CITY COUNCIL SPECIAL MEETING

Monday, September 20, 2021 at 6:30 PM
Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca

PUBLIC NOTICE OF MEETING

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

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

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

AGENDA

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

COVID-19 MEETING PROCEDURE

Public notice is hereby given that the City Council of the City of Port Lavaca, Texas, will hold a Special Meeting Monday, September 20, 2021 beginning at 6:30 p.m., at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas to consider the following items of business:

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

Join Zoom Meeting:

https://us02web.zoom.us/j/89293655151?pwd=bnZTYlNsWHUwRWZWcGMvSy91UTdvZz09

Meeting ID: 892 9365 5151

Passcode: 136035

One Tap Mobile

*+13462487799,,89293655151#,,,,*136035# US (Houston)*

I. **ROLL CALL**

II. **CALL TO ORDER**

III. **INVOCATION**

IV. **PLEDGE OF ALLEGIANCE**

V. PRESENTATION(S)

1. Presentation by the Mayor - National Small Business Week - September 13 to 17, 2021

VI. COMMENTS FROM THE PUBLIC

VII. CONSENT AGENDA

1. Minutes of August 02, 2021 Workshop
2. Minutes of August 09, 2021 Regular Meeting
3. Minutes of August 16, 2021 Special and Workshop
4. Payment of Invoices Exceeding $1,500
5. Receive monthly Financial Highlight Report

VIII. ACTION ITEMS

1. Consider request of Calhoun County Fair Association (CCFA) for waiver of parade permit fees on Saturday, October 09, 2021 and also assistance with traffic control from Sandcrab Stadium, San Faubion, N. Virginia, Main streets to end at the Bayfront Peninsula. Presenter is Amanda Gonzales
2. Consider request of Calhoun High School Class of 2023 to host a "Color Run" as a fundraiser to help with prom expenses, on Saturday, December 11, 2021, assist with traffic control along the route and waive any fees associated with the event. Presenter is Erin Smith and Esmeralda Sanchez
3. Consider request of Our Lady of the Gulf Alter Society for closure of Benavides Street between Leona and Austin Streets for their Turkey Dinner drive-thru on November 07, 2021 from 10:00 a.m. to 1:30 p.m. Presenter is Anne Marie Odefey
4. Consider award of the construction bid for the Lighthouse Beach RV Park electrical repairs. Presenter is Wayne Shaffer
5. Consider appointment/reappointment of member(s) to Planning Board to fill a vacancy and/or start a new term. Presenter is Jessica Carpenter
6. Consider second and final reading of an ordinance (S-1-21) approving the annual budget for the City of Port Lavaca, Texas and adopting the budget document for the fiscal year October 01, 2021 thru September 30, 2022. Presenter is Susan Lang
7. Consider second and final reading of an ordinance (S-2-21) fixing the tax rate and tax levy for the city for the year 2021. Presenter is Susan Lang
8. Consider second and final reading of an ordinance (G-4-21) to make amendments to Appendix A - Fees, Rates and Charges; and providing for an effective date. Presenter is Jody Weaver
9. Consider Resolution No. R-092021-1 for Prevailing Wage Rate on the City of Port Lavaca Police Department Re-Roof Project. Presenter is Jody Weaver
10. Consider Resolution No. R-092021-2 for Delegation of Authority on the City of Port Lavaca Police Department Re-Roof Project. Presenter is Jody Weaver

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IX. **ADJOURNMENT**

CERTIFICATION OF POSTING NOTICE

This is to certify that the above notice of a Special Meeting of The City Council of The City of Port Lavaca, scheduled for **Monday, September 20, 2021**, beginning at 6:30 p.m., was posted at city hall, easily accessible to the public, as of **5:00 p.m. Wednesday, September 15, 2021**.

/s/ Mandy Grant, *City Secretary*

ADA NOTICE

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

COMMUNICATION

SUBJECT: Presentation by the Mayor - National Small Business Week - September 13 to 17, 2021

INFORMATION:

COMMUNICATION

SUBJECT: Minutes of August 02, 2021 Workshop

INFORMATION:

CITY COUNCIL WORKSHOP

Monday, August 02, 2021 at 9:00 AM
City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

MINUTES

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

On this the 2nd day of August, 2021, the City Council of the City of Port Lavaca, Texas, convened in a special meeting at 9:00 a.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following members in attendance:

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

*Smith was in attendance via Zoom.

And with the following absent: None

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

II. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 9:12 A.M. and presided.

III. ITEMS FOR DISCUSSION –*(Council will discuss the following items)*

1. Discuss proposed 2021-2022 fiscal year budget. Presenter is Jody Weaver

Council discussed this workshop item.

IV. ADJOURNMENT

Mayor asked for motion to adjourn.

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

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

Workshop adjourned at 3:25 P.M.

These minutes were approved on September 13, 2021.

Jack Whitlow, Mayor

Mandy Grant, City Secretary

COMMUNICATION

SUBJECT: Minutes of August 09, 2021 Regular Meeting

INFORMATION:

CITY COUNCIL REGULAR MEETING

Monday, August 09, 2021 at 6:30 PM
City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

MINUTES

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

On this the 9th day of August, 2021, the City Council of the City of Port Lavaca, Texas, convened in a regular session at 6:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following members in attendance:

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

And with the following absent: None

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

I. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 6:38 p.m. and presided.

II. INVOCATION

- Councilman Ward gave the invocation.

III. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

IV. PRESENTATION(S)

- None

V. COMMENTS FROM THE PUBLIC - *Limited to 3 minutes per individual unless permission to speak longer is received in advance. You may make public comments as you would at a meeting on Zoom by logging on with your computer and/or smart phone as described in the zoom invitation*

below or on Facebook Live through the comment section, which will be monitored and answered. As appropriate.

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

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

A. Minutes of July 12, 2021 Regular Meeting
B. Minutes of July 26, 2021 Special and Workshop
C. Payment of Invoices Exceeding $1,500
D. Receive monthly Financial Highlight Report

Motion made by Councilman District 6 Barr

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

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

Seconded by Councilman District 5 Ward

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

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

1. **Consider Budget Report from the Guadalupe-Blanco River Authority (GBRA) for the Port Lavaca Water Treatment Plant for the 2022 Fiscal Year. Presenter is Stephanie Shelly**

Council Members received a work plan and budget Report from Rony Karinek (Stephanie Shelly was not in attendance) for the Guadalupe-Blanco River Authority (GBRA) for the Port Lavaca Water Treatment Plant for the 2022 Fiscal Year.

No action necessary and none taken.

2. **Consider request of United Way of Calhoun County for use of the Bayfront Peninsula Park for their 8th annual family day on Saturday, September 18, 2021 and waiver of any fees associated with the event. Presenter is Wayne Shaffer**

Public Works Director Shaffer advised Council that the United Way of Calhoun County is requesting use of the Bayfront Peninsula Park for their 8th annual family day on Saturday, September 18, 2021 and waiver of any fees associated with the event. Staff recommends approval.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with recommendation of staff, Council hereby approves request of United Way of Calhoun County for use of the Bayfront Peninsula Park for their 8th annual family day on Saturday, September 18, 2021 and also approves waiver of any fees associated with the event.

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

3. **Consider award of bid for the "Motel 6 Sewer Main Replacement" Project to Lester Contracting in the amount of $37,750.00 as the low bidder. Presenter is Wayne Shaffer**

Public Works Director Shaffer advised Council that on July 15th, 2021, a subcontractor working for Texas Pride Utilitiescompleted a CCTV assessment of two sewer mains. One servicing Motel 6 and the other servicing homes on Chevy Chase Street. He said the assessment findings are the line servicing Motel 6 is collapsed and needs immediate repair attention. The Chevy Chase main has a protrudingtap that utility crews have on the schedule for repairs. Shaffer said bids for the "Motel 6 Sewer Main Replacement" Project were as follows:

Lester Contracting	$ 37,750.00
Mercer Construction	$ 40,750.00
Texas Pride Utilities	$ 64,660.00

Shaffer said this will be an unbudgeted expense that will need to utilize Utility Fund reserves. He said if this service main is not repaired it can present unsanitary conditions for motel guests and the public as well as environmental concerns since the bay is so close. Staff recommends awarding the project to Lester Contracting, as the low bidder, in the amount of $37,750.00.

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 recommendation of staff, Council hereby approves bid for the "Motel 6 Sewer Main Replacement" Project to the low bidder, Lester Contracting, in the amount of $37,750.00.

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

Seconded by Councilman District 2 Dent

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

4. **Review and discuss No New Revenue (NNR) and Voter Approval Rate (VAR) for 2021 Tax Year. Presenter is Susan Lang**

Finance Director Lang advised Council the CCAD Tax Assessor/Collector is required to calculate the "No New Revenue" (NNR) and "Voter Approval Rate" (VAR) on behalf of the City of Port Lavaca and publish the Notice in the newspaper and on the City's website. She said the calculation of each of the rates are set by the State Tax Code and must be published in order to provide transparency to the property taxpayers of the City. The NNR establishes the threshold in which the city can adopt a property tax rate that does not provide additional revenue. If the City chooses to set its tax rate greater than the NNR, it must hold a Public Hearing and advertise that the city is increasing its tax revenue. The VAR establishes the threshold that, if exceeded, the City must first hold an election and seek the approval of the citizens before it can set the property tax rate at or above the VAR.

No action necessary and none taken.

5. **Receive Resolution No. R-080921-1 of the City of Port Lavaca to adopt the City's Financial Management and Budgetary Policies for 2021-2022 fiscal year. Presenter is Susan Lang**

Finance Director Lang presented Council with a red-lined copy of the City of Port Lavaca Financial Management and Budgetary Policies for the 2021-2022 Fiscal Year, by Resolution Number R-080921-1, a copy of which is in the office of the City Secretary, in its entirety. Staff recommends adopting resolution No. R-080921-1 with proposed amendments.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with recommendation of staff, Council hereby adopts the City of Port Lavaca Financial Management and Budgetary Policies for the 2021-2022 Fiscal Year with proposed amendments, by Resolution No. R-080921-1, a copy of which is in the office of the City Secretary, in its entirety.

Seconded by Councilman District 5 Ward

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

6. **Consider Resolution No. R-080921-2 of the City of Port Lavaca appointing a Chief Appraiser to Calculate Taxes for 2021. Presenter is Susan Lang**

Motion made by Councilman District 5 Ward

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

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

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

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Port Lavaca to appoint the Chief Appraiser of the Calhoun County Appraisal District or his/her designee, being duly registered and qualified to perform such calculations for the City of Port Lavaca for the 2021 tax roll.

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 a conceptual restaurant & retail development, Big Daddy's Bar and