permittee shall obtain necessary authorization from the commission to commence construction of the necessary additional treatment and/or collection facilities. In the case of a wastewater treatment facility which reaches 75% of the permitted average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee will submit an engineering report supporting this claim to the executive director. If in the judgment of the executive director the population to be served will not cause permit noncompliance, then the requirements of this section may be waived. To be effective, any waiver must be in writing and signed by the director of the enforcement division of the commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

**Note: This occurred during the time of COVID and a lot of people were at home and Formosa was underway with a plant expansion and there were a lot of contractors living here working on that project.

The plant saw 90% of the permitted flow for 18 consecutive months: November 2020 to April 2022) and we actually exceed the permitted flow in July - September 2020 and May-July of 2021.

Jon Niermann, *Chairman*
 Emily Lindley, *Commissioner*
 Bobby Janecka, *Commissioner*
 Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 1, 2022

EMAIL RECEIPT REQUESTED

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

Via Email

Re: Notice of Violation for the Comprehensive Compliance, In-House Laboratory Focused, Stormwater Reconnaissance, and Complaint Investigations at:
 City of Port Lavaca Wastewater Treatment Facilities, located at 800 North Commerce Street, Port Lavaca, (Calhoun County), Texas
 Regulated Entity No.: 101612893, TCEQ ID No.: WQ0010251001, EPA ID No.: TX0047562,
 Investigation No.: 1833031, Incident Nos. 382157 & 382271

Dear Mayor Whitlow:

On July 26, 2022, Travis Prater and Anya Stawasz of the Texas Commission on Environmental Quality (TCEQ) Corpus Christi Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for wastewater treatment. Enclosed is a summary which lists the investigation findings. During the investigation, a concern was noted which was an alleged noncompliance that has been resolved as an Area of Concern based on subsequent corrective action. In addition, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by October 3, 2022 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

This investigation was the result of a complaint. For information regarding our complaint policies and procedures, please refer to the following website:
<https://www.tceq.texas.gov/compliance/complaints>.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Corpus Christi Region Office at 361-881-6900 or the Central Office Publications Ordering Team at 512-239-0028.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with

The Honorable Jack Whitlow
Page 2
September 1, 2022

environmental regulatory requirements. Self-reported violations may be subject to enforcement, including penalties, upon review by the Enforcement Division. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the Corpus Christi Region Office within 10 days from the date of this letter. At that time, the Water Section Manager will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Prater in the Corpus Christi Region Office at 361-881-6900.

Sincerely,



Renae DiGuardi, Water Section Work Leader
Corpus Christi Region Office
Texas Commission on Environmental Quality

KRD/TP/mjc

Enclosure: Summary of Investigation Findings

cc: William W. Shaffer, Public Works Director - Via email

Summary of Investigation Findings

Item 9.

CITY OF PORT LAVACA

800 N COMMERCE ST
PORT LAVACA, CALHOUN COUNTY, TX 77979

Investigation #

1833031
Investigation Date: 07/26/2022

Additional ID(s): TXR05EZ47
TX0047562
WQ0010251001

OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 823008 Compliance Due Date: 10/03/2022

30 TAC Chapter 305.125(1)

30 TAC Chapter 319.6

30 TAC Chapter 319.9(d)

PERMIT WQ0010251001, Monitoring Requirements No. 2.a, Pg. 5

Monitoring Requirements No. 2.a, Pg. 5

Measurements, tests and calculations shall be accurately accomplished in a representative manner.

EPA ID TX0047562, Monitoring Requirements No. 2.a, Pg. 5

Alleged Violation:

Investigation: 1833031

Comment Date: 09/01/2022

Failed to assure the quality of all measurements through the use of blanks, standards, duplicate analyses, and spikes.

An investigation conducted on July 26, 2022 documented that the facility was not performing a duplicate analysis for dissolved oxygen measurements. Specifically, the facility was measuring the dissolved oxygen twice per week without performing a duplicate.

Recommended Corrective Action: The permittee shall assure the quality of all measurements through the use of blanks, standards, duplicate analyses, and spikes. Specifically, a duplicate shall be performed on a 10% basis each day that dissolved oxygen samples are analyzed. If one to 10 samples are analyzed on a particular day, then one duplicate shall be performed for the dissolved oxygen.

Track No: 823013 Compliance Due Date: 10/03/2022

30 TAC Chapter 305.125(1)

30 TAC Chapter 305.126(a)

PERMIT WQ0010251001, Operational Requirements No. 8.a., Pg. 14

Whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities.

EPA ID TX0047562, Operational Requirement No. 8.a., Pg. 14

Alleged Violation:

Investigation: 1833031

Comment Date: 09/01/2022

Failed to obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months.

An investigation conducted on July 26, 2022 documented the facility has reached 90% of the permitted annual average flow of 2.0 million gallons per day (MGD) for 18 consecutive months (November 2020 to April 2022) and the permitted daily average flow of 2.0 MGD was exceeded in July 2020, August 2020, September 2020, May 2021, June 2021, and July 2021. Additionally, the permittee has not amended their permit and commenced construction of additional treatment and/or collection facilities.

Recommended Corrective Action: The permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Track No: 823020 **Compliance Due Date:** 10/03/2022

30 TAC Chapter 305.125(5)

PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on July 26, 2022 documented that the Main, Bay Street, North Ann, and Loop 1090 lift stations were not properly maintained. Specifically, the surface areas of the wet wells were 95 to 100 percent caked with solids, grease and debris.

Recommended Corrective Action: The permittee shall ensure all lift stations are properly operated and maintained. Specifically, the floating sludge, grease and debris must be removed periodically from the lift station wet wells to prevent an excessive accumulation to allow for the proper operational function of the pumps. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Track No: 823025 **Compliance Due Date:** 10/03/2022

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.4(g)(4)(A)

PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control.

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control.

An investigation conducted on July 26, 2022 determined that the facility was not properly operated and maintained in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Specifically, the process control tests performed during the investigation documented the dissolved oxygen in the three-stage aeration basin No. 3 (re-aeration) was measured at 0.5 mg/L which was below the recommended level of 2.0 mg/L; and the 30 minute settleable solids concentration (SV30) in the aeration basin was 98% greater than the recommended range of 10 to 50 percent. The sludge blanket in both Clarifiers Nos. 1 and 2 was 9 feet in a 14-foot water depth (64.3%), which was greater than the recommended maximum sludge/water ratio of 25% sludge depth.

Recommended Corrective Action: The permittee shall ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained and perform the necessary process control tests to effectively operate the wastewater treatment

plant to maintain an appropriate quantity and quality of solids inventory. Additionally, the aeration basins shall be operated to prevent excess sludge and maintain a minimum dissolved oxygen concentration of 2.0 mg/liter throughout the basin at the maximum diurnal organic loading rate and to provide thorough mixing of the mixed liquor. The minimum air volume requirements may be reduced with appropriate supporting performance evaluations from the manufacturer. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Track No: 823026 **Compliance Due Date:** 10/03/2022

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.4(d)(2)

30 TAC Chapter 317.4(d)(3)

PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on July 26, 2022 determined that the facility was not properly operating and maintaining the clarifiers (No. 1 and No. 2). Specifically, the investigators documented uneven flow over both clarifier weirs. Additionally, there was excessive scum and debris floating on the surface of clarifier No. 1.

Recommended Corrective Action: The permittee shall level the weirs in both clarifiers to prevent short circuiting flow through the clarifiers and the excess scum be collected and properly disposed of. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

Track No: 823028 **Compliance Due Date:** 10/03/2022

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.4(b)(1)

30 TAC Chapter 317.4(b)(2)

PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on July 26, 2022 determined that the mechanical bar screen and the grit auger were inoperative. Specifically, the facility stated that the grit auger has been inoperable for one year and the mechanical bar screen broke the week prior to this investigation. Additionally, the facility does not have any odor control facilities.

Recommended Corrective Action: The permittee shall ensure the mechanical bar screen and the grit auger are operational. Additionally, odor control measures shall be implemented to prevent the wastewater treatment plant from becoming a nuisance. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

Track No: 823032 **Compliance Due Date:** 10/03/2022

30 TAC Chapter 217.33(a)

30 TAC Chapter 305.125(1)

PERMIT WQ0010251001, Monitoring Requirements No.5, Pg. 6

All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results.

EPA ID TX0047562, Monitoring Requirements No.5, Pg. 6**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually.

An investigation conducted on July 26, 2022 documented that the automatic flow meter for Outfall 001 was not being calibrated annually by a trained person. Specifically, the Milltronics Hydromanager electronic flowmeter was last calibrated on February 27, 2020 by Mercer Controls.

Recommended Corrective Action: The permittee shall ensure that the automatic flow measuring device is accurately calibrated by a trained person not less often than annually. Such person shall verify in writing that the device is operating properly and giving accurate results. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

Track No: 823034

Compliance Due Date: 10/03/2022

30 TAC Chapter 305.125(1)

30 TAC Chapter 319.7(a)

30 TAC Chapter 319.7(c)

PERMIT WQ0010251001, Monitoring Requirements No. 3.c., Pg. 6

Records of monitoring activities shall include the following:

- i. date, time and place of sample or measurement;
- ii. identity of individual who collected the sample or made the measurement.
- iii. date and time of analysis;
- iv. identity of the individual and laboratory who performed the analysis;
- v. the technique or method of analysis; and
- vi. the results of the analysis or measurement and quality assurance/quality control records.

EPA ID TX0047562, Monitoring Requirements No. 3.c., Pg. 6**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to maintain records of the monitoring activities required by the permit.

An investigation conducted on July 26, 2022 documented that the operators were not recording the effluent sample collection time for pH and dissolved oxygen (DO). Specifically, the operators were only recording the time of sample analysis.

Recommended Corrective Action: The permittee shall maintain records of all monitoring activities to include at a minimum the date, time, and place of sample or measurement; identity of individual who collected the sample or made the measurement; date and time of analysis; identity of the individual who performed the analysis; the technique or method of analysis; and the results of the analysis or measurement and quality assurance/quality control records. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Track No: 823036

Compliance Due Date: 10/03/2022

30 TAC Chapter 305.125(1)

PERMIT WQ0010251001, Other Requirements No. 7, Pg. 34

Violations of daily maximum limitations for the Total Copper and Total Zinc pollutants shall be reported orally or by facsimile to TCEQ Region 14 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 14 and the Enforcement Division (MC 224).

EPA ID TX0047562, Other Requirements No. 7, Pg. 34**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to report violations of daily maximum limitations for the Total Copper and Total Zinc pollutants orally or by facsimile to TCEQ Region 14 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 14 and the Enforcement Division (MC 224).

An investigation conducted on July 26, 2022 documented that the violations of daily maximum limitations for the Total Copper and Total Zinc pollutants were not reported orally or by facsimile to TCEQ Region 14 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 14 and the Enforcement Division (MC 224). Specifically, the Total Copper and Total Zinc daily max exceeded the permitted limit on three occasions (three Total Copper daily maximum - February and April 2022; and one Total Zinc daily maximum - February 2022).

Recommended Corrective Action: The permittee shall report violations of daily maximum limitations for the Total Copper and Total Zinc pollutants orally or by facsimile to TCEQ Region 14 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 14 and the Enforcement Division (MC 224). To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Track No: 823038 **Compliance Due Date:** 10/03/2022

30 TAC Chapter 305.125(1)**PERMIT WQ0010251001, Other Requirements No. 8, Pg. 35**

Within 3 months after the first exceedance of the daily average zinc limit or daily max zinc limit, the City of Port Lavaca shall submit to the TCEQ Stormwater & Pretreatment Team (MC-148) a Zinc Reduction Plan ("Plan") for review and approval. The goal of such Plan is to identify the source(s) of zinc, require best management practices and/or other controls to reduce the zinc loadings to the Lynn Bayou WWTF to a zinc maximum allowable headworks concentration of 208 µg/L per day.

EPA ID TX0047562, Other Requirements No. 8, Pg. 35**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to obtain approval for the Zinc Reduction Plan.

An investigation conducted on July 26, 2022 documented the Zinc Reduction Plan was not approved by the TCEQ Stormwater & Pretreatment Team. Specifically, a letter to address the Zinc reduction plan was submitted on March 29, 2019 to the TCEQ Standards Implementation Team and not the TCEQ Stormwater & Pretreatment Team. Additionally, the permit required the applicant to submit a study plan to identify the source of zinc coming into their waste collection system. The letter stated that they have no industrial contributors and that they may not be able to identify the source of the zinc; therefore, the plan was to determine the dissolved fraction of zinc that would be bioavailable to aquatic organisms in the receiving waters. Furthermore, the daily maximum for total zinc was 1030.0 µg/L in February 2022.

Recommended Corrective Action: The permittee shall obtain approval from the TCEQ Stormwater & Pretreatment Team (MC-148) for the Zinc Reduction Plan. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

ALLEGED VIOLATION(S) NOTED AND RESOLVED ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 823029

30 TAC Chapter 305.125(1)

30 TAC Chapter 305.125(7)

30 TAC Chapter 305.126(b)

PERMIT WQ0010251001, Operational Requirements No. 8b, Pg. 14

The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.

EPA ID TX0047562, Operational Requirements No. 8b, Pg. 14

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to submit a summary transmittal letter for the Lynn Haven lift station.

An investigation conducted on July 26, 2022 documented that the permittee did not submit a summary transmittal letter for the Lynn Haven lift station. Specifically, the construction of the new Lynn Haven lift station began in January 2022 and was completed in August 2022.

Resolution: On July 26, 2022, the permittee submitted the plans and specification for the Lynn Haven lift station. The plans were reviewed and approved on August 25, 2022 (Log No. 0722/114).

Track No: 823030

2D TWC Chapter 26.121(a)(1)

30 TAC Chapter 305.125(1)

PERMIT WQ0010251001, Permit Conditions No. 2g, Pg. 9

There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.

EPA ID TX0047562, Permit Conditions No. 2g, Pg. 9

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to prevent an unauthorized discharge of wastewater or any other waste.

An investigation conducted on July 26, 2022 documented a potential unauthorized discharge from the permittee's collection system. Specifically, sewage odors were detected behind the Loop 1090 lift station near the harbor of refuge drainage ditch along with a small sink hole which indicated a potential wastewater line break. The permittee confirmed the unauthorized discharge on July 28, 2022 due to a cracked force main located 300 feet west of the Loop 1090 lift station. An estimated 5000 to 8,000 gallons was discharged into the harbor of refuge drainage ditch. The line was repaired on July 29, 2022. The area around the break was cleaned and the contaminated water from the ditch (west of FM 1090 culvert) was removed.

Resolution: The permittee provided the required notifications along with documentation which adequately addressed the discharge.

AREA OF CONCERN

Track No: 823035

30 TAC Chapter 305.125(1)

30 TAC Chapter 319.7(d)

PERMIT WQ0010251001, Reporting Requirement No. 1, Pg. 5

Unless otherwise specified, a monthly effluent report shall be submitted each month, to the Enforcement Division, by the 20th day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month.

EPA ID TX0047562, Reporting Requirement No. 1, Pg. 5**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to submit the monthly effluent reports by the 20th day of the following month.

An investigation conducted on July 26, 2022 documented that the Discharge Monitoring Report (DMR) was submitted after the 20th day of the following month for December 2021. Specifically, the DMR was submitted on January 21, 2022. In the previous twelve-months reviewed, this was the only late DMR.

Resolution: The facility submitted the January to June 2022 DMRs by the 20th day of the following month.

ADDITIONAL ISSUES

Description

Was the permittee compliant with the self-monitored effluent limits?

Additional Comments

The permittee reported the following number of effluent permit exceedances at Outfall 001 during the period of July 2021 to June 2022: BOD lb/day (daily average) – 1; BOD mg/L (daily maximum) – 1; TSS lb/day (daily average) – 1; TSS mg/L (daily average) – 2; TSS mg/L (daily maximum) – 2; Total Copper lb/day (daily average) – 3; Total Copper µg /L (daily average) – 3; Total Copper µg /L (daily maximum) – 2; Total Zinc lb/day (daily average) – 2; Total Zinc µg/L (daily average) – 1; Total Zinc µg/L (daily maximum) – 1; Enterococci CFU/100 mL (daily maximum) – 10; and Enterococci CFU/100 mL (daily average) – 5. Self-reported effluent violations may be subject to formal enforcement, including penalties, upon review by the Enforcement Division.

Item one:

During the investigation conducted on July 26, 2022, the investigators documented the permittee did not submit a noncompliance notification to the TCEQ Regional Office for the exceedances that deviated from the permitted effluent limitation by more than 40%. Specifically, the following parameters exceeded the permitted effluent limits by more than 40%: one BOD daily Max (2/22); two TSS daily max (7/21 & 2/22); and eight Enterococci daily max (between 7/21-4/22). These violations are being addressed under Agreed Order, Docket No. 2017-0415-MWD-E; Enforcement Case No. 54191 (VTN: 632986).

Sent to TCEQ 9.28.22

Item 9.

Exhibit B

Track # - 823013

Failed to obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months.



AECOM
19219 Katy Freeway, Suite 100
Houston, TX 77094
aecom.com

September 13, 2022

Wayne W. Shaffer
Director of Public Works
City of Port Lavaca
628 W George St.
Port Lavaca, Texas 77979

**RE: City of Port Lavaca – Water Systems Planning and Lynn’s Bayou Wastewater Treatment Plant Expansion
Lynn’s Bayou Wastewater Treatment Plant Improvements and Expansion Projects – Progress Update
AECOM Project No. 60659778**

Mr. Shaffer:

I am writing this letter to provide an update on the progress of the following two projects

1. Lynn’s Bayou Wastewater Treatment Plant Improvements

- Civil, Mechanical and Structural design of this project is about 95% complete.
- Electrical design of the project is about 90% complete. AECOM is currently coordinating with the local power company to size the transformer required for the project and establish scope of their services.
- The final design package for the project will be submitted to the City upon completion of a quality control review.
- Anticipated schedule for the project is as below
 - Final Design Completion: 10/07/22
 - Bid Opening: 11/16/22
 - Award of Construction Contract: 1/18/23
 - Construction Completion: 10/18/23

2. Lynn’s Bayou Wastewater Treatment Plant 2 MGD to 4 MGD Expansion

- AECOM is currently working on the proposal to provide Final Design Services.
- The proposal will be submitted to the City no later than the end of September 2022.
- Anticipated preliminary schedule for the project is as below
 - NTP for Final Design: 12/16/22
 - Final Design Completion: 3/16/24
 - Bid Opening: 5/16/24
 - Award of Construction Contract: 7/16/24
 - Construction Completion: 7/16/26



AECOM appreciates the opportunity to be of service to the City of Port Lavaca. Please call me at (281) 675-7668, if you have any questions.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Vin-A". The signature is stylized and cursive.

Vinoth Manoharan, P.E.
Project Manager
AECOM

Jon Niermann, *Chairman*
 Emily Lindley, *Commissioner*
 Bobby Janecka, *Commissioner*
 Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 14, 2022

EMAIL RECEIPT REQUESTED

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

Via Email

Re: Acceptance of Compliance Plan for: City of Port Lavaca Wastewater Treatment Facilities, located at 800 North Commerce Street, Port Lavaca, (Calhoun County), Texas
 Regulated Entity No.: 101612893, TCEQ ID No.: WQ0010251001, Investigation No.: 1852188

Dear Mayor Whitlow:

The Texas Commission on Environmental Quality (TCEQ) Corpus Christi Region Office has completed a review of the compliance plan and additional information that was submitted on September 28 and October 6, 2022 for resolving the alleged violations dealing with the plant expansion, clarifier maintenance, improvements project at the headworks, and the zinc reduction plan (Track Nos. 823013, 823026, 823028 and 823038, respectively). These alleged violations were noted during the investigation of the above-referenced facility conducted on July 26, 2022. The compliance plan appears to identify necessary corrective action for the alleged violations. We will monitor your progress in implementing the corrective actions. You should submit to our office by December 30, 2022 the required documentation demonstrating that the alleged violations have been resolved. Please be advised, though, that if we determine during follow-up monitoring that you are not working towards compliance or the problem has escalated, further enforcement action will be considered. In addition, we have received acceptable compliance documentation from you for the alleged violations, Track Nos. 823008, 823020, 823025, 823032, 823034, and 823036.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and anticipates that you will resolve the alleged violations as required in order to protect the State's environment. If you or members of your staff have any questions, please feel free to contact Mr. Travis Prater in the Corpus Christi Region Office at (361) 881-6900.

Sincerely,

Renae DiGuardi
 Water Section Work Leader
 Corpus Christi Region Office

KRD/TLP/mjc

Enclosure: Summary of Investigation Findings

cc: William W. Shaffer, Public Works Director - Via email

Summary of Investigation Findings

Item 9.

CITY OF PORT LAVACA 800 N COMMERCE ST PORT LAVACA, CALHOUN COUNTY, TX 77979	Investigation # 1852188 Investigation Date: 10/13/2022
Additional ID(s): TX0047562 WQ0010251001	

OUTSTANDING ALLEGED VIOLATION(S)

Track No: 823013 **Compliance Due Date:** 12/30/2022

30 TAC Chapter 305.125(1)

30 TAC Chapter 305.126(a)

PERMIT WQ0010251001, Operational Requirements No. 8a., Pg. 14

Whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities.

EPA ID TX0047562, Operational Requirement No. 8.a., Pg. 14

Alleged Violation:

Investigation: 1833031

Comment Date: 09/01/2022

Failed to obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months.

An investigation conducted on July 26, 2022 documented the facility has reached 90% of the permitted annual average flow of 2.0 million gallons per day (MGD) for 18 consecutive months (November 2020 to April 2022) and the permitted daily average flow of 2.0 MGD was exceeded in July 2020, August 2020, September 2020, May 2021, June 2021, and July 2021. Additionally, the permittee has not amended their permit and commenced construction of additional treatment and/or collection facilities.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on September 28, 2022 was reviewed. Specifically, the facility submitted documentation which included a progress update on the City of Port Lavaca -Lynn's Bayou Wastewater Treatment Plant improvements and expansion projects. The City has contracted with AECOM to design the project which will include the expansion of the 2.0 million gallons per day (MGD) treatment facility to a 4.0 MGD facility.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to complete and submit the designs for the expansion to TCEQ Plans and Specification Review, Water Quality Division MC - 148. A compliance plan acceptance letter was sent to the facility with a new compliance due date of December 30, 2022.

Recommended Corrective Action: The permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Track No: 823026 **Compliance Due Date:** 12/30/2022

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.4(d)(2)

30 TAC Chapter 317.4(d)(3)

PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on July 26, 2022 determined that the facility was not properly operating and maintaining the clarifiers (No. 1 and No. 2). Specifically, the investigators documented uneven flow over both clarifier weirs. Additionally, there was excessive scum and debris floating on the surface of clarifier No. 1.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on October 6, 2022 was reviewed. Specifically, the facility submitted documentation which included a quote from RC&ED to clean and level weirs in both clarifiers.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to clean and level weirs in both clarifiers. A compliance plan acceptance letter was sent to the facility with a new compliance due date of December 30, 2022.

Recommended Corrective Action: The permittee shall level the weirs in both clarifiers to prevent short circuiting flow through the clarifiers and the excess scum be collected and properly disposed of. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

Track No: 823028 **Compliance Due Date:** 12/30/2022

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.4(b)(1)

30 TAC Chapter 317.4(b)(2)

PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on July 26, 2022 determined that the mechanical bar screen and the grit auger were inoperative. Specifically, the facility stated that the grit auger has been inoperable for one year and the mechanical bar screen broke the week prior to this investigation. Additionally, the facility does not have any odor control facilities.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on September 28, 2022 was reviewed. Specifically, the facility submitted documentation which included a progress update on the City of Port Lavaca -Lynn's Bayou Wastewater Treatment Plant improvements and expansion projects. The City has contracted with AECOM to design the project which will include the improvements to the current treatment facility.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to complete and submit the designs for the improvements to TCEQ Plans and Specification Review, Water Quality Division MC - 148. A compliance plan acceptance letter was sent to the facility with a new compliance due date of

December 30, 2022.

Recommended Corrective Action: The permittee shall ensure the mechanical bar screen and the grit auger are operational. Additionally, odor control measures shall be implemented to prevent the wastewater treatment plant from becoming a nuisance. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

Track No: 823038 **Compliance Due Date:** 12/30/2022

30 TAC Chapter 305.125(1)

PERMIT WQ0010251001, Other Requirements No. 8, Pg. 35

Within 3 months after the first exceedance of the daily average zinc limit or daily max zinc limit, the City of Port Lavaca shall submit to the TCEQ Stormwater & Pretreatment Team (MC-148) a Zinc Reduction Plan ("Plan") for review and approval. The goal of such Plan is to identify the sources(s) of zinc, require best management practices and/or other controls to reduce the zinc loadings to the Lynn Bayou WWTF to a zinc maximum allowable headworks concentration of 208 µg/L per day.

EPA ID TX0047562, Other Requirements No. 8, Pg. 35

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to obtain approval for the Zinc Reduction Plan.

An investigation conducted on July 26, 2022 documented the Zinc Reduction Plan was not approved by the TCEQ Stormwater & Pretreatment Team. Specifically, a letter to address the Zinc reduction plan was submitted on March 29, 2019 to the TCEQ Standards Implementation Team and not the TCEQ Stormwater & Pretreatment Team. Additionally, the permit required the applicant to submit a study plan to identify the source of zinc coming into their waste collection system. The letter stated that they have no industrial contributors and that they may not be able to identify the source of the zinc; therefore, the plan was to determine the dissolved fraction of zinc that would be bioavailable to aquatic organisms in the receiving waters. Furthermore, the daily maximum for total zinc was 1030.0 µg/L in February 2022.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on September 28, 2022 was reviewed. Specifically, the facility retained Plummer Associates, Inc. to review the existing zinc database and the review identified an uncharacteristically high fraction of dissolved zinc as compared to total zinc. Plummer Associates is determining the next steps possible

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to obtain approval from the TCEQ Stormwater & Pretreatment Team (MC-148) for the Zinc Reduction Plan. A compliance plan acceptance letter was sent to the facility with a new compliance due date of December 30, 2022.

Recommended Corrective Action: The permittee shall obtain approval from the TCEQ Stormwater & Pretreatment Team (MC-148) for the Zinc Reduction Plan. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 823008

30 TAC Chapter 305.125(1)

30 TAC Chapter 319.6

30 TAC Chapter 319.9(d)

PERMIT WQ0010251001, Monitoring Requirements No. 2.a, Pg. 5

Monitoring Requirements No. 2.a, Pg. 5

Measurements, tests and calculations shall be accurately accomplished in a representative manner.

EPA ID TX0047562, Monitoring Requirements No. 2.a, Pg. 5**Alleged Violation:**

Investigation: 1833031

Comment Date: 09/01/2022

Failed to assure the quality of all measurements through the use of blanks, standards, duplicate analyses, and spikes.

An investigation conducted on July 26, 2022 documented that the facility was not performing a duplicate analysis for dissolved oxygen measurements. Specifically, the facility was measuring the dissolved oxygen twice per week without performing a duplicate.

Investigation: 1852188

Comment Date: 10/13/2022

A file record review was conducted to evaluate the compliance documentation submitted for this alleged violation.

Recommended Corrective Action: The permittee shall assure the quality of all measurements through the use of blanks, standards, duplicate analyses, and spikes. Specifically, a duplicate shall be performed on a 10% basis each day that dissolved oxygen samples are analyzed. If one to 10 samples are analyzed on a particular day, then one duplicate shall be performed for the dissolved oxygen.

Resolution: On September 28, 2022, the facility submitted copies of the daily operation records. Specifically, the facility began performing a duplicate analysis for dissolved oxygen on July 28, 2022.

Track No: 823020**30 TAC Chapter 305.125(5)****PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13**

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on July 26, 2022 documented that the Main, Bay Street, North Ann, and Loop 1090 lift stations were not properly maintained. Specifically, the surface areas of the wet wells were 95 to 100 percent caked with solids, grease and debris.

Investigation: 1852188

Comment Date: 10/13/2022

A file record review was conducted to evaluate the compliance documentation submitted for this alleged violation.

Recommended Corrective Action: The permittee shall ensure all lift stations are properly operated and maintained. Specifically, the floating sludge, grease and debris must be removed periodically from the lift station wet wells to prevent an excessive accumulation to allow for the proper operational function of the pumps. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Resolution: On September 28 and October 6, 2022, the facility submitted photographs of each wet well. Specifically, the wet wells for the Main, Bay Street, North Ann, and Loop 1090 lift stations were cleaned and free of solids, grease, and debris.

Track No: 823025**30 TAC Chapter 305.125(5)****30 TAC Chapter 317.4(g)(4)(A)**

PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control.

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control.

An investigation conducted on July 26, 2022 determined that the facility was not properly operated and maintained in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Specifically, the process control tests performed during the investigation documented the dissolved oxygen in the three-stage aeration basin No. 3 (re-aeration) was measured at 0.5 mg/L which was below the recommended level of 2.0 mg/L; and the 30 minute settleable solids concentration (SV30) in the aeration basin was 98% greater than the recommended range of 10 to 50 percent. The sludge blanket in both Clarifiers Nos. 1 and 2 was 9 feet in a 14-foot water depth (64.3%), which was greater than the recommended maximum sludge/water ratio of 25% sludge depth.

Investigation: 1852188

Comment Date: 10/13/2022

A file record review was conducted to evaluate the compliance documentation submitted for this alleged violation.

Recommended Corrective Action: The permittee shall ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained and perform the necessary process control tests to effectively operate the wastewater treatment plant to maintain an appropriate quantity and quality of solids inventory. Additionally, the aeration basins shall be operated to prevent excess sludge and maintain a minimum dissolved oxygen concentration of 2.0 mg/liter throughout the basin at the maximum diurnal organic loading rate and to provide thorough mixing of the mixed liquor. The minimum air volume requirements may be reduced with appropriate supporting performance evaluations from the manufacturer. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Resolution: On September 28, 2022, the facility submitted copies of the process control records from July 28 to September 9, 2022. The process control tests performed by the facility during this period showed a significant improvement in the operations. Specifically in September 2022, the DO was consistently above 2.0 mg/l in aeration basin No. 3 with an average SV30 of 67% and the sludge blanket in both Clarifiers was measured between 2.3 feet (16%) and 4.6 feet (32%).

Track No: 823032**30 TAC Chapter 217.33(a)****30 TAC Chapter 305.125(1)****PERMIT WQ0010251001, Monitoring Requirements No.5, Pg. 6**

All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results.

EPA ID TX0047562, Monitoring Requirements No.5, Pg. 6**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually.

An investigation conducted on July 26, 2022 documented that the automatic flow meter for Outfall 001 was not being calibrated annually by a trained person. Specifically, the Milltronics Hydromer electronic flowmeter was last calibrated on February 27, 2020 by Mercer Controls.

Investigation: 1852188

Comment Date: 10/13/2022

A file record review was conducted to evaluate the compliance documentation submitted for this alleged violation.

Recommended Corrective Action: The permittee shall ensure that the automatic flow measuring device is accurately calibrated by a trained person not less often than annually. Such person shall verify in writing that the device is operating properly and giving accurate results. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

Resolution: On September 28, 2022, the facility submitted a copy of the flow meter calibration certification. Specifically, the Milltronics Hydromer electronic flowmeter was calibrated on July 27, 2022 by Mercer Controls, Inc.

Track No: 823034**30 TAC Chapter 305.125(1)****30 TAC Chapter 319.7(a)****30 TAC Chapter 319.7(c)****PERMIT WQ0010251001, Monitoring Requirements No. 3.c., Pg. 6**

Records of monitoring activities shall include the following:

- i. date, time and place of sample or measurement;
- ii. identity of individual who collected the sample or made the measurement.
- iii. date and time of analysis;
- iv. identity of the individual and laboratory who performed the analysis;
- v. the technique or method of analysis; and
- vi. the results of the analysis or measurement and quality assurance/quality control records.

EPA ID TX0047562, Monitoring Requirements No. 3.c., Pg. 6**Alleged Violation:**

Investigation: 1833031

Comment Date: 08/26/2022

Failed to maintain records of the monitoring activities required by the permit.

An investigation conducted on July 26, 2022 documented that the operators were not recording the effluent sample collection time for pH and dissolved oxygen (DO). Specifically, the operators were only recording the time of sample analysis.

Investigation: 1852188

Comment Date: 10/13/2022

A file record review was conducted to evaluate the compliance documentation submitted for this alleged violation.

Recommended Corrective Action: The permittee shall maintain records of all monitoring activities to include at a minimum the date, time, and place of sample or measurement; identity of individual who collected the sample or made the measurement; date and time of analysis; identity of the individual who performed the analysis; the technique or method of analysis; and the results of the analysis or measurement and quality assurance/quality control records. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Resolution: On September 28, 2022, the facility submitted a copy of the daily operational records and field measurement logs which now include both the sample collection and sample analysis times for pH and DO.

Track No: 823036

PERMIT WQ0010251001, Other Requirements No. 7, Pg. 34

Violations of daily maximum limitations for the Total Copper and Total Zinc pollutants shall be reported orally or by facsimile to TCEQ Region 14 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 14 and the Enforcement Division (MC 224).

EPA ID TX0047562, Other Requirements No. 7, Pg. 34

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to report violations of daily maximum limitations for the Total Copper and Total Zinc pollutants orally or by facsimile to TCEQ Region 14 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 14 and the Enforcement Division (MC 224).

An investigation conducted on July 26, 2022 documented that the violations of daily maximum limitations for the Total Copper and Total Zinc pollutants were not reported orally or by facsimile to TCEQ Region 14 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 14 and the Enforcement Division (MC 224). Specifically, the Total Copper and Total Zinc daily max exceeded the permitted limit on three occasions (three Total Copper daily maximum - February and April 2022; and one Total Zinc daily maximum - February 2022).

Investigation: 1852188

Comment Date: 10/13/2022

A file record review was conducted to evaluate the compliance documentation submitted for this alleged violation.

Recommended Corrective Action: The permittee shall report violations of daily maximum limitations for the Total Copper and Total Zinc pollutants orally or by facsimile to TCEQ Region 14 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 14 and the Enforcement Division (MC 224). To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Resolution: On September 28, 2022, the facility submitted a copy of the noncompliance notification form and the standard operating procedures (SOP) for monitoring and reporting requirements. Specifically, the SOP states all violations of daily maximum limitations for the Total Copper and Total Zinc pollutants must be submitted orally or by facsimile to TCEQ Region 14 within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 14 and the Enforcement Division (MC 224).

CITY OF PORT LAVACA

COUNCIL MEETING: DECEMBER 12, 2022**AGENDA ITEM __**

DATE: 12.07.2022
TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: JODY WEAVER, INTERIM CITY MANAGER
SUBJECT: AECOM Task Order No. 5

BACKGROUND:

The City's wastewater treatment plant (WWTP) has exceeded 75% capacity for 3 or more consecutive months and TCEQ has mandated that engineering design must begin to expand the WWTP capacity. Our initial step down this road was to perform some needed improvements to the plant which were identified in the study performed by AECOM a year ago. That project is currently in the bid phase and is scheduled to bid on December 14. We must now take the next step to begin the engineering for the construction of the WWTP plant expansion, which will provide additional capacity.

AECOM has submitted a proposal for a Task Order No. 5 which includes design work up to 30% complete and assistance as needed to apply for a Texas Water Development Loan for funding for the project if that is the direction we want to go. The total engineering fee for this scope is \$494,588.00.

FINANCIAL IMPACT:

The finance committee has reviewed the financial impact for this contract and has agreed that the Public Utility Fund will borrow funds from the General Fund that will be paid back at a later date.

RECOMMENDATION: It is staff's recommendation to award to AECOM Task Order No. 5 to AECOM's Master Engineering Services Agreement, dated May 10, 2022 in the amount of \$494,588 to include Basic Services 1, 2 and 3 as outlined in the proposal dated 10/21/2022.

ATTACHMENTS:

- AECOM Task Order NO. 5

Voting Nay:
Councilman District 5 Ward

6. **Consider award of Buyboard Contract No. 581-19 to Brown and Root for the City of Port Lavaca Animal Shelter. Presenter is Jody Weaver**

Interim City Manager Weaver reminded Council that in November, staff was considering a Job Order Contract with Brown & Root to renovate and make various required improvements to the Animal Shelter. The cost for the proposed scope of work was \$440,142.00.

Taking into account discussions during the Council meeting, staff asked Brown & Root to revisit the project design and remove the roll up doors in the CMU walls and install louvers in their place. With this design, the CMU block is reduced from 12” to 8” and all the new steel work needed to bird proof the building is removed since the building would now be fully enclosed. The revised cost is \$306,672.00.

The State did come inspect the shelter a couple weeks ago and held off on taking any action against the shelter since this project was projected to begin after the first of the year. Staff is to notify the inspector once the work begins so he can come inspect and verify that the work is in fact underway.

Staff has budgeted \$250,197.00, so \$56,475 is needed from General Fund Reserves. It is staff’s recommendation to award Buy Board Contract #581-19 to Brown & Root for the Base Bid amount of \$306,672.00.

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 awards Buy Board Contract #581-19 to Brown & Root, for the City of Port Lavaca Animal Shelter Renovation Project, for the Base Bid amount of \$306,672.00 a copy which 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



7. **Consider approval of AECOM Task Order No. 5 for the following Scope of Work: City of Port Lavaca Lynn’s Bayou Wastewater Treatment Plant Expansion; Basic Services Items 1, 2, 3, in the total amount of \$494,588.00; authorize Budget Amendment for loan to Public Utility Fund from General Fund in the same amount and authorize a Notice to Proceed on December 13, 2022. Presenter is Wayne Shaffer**

Public Works Director Shaffer advised Council that the City's Wastewater Treatment Plant (WWTP) has exceeded 75% capacity for 3 or more consecutive months and Texas Commission on Environmental Quality (TCEQ) has mandated that engineering design must begin to expand the WWTP capacity. The initial step down this road was to perform some needed improvements to the plant which were identified in the study performed by AECOM a year ago. That project is currently in the bid phase and is scheduled to bid on December 14, 2022. Staff must now take the next step to begin the engineering for the construction of the WWTP Plant Expansion, which will provide additional capacity.

AECOM has submitted a proposal for a Task Order No. 5 which includes design work up to 30% complete and assistance as needed to apply for a Texas Water Development Loan for funding for the project if that is the direction we want to go. The total engineering fee for this scope is \$494,588.00.

The Finance Committee has reviewed the financial impact for this contract and has agreed that the Public Utility Fund will borrow funds from the General Fund that will be paid back at a later date. It is staff's recommendation to award to AECOM Task Order No. 5 to AECOM's Master Engineering Services Agreement, dated May 10, 2022 in the amount of \$494,588 to include Basic Services 1, 2 and 3 as outlined in the proposal dated 10/21/2022.

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 AECOM Task Order No. 5 for the following Scope of Work: City of Port Lavaca Lynn's Bayou Wastewater Treatment Plant Expansion; Basic Services Items 1, 2, 3, in the total amount of \$494,588.00; and also authorizes a Notice to Proceed on December 13, 2022.

BE IT FURTHER RESOLVED, that a Budget Amendment for a loan to the Public Utility Fund from the General Fund, in the amount of \$494,588.00, is hereby authorized.

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

8. **Consider approval of AECOM Task Order No. 6 for Bid and Construction Phase Services for the Lynn's Bayou Wastewater Treatment Plant Improvement project, in the amount of \$127,317.00. Presenter is Wayne Shaffer**

Interim City Manager Weaver advised Council that AECOM Task Order No. 4, approved on May 10, 2021, covered the design and preparation of the Bid Package.



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

City Manager
Ext. 222

December 15, 2022

City Secretary
Ext. 230

Travis Prater

Code Enforcement
Ext. 229

TCEQ Region 14

500 N. Shoreline Blvd., Ste. 500
Corpus Christi, Texas 78401-0318

Finance
Ext. 234

Re: Acceptance of Compliance Plan for: City of Port Lavaca Wastewater Treatment Facilities, located at 800 North Commerce Street, Port Lavaca, (Calhoun County), Texas Regulated Entity No.: 101612893, TCEQ ID No.: WQ0010251001, Investigation No.: 1852188

Inspections/Permits
Ext. 229

Municipal Court
Ext. 226

Mr. Prater:

Personnel
Ext. 224

Utility Billing
Ext. 238

In response to the City of Port Lavaca compliance plan for the Lynn's

Animal Control
361-552-5726

Bayou Wastewater Treatment Facilities Track No. 823013 we provide the

Bauer Center
361-552-1234

following information. On December 12th, 2022, during the scheduled council

Fire Station
361-552-3241

meeting the engineering contract for the expansion of the facilities was awarded

Public Works Director
361-552-3347

to AECOM engineering group in Houston, TX. Attached you will find a copy of

Parks & Recreation
361-552-8731

the authorization to proceed that provides a scope and tentative timeline. The City

Police
361-552-3788

of Port Lavaca Respectfully request a eighteen-month extension on this provision

Streets
361-552-3347

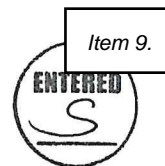
to achieve compliance.

Utilities Operation
361-552-3347

William W. Shaffer

Director of Public Works

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 16, 2023

EMAIL RECEIPT REQUESTED

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

Re: Acceptance of Compliance Plan for:
City of Port Lavaca Wastewater Treatment Facilities, located at 800 North Commerce Street, Port Lavaca, (Calhoun County), Texas
Regulated Entity No.: 101612893, TCEQ ID No.: WQ0010251001, Investigation No.: 1868415

Dear Mayor Whitlow:

The Texas Commission on Environmental Quality (TCEQ) Corpus Christi Region Office has completed a review of the compliance plan and additional information that was submitted on December 15 and 20, 2022 to request an extension to the previous compliance plan for resolving the alleged violations dealing with the plant expansion, improvements project at the headworks, and the zinc reduction plan (Track Nos. 823013, 823028 and 823038, respectively). These alleged violations were noted during the investigation of the above-referenced facility conducted on July 26, 2022. The compliance plan appears to identify necessary corrective action for the alleged violations. We will monitor your progress in implementing the corrective actions. You should submit to our office by January 5, 2024, the required documentation demonstrating that the alleged violations have been resolved. Please be advised, though, that if we determine during follow-up monitoring that you are not working towards compliance or the problem has escalated, further enforcement action will be considered. In addition, we have received acceptable compliance documentation from you for the alleged violation, Track No. 823026 (clarifier maintenance).

The Texas Commission on Environmental Quality appreciates your assistance in this matter and anticipates that you will resolve the alleged violations as required in order to protect the State's environment. If you or members of your staff have any questions, please feel free to contact Mr. Travis Prater in the Corpus Christi Region Office at (361) 881-6900.

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie Edwards".

Melanie Edwards
Water Section Manager
Corpus Christi Region Office

ME/TP/mjc

Enclosure: Summary of Investigation Findings

cc: William W. Shaffer, Public Works Director - Via email

Summary of Investigation Findings

Item 9.

CITY OF PORT LAVACA

800 N COMMERCE ST

PORT LAVACA, CALHOUN COUNTY, TX 77979

Investigation #

1868415
Investigation Date: 02/13/2023

Additional ID(s): TX0047562
WQ0010251001

OUTSTANDING ALLEGED VIOLATION(S)

Track No: 823013 Compliance Due Date: 01/05/2024

30 TAC Chapter 305.125(1)

30 TAC Chapter 305.126(a)

PERMIT WQ0010251001, Operational Requirements No. 8a., Pg. 14

Whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities.

EPA ID TX0047562, Operational Requirement No. 8.a., Pg. 14

Alleged Violation:

Investigation: 1833031

Comment Date: 09/01/2022

Failed to obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months.

An investigation conducted on July 26, 2022 documented the facility has reached 90% of the permitted annual average flow of 2.0 million gallons per day (MGD) for 18 consecutive months (November 2020 to April 2022) and the permitted daily average flow of 2.0 MGD was exceeded in July 2020, August 2020, September 2020, May 2021, June 2021, and July 2021. Additionally, the permittee has not amended their permit and commenced construction of additional treatment and/or collection facilities.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on September 28, 2022 was reviewed. Specifically, the facility submitted documentation which included a progress update on the City of Port Lavaca -Lynn's Bayou Wastewater Treatment Plant improvements and expansion projects. The City has contracted with AECOM to design the project which will include the expansion of the 2.0 million gallons per day (MGD) treatment facility to a 4.0 MGD facility.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to complete and submit the designs for the expansion to TCEQ Plans and Specification Review, Water Quality Division MC - 148. A compliance plan acceptance letter was sent to the facility with a new compliance due date of December 30, 2022.

Investigation: 1868415

Comment Date: 02/13/2023

During the file record review conducted on February 13, 2023, the additional information submitted by the facility on December 15, 2022, to justify an extension to the previous compliance plan was reviewed. The City of Port Lavaca requested an extension to allow additional time for the engineering company awarded the bid to complete and submit the design for the expansion to TCEQ Plans and Specification Review, Water Quality Division MC - 148.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until January 5, 2024.

Recommended Corrective Action: The permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or

95

collection facilities. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement.

Item 9.

Track No: 823028 **Compliance Due Date:** 01/05/2024

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.4(b)(1)

30 TAC Chapter 317.4(b)(2)

PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on July 26, 2022 determined that the mechanical bar screen and the grit auger were inoperative. Specifically, the facility stated that the grit auger has been inoperative for one year and the mechanical bar screen broke the week prior to this investigation. Additionally, the facility does not have any odor control facilities.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on September 28, 2022 was reviewed. Specifically, the facility submitted documentation which included a progress update on the City of Port Lavaca -Lynn's Bayou Wastewater Treatment Plant improvements and expansion projects. The City has contracted with AECOM to design the project which will include the improvements to the current treatment facility.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to complete and submit the designs for the improvements to TCEQ Plans and Specification Review, Water Quality Division MC - 148. A compliance plan acceptance letter was sent to the facility with a new compliance due date of December 30, 2022.

Investigation: 1868415

Comment Date: 02/13/2023

During the file record review conducted on February 13, 2023, the additional information submitted by the facility on December 20, 2022, to justify an extension to the previous compliance plan was reviewed. The City of Port Lavaca requested an extension to allow additional time to complete the headworks improvement project.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until January 5, 2024.

Recommended Corrective Action: The permittee shall ensure the mechanical bar screen and the grit auger are operational. Additionally, odor control measures shall be implemented to prevent the wastewater treatment plant from becoming a nuisance. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

Track No: 823038 **Compliance Due Date:** 01/05/2024

30 TAC Chapter 305.125(1)

PERMIT WQ0010251001, Other Requirements No. 8, Pg. 35

Within 3 months after the first exceedance of the daily average zinc limit or daily max zinc limit, the City of Port Lavaca shall submit to the TCEQ Stormwater & Pretreatment Team (MC-148) a Zinc Reduction Plan ("Plan") for review and approval. The goal of such Plan is to identify the source(s) of zinc, require best management practices and/or other controls to reduce the zinc loadings to the Lynn Bayou WWTF to a zinc maximum allowable headworks concentration of 208 µg/L per day.

EPA ID TX0047562, Other Requirements No. 8, Pg. 35

Alleged Violation:

Investigation: 1833031

Comment Date: 08/26/2022

Failed to obtain approval for the Zinc Reduction Plan.

An investigation conducted on July 26, 2022 documented the Zinc Reduction Plan was not approved by the TCEQ Stormwater & Pretreatment Team. Specifically, a letter to address the Zinc reduction plan was submitted on March 29, 2019 to the TCEQ Standards Implementation Team and not the TCEQ Stormwater & Pretreatment Team. Additionally, the permit required the applicant to submit a study plan to identify the source of zinc coming into their waste collection system. The letter stated that they have no industrial contributors and that they may not be able to identify the source of the zinc; therefore, the plan was to determine the dissolved fraction of zinc that would be bioavailable to aquatic organisms in the receiving waters. Furthermore, the daily maximum for total zinc was 1030.0 µg/L in February 2022.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on September 28, 2022 was reviewed. Specifically, the facility retained Plummer Associates, Inc. to review the existing zinc database and the review identified an uncharacteristically high fraction of dissolved zinc as compared to total zinc. Plummer Associates is determining the next steps possible

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to obtain approval from the TCEQ Stormwater & Pretreatment Team (MC-148) for the Zinc Reduction Plan. A compliance plan acceptance letter was sent to the facility with a new compliance due date of December 30, 2022.

Investigation: 1868415

Comment Date: 02/13/2023

During the file record review conducted on February 13, 2023, the additional information submitted by the facility on December 20, 2022, to justify an extension to the previous compliance plan was reviewed. The City of Port Lavaca requested an extension to allow additional time for Plummer Associates, Inc. to determine the best course of action to address zinc in the effluent to ensure compliance with Texas Surface Water Quality Standards. Specifically, the initial results of their study indicated that the dissolved fraction of zinc was almost equal to the total fraction (unusual and not the expected result). Additionally, the consultant will be working with the TCEQ Standards Implementation Team (MC-150) as they explore options.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until January 5, 2024, to obtain approval from the TCEQ Standards Implementation Team (MC-150) for the Zinc Reduction Plan.

Recommended Corrective Action: The permittee shall obtain approval from the TCEQ Stormwater & Pretreatment Team (MC-148) for the Zinc Reduction Plan. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 823026

30 TAC Chapter 305.125(5)

30 TAC Chapter 317.4(d)(2)

30 TAC Chapter 317.4(d)(3)

PERMIT WQ0010251001, Operational Requirements No. 1, Pg. 13

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

EPA ID TX0047562, Operational Requirements No. 1, Pg. 13

Alleged Violation:

Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

An investigation conducted on July 26, 2022 determined that the facility was not properly operating and maintaining the clarifiers (No. 1 and No. 2). Specifically, the investigators documented uneven flow over both clarifier weirs. Additionally, there was excessive scum and debris floating on the surface of clarifier No. 1.

Investigation: 1852188

Comment Date: 10/13/2022

During the file record review conducted on October 13, 2022, the compliance plan and additional information submitted by the facility on October 6, 2022 was reviewed. Specifically, the facility submitted documentation which included a quote from RC&ED to clean and level weirs in both clarifiers.

The TCEQ Corpus Christi Regional Office has implemented a compliance plan, which gives the City of Port Lavaca until December 30, 2022, to clean and level weirs in both clarifiers. A compliance plan acceptance letter was sent to the facility with a new compliance due date of December 30, 2022.

Investigation: 1868415

Comment Date: 02/13/2023

A file record review was conducted to evaluate the compliance documentation submitted for this alleged violation.

Recommended Corrective Action: The permittee shall level the weirs in both clarifiers to prevent short circuiting flow through the clarifiers and the excess scum be collected and properly disposed of. To verify compliance, please send documentation to the TCEQ Region 14 Office indicating compliance with this requirement by the compliance due date.

Resolution: On December 20, 2022, the facility submitted photographs of both clarifiers. Specifically, the clarifiers were cleaned and the weirs level.

Jody Weaver

From: Lupe Trevino <Lupe.Trevino@twdb.texas.gov>
Sent: Wednesday, August 21, 2024 11:29 AM
To: Jody Weaver; robert.d.traylor@rbccm.com; vinoth.manoharan@aecom.com
Cc: Caaren Skrobarczyk; Marshall Walters; Shubham Aggarwal; David Firgens; Racquel McCoy
Subject: Port Lavaca - CWSRF - 73963 - L1001820
Attachments: Port Lavaca - CWSRF - 73963 - L1001820 - Workbook to Entity.xlsx

Follow Up Flag: Follow up
Flag Status: Flagged

Greetings,

Congratulations on your award of Commitment for financial assistance from the Texas Water Development Board!

The program in which you have received funding authorization requires an Outlay be submitted for all costs incurred.

Attached is your Excel Outlay template for:

Entity:	Port Lavaca
Program:	CWSRF
Project Number:	73963
Commitment Number:	L1001820
Commitment Amount:	\$39,315,000.00
Estimated Closing Date:	11/30/24

For detailed instructions on how to submit Outlays to TWDB, please visit our website at <http://www.twdb.texas.gov/financial/outlay>.

A complete outlay needs to be submitted to outlays@twdb.texas.gov at least 15 business days prior to closing.

The TWDB Review Engineer assigned to this project is:

Shubham Aggarwal
Shubham.Aggarwal@twdb.texas.gov

If you have any questions, please do not hesitate to contact us.

Thank you,



PROJECT FUNDING REQUEST

BOARD DATE: August 15, 2024

Team Manager: David Firgens

ACTION REQUESTED

Consider approving by resolution a request from the City of Port Lavaca (Calhoun County) for \$39,315,000 in financial assistance from the Clean Water State Revolving Fund for planning, design, and construction of wastewater system improvements.

STAFF RECOMMENDATION

[X] Approve [] No Action

BACKGROUND

The City of Port Lavaca (City) is on the Gulf Coast approximately 80 miles northeast of Corpus Christi. The City provides water and wastewater services to a population of approximately 12,000 residents and approximately 4,859 water and 4,278 water connections.

PROJECT NEED AND DESCRIPTION

The City's Lynn's Bayou wastewater treatment plant (WWTP) is currently operating at 90% capacity and needs expansion to meet current and future demands, overcome operational challenges, and reduce efficiencies. The WWTP's mechanical and electrical equipment are at the end of their expected service life. In February 2023, the City received a notice of outstanding alleged violation from the Texas Commission on Environmental Quality (TCEQ) due to inadequate capacity.

The City proposes to expand the WWTP capacity from two to four million gallons per day (MGD), modify and upgrade existing processes, centralize instrumentation and control operations, achieve future TCEQ targets for nitrate and phosphorous removal, and lower sludge production. The City will expand capacity in either one or two construction phases.

Table with 2 columns: Task, Schedule Date. Rows include Closing (Nov 1, 2024), Engineering Feasibility Report Completion (Dec 31, 2024), Design Phase (Feb 27, 2026), Start of Construction (May 1, 2026), and Construction Completion (May 31, 2028).

COMMITMENT PERIOD: TWELVE (12) MONTHS TO EXPIRE AUGUST 31, 2025

LEGAL/SPECIAL CONDITIONS

- Adoption of water conservation plan

Attachments:

1. Financial Review
2. Project Budget
3. Resolution (24-)
4. Water conservation review
5. Location Map

Financial Review

City of Port Lavaca

Risk Score: 2B

Audit Reviewed: FY 2023

Key Indicators

Indicator	Result	Benchmark
Population Growth, Average Annual 2010-2020	City: 0.58%	State: 1.49%
Total Assessed Valuation per capita	\$65,585	\$30,000-\$64,999
Median Household Income as % of State	93%	100%
Days of Cash on Hand (3-year Average)	210 days	30-149 days
Net Fixed Assets/ Annual Depreciation	24 years	12-24 years
Debt Service Coverage Ratio	0.31x	1.00x
Debt-to-Operating Revenues	6.76	4.00-5.99x
Unemployment Rate (May, 2024)	City: 3.20%	State: 3.80%
Working Capital Ratio	2.19	> 1.00

Key Risk Score Strengths

- The City's taxable assessed valuation increased by 30 percent from \$556,606,203 to \$723,666,429 from 2018 to 2023. The 30 percent growth in taxable value allows the City to increase tax revenue to service tax support debt without implementing tax rate increases.
- With 210 days of cash on hand, the City has sufficient unrestricted cash and short-term investments available for operating expenses, debt service payments, or to cover unforeseen expenses.
- A high working capital ratio provides the City with ample resources to cover short-term liabilities and shows a strong liquidity position.

Key Risk Score Concerns

- Based on the 2023 audited financials, the City does not meet the required 1.1x debt service coverage ratio. However, the City adopted rate increases of \$7.68 for water and \$9.27 for sewer services in January of 2023. Using the current interest and sinking fund tax rate, the City will need to implement additional incremental rate increases starting in 2025 before reaching a maximum projected rate increase of \$46.62 by 2027. Prior to closing, the City will provide evidence of sufficient rates and charges to meet the debt service coverage requirement.

PLEDGE

Legal Pledge Name	Ad Valorem Tax and Surplus Revenue
Type of Pledge	<input type="checkbox"/> Tax <input type="checkbox"/> Revenue <input checked="" type="checkbox"/> Tax & Revenue <input type="checkbox"/> Contract <input type="checkbox"/> Other
Revenue Pledge Level	<input type="checkbox"/> First <input type="checkbox"/> Second <input checked="" type="checkbox"/> Third <input type="checkbox"/> N/A

RATES AND CHARGES

Average Residential Use	Gallons/Month	Current Rates	Max Projected Rates (2027)	Current Household Cost Factor	Projected Household Cost Factor
Water	7,000	\$49.54	\$49.54	1.78	2.75
Wastewater	4,000	\$36.07	\$82.69		

TAXES

	2023 Tax Year Rate	Max Projected Tax Rate (Year 2023)	Maximum Allowable Rate	3-Year Avg Current Tax Collections	Assessed Valuation
Maintenance & Operation	\$0.6986	\$0.6986	\$2.50	97%	\$757,970,744
Interest & Sinking	\$0.0821	\$0.0821			
Total Tax Rate	\$0.7807	\$0.7807			

Cost Savings

Based on a 30-year maturity schedule and current interest rates, the City could save approximately \$12,036,859 over the life of the financing.

Project Data Summary

Responsible Authority	City of Port Lavaca
Program	CWSRF
Commitment Number	L1001820
Project Number	73963
List Year	2024
Type of Pledge	Combo Tax and Revenue
Pledge Level (if applicable)	Third Lien
Legal Description	\$39,315,000 City of Port Lavaca, Texas Tax & Surplus Revenue Certificates of Obligations, Proposed Series 2024B
Tax-exempt or Taxable	Tax-Exempt
Refinance	No
Outlay Requirement	Yes
Disbursement Method	Escrow
Outlay Type	Outlay <> Escrow Release
Qualifies as Disadvantaged	No
State Revolving Fund Type	Non-Equivalency
Financial Managerial & Technical Complete	N/A
Phases Funded	Planning, Design, and Construction
Pre-Design	Yes
Project Consistent with State Water Plan	N/A
Water Conservation Plan	Approvable
Overall Risk Score	2B

PROJECT TEAM				
Team Manager	Financial Analyst	Engineering Reviewer	Environmental Reviewer	Attorney
David Firgens	Caaren Skrobarczyk	Shubham Aggarwal	Chris Caran	Marshall Walters

ISSUE BEING EVALUATED
FOR ILLUSTRATION PURPOSES ONLY
City of Port Lavaca

\$39,315,000 City of Port Lavaca, Texas Tax & Surplus Revenue Certificates of Obligation, Proposed Series 2024B
 Dated Date: 11/1/2024
 Delivery Date: 11/1/2024
 First Interest: 8/15/2025
 First Principal: 2/15/2026
 Last Principal: 2/15/2065
 Fiscal Year End: 09/30
 Required Coverage: 1.1
 Source: CWSRF-NON-EQUIVALENCY
 Rate: 2.77%
 IUP Year: 2024
 Case: Tax and Revenue
 Admin. Fee: \$676,179
 Admin. Fee Payment Date: 11/1/2024
 Total Assessed Valuation: \$757,970,744

FISCAL YEAR	CURRENT TAX RATE	TAX WITH COLL. @ 97%	CURRENT TAX REVENUES	PROJECTED NET SYSTEM REVENUES	TOTAL REVENUES	CURRENT DEBT SERVICE	PRINCIPAL PAYMENT	INTEREST RATE	INTEREST PAYMENT	TOTAL PAYMENT	TOTAL SERVICE	TOTAL DEBT COVERAGE	
													\$39,315,000 ISSUE
2025	\$0.0821	\$603,625	\$2,297,366	\$2,900,991	\$1,828,278	\$0	\$808,987	2.16%	1,015,595	\$808,987	\$2,637,265	1.10	
2026	\$0.0821	603,625	3,534,836	4,137,108	1,830,413	915,000	1,930,595	2.09%	995,942	1,930,595	3,761,008	1.10	
2027	\$0.0821	603,625	3,534,836	4,138,461	1,831,296	935,000	1,930,942	2.07%	976,287	1,930,942	3,762,237	1.10	
2028	\$0.0821	603,625	3,534,836	4,138,461	1,825,106	955,000	1,931,287	2.05%	956,409	1,931,287	3,756,393	1.10	
2029	\$0.0821	603,625	3,534,836	4,138,461	1,699,669	975,000	1,931,409	2.05%	936,216	1,931,409	3,691,078	1.14	
2030	\$0.0821	603,625	3,534,836	4,138,461	1,697,819	995,000	1,930,614	2.05%	915,614	1,930,614	3,631,066	1.14	
2031	\$0.0821	603,625	3,534,836	4,138,461	1,698,900	1,040,000	1,934,550	2.05%	894,550	1,934,550	3,628,433	1.14	
2032	\$0.0821	603,625	3,534,836	4,138,461	1,702,863	1,060,000	1,932,972	2.06%	872,972	1,932,972	3,633,450	1.14	
2033	\$0.0821	603,625	3,534,836	4,138,461	1,699,238	1,080,000	1,930,876	2.07%	850,876	1,930,876	3,635,835	1.14	
2034	\$0.0821	603,625	3,534,836	4,138,461	1,570,300	1,105,000	1,932,764	2.16%	827,764	1,932,764	3,630,114	1.14	
2035	\$0.0821	603,625	3,534,836	4,138,461	1,568,150	1,125,000	1,928,118	2.26%	803,118	1,928,118	3,503,064	1.18	
2036	\$0.0821	603,625	3,534,836	4,138,461	1,570,575	1,150,000	1,926,778	2.37%	776,778	1,926,778	3,496,268	1.18	
2037	\$0.0821	603,625	3,534,836	4,138,461	1,565,550	1,180,000	1,928,695	2.45%	748,695	1,928,695	3,497,353	1.18	
2038	\$0.0821	603,625	3,534,836	4,138,461	1,567,950	1,210,000	1,928,994	2.52%	718,994	1,928,994	3,494,245	1.18	
2039	\$0.0821	603,625	3,534,836	4,138,461	1,567,550	1,240,000	1,924,628	2.60%	687,628	1,924,628	3,496,944	1.18	
2040	\$0.0821	603,625	3,534,836	4,138,461	1,569,225	1,270,000	1,924,554	2.67%	654,554	1,924,554	3,495,178	1.18	
2041	\$0.0821	603,625	3,534,836	4,138,461	1,567,600	1,305,000	1,924,916	2.71%	619,916	1,924,916	3,493,779	1.18	
2042	\$0.0821	603,625	3,534,836	4,138,461	1,019,200	1,340,000	1,923,742	2.76%	583,742	1,923,742	3,492,516	1.18	
2043	\$0.0821	603,625	3,534,836	4,138,461	1,020,000	1,380,000	1,925,999	2.79%	545,999	1,925,999	2,945,999	1.40	
2044	\$0.0821	603,625	3,534,836	4,138,461	-	1,415,000	1,921,796	2.82%	506,796	1,921,796	2,945,999	1.40	
2045	\$0.0821	603,625	3,534,836	4,138,461	-	1,455,000	1,921,184	2.84%	466,184	1,921,184	2,945,999	1.40	
2046	\$0.0821	603,625	3,534,836	4,138,461	-	1,495,000	1,919,669	2.87%	424,069	1,919,669	2,945,999	1.40	
2047	\$0.0821	603,625	3,534,836	4,138,461	-	1,540,000	1,917,949	2.89%	380,363	1,917,949	2,945,999	1.40	
2048	\$0.0821	603,625	3,534,836	4,138,461	-	1,585,000	1,915,669	2.92%	334,969	1,915,669	2,945,999	1.40	
2049	\$0.0821	603,625	3,534,836	4,138,461	-	1,630,000	1,913,373	2.94%	287,949	1,913,373	2,945,999	1.40	
2050	\$0.0821	603,625	3,534,836	4,138,461	-	1,700,000	1,910,073	2.96%	189,073	1,910,073	2,945,999	1.40	
2051	\$0.0821	603,625	3,534,836	4,138,461	-	1,780,000	1,906,606	2.97%	137,125	1,906,606	2,945,999	1.40	
2052	\$0.0821	603,625	3,534,836	4,138,461	-	1,810,000	1,903,606	2.97%	83,606	1,903,606	2,945,999	1.40	
2053	\$0.0821	603,625	3,534,836	4,138,461	-	1,900,000	1,900,000	2.97%	28,215	1,900,000	2,945,999	1.40	
2054	\$0.0821	603,625	3,534,836	4,138,461	-	-	-	-	-	-	-	-	
2055	\$0.0821	603,625	3,534,836	4,138,461	-	-	-	-	-	-	-	-	
											\$19,268,353	\$85,583,353	\$90,682,883

AVERAGE (MATURITY) LIFE	11.67 YEARS
NET INTEREST RATE	2.774%
COST SAVINGS	\$ 12,036,859
AVERAGE ANNUAL REQUIREMENT	\$1,889,786

Disclaimer: This is a working document and is provided as a courtesy. All information contained herein, including the proposed interest rate, is subject to change upon further review of the TWDB in accordance with 31 Texas Administrative Code Chapters 361, 371, 375, or 384, as applicable. The TWDB does not function as a financial advisor to anyone in connection with this financing. The information contained in this document is used by TWDB staff to analyze the application for financing; it is illustrative only and does not constitute any guaranty of future rates. The TWDB makes no claim regarding the applicability of the information at closing, at which time actual rates will be set.



Project Budget Summary
 City of Port Lavaca
 73963 - City of Port Lavaca Lynns's Bayou
 Wastewater Treatment Plant Expansion

Budget Items	TWDB Funds	Total
Construction		
Construction	\$34,361,529.00	\$34,361,529.00
Subtotal for Construction	\$34,361,529.00	\$34,361,529.00
Basic Engineering Services		
Construction Engineering	\$603,421.00	\$603,421.00
Design	\$1,199,525.00	\$1,199,525.00
Planning	\$10,000.00	\$10,000.00
Subtotal for Basic Engineering Services	\$1,812,946.00	\$1,812,946.00
Special Services		
Environmental	\$70,000.00	\$70,000.00
Inspection	\$367,166.00	\$367,166.00
Permits	\$63,500.00	\$63,500.00
Testing	\$78,347.00	\$78,347.00
Subtotal for Special Services	\$579,013.00	\$579,013.00
Fiscal Services		
Bond Counsel	\$15,000.00	\$15,000.00
Financial Advisor	\$20,000.00	\$20,000.00
Fiscal/Legal	\$30,000.00	\$30,000.00
Loan Origination Fee	\$676,179.00	\$676,179.00
Subtotal for Fiscal Services	\$741,179.00	\$741,179.00
Contingency		
Contingency	\$1,820,333.00	\$1,820,333.00
Subtotal for Contingency	\$1,820,333.00	\$1,820,333.00
Total	\$39,315,000.00	\$39,315,000.00

Jan	2020	1.21
Feb	2020	1.21
Mar	2020	1.56
Apr	2020	1.44
May	2020	1.82
June	2020	2.49
July	2020	2.36
Aug	2020	2.43
Sept	2020	2.23
Oct	2020	1.91
Nov	2020	1.83
Dec	2020	1.7

Ann. Avg
1.849167

92%

Jan	2021	1.65
Feb	2021	1.28
Mar	2021	1.55
Apr	2021	1.49
May	2021	2.35
June	2021	2.34
July	2021	2.32
Aug	2021	1.8
Sept	2021	1.85
Oct	2021	1.84
Nov	2021	1.54
Dec	2021	1.57

Ann. Avg
1.798333

2 hour Peak

1889

89.9%

Month	Year	Avg. Mo. Flow	2 Hour Peak
Jan	2022	1.44	1847
Feb	2022	1.44	1528
Mar	2022	1.41	1347
Apr	2022	1.33	1292
May	2022	1.52	2167
June	2022	1.7	1917
July	2022	1.56	1514
Aug	2022	1.67	4569
Sept	2022	1.58	2875
Oct	2022	1.97	3019
Nov	2022	2.17	4917
Dec	2022	1.64	3625
Ann. Avg		1.618916667	

% of Plant Annual
permitted Flow 80.95%

Month	Year	Avg. Mo. Flow	2 Hour Peak
Jan	2023	1.34	1583
Feb	2023	1.25	1736
Mar	2023	1.25	1389
Apr	2023	1.63	4986
May	2023	1.85	5056
June	2023	1.33	1431
July	2023	1.4	2000
Aug	2023	1.28	1625
Sept	2023	1.28	2681
Oct	2023	1.38	2292
Nov	2023	1.34	2347
Dec	2023	1.22	2153
Ann. Avg		1.379166667	

% of Plant Annual
permitted Flow 68.96%

Month	Year	Avg. Mo. Flow	2 Hour Peak
Jan	2024	1.98	5000
Feb	2024	1.43	3153
Mar	2024	1.3	2236
Apr	2024	1.2	1667
May	2024	1.29	2556
June	2024	1.73	4542
July	2024	2.3	5639
Aug	2024	1.27	2361
Sept	2023	1.28	2681
Oct	2023	1.38	2292
Nov	2023	1.34	2347
Dec	2023	1.22	2153
Ann. Avg		1.476666667	

% of Plant Annual
permitted Flow 73.83%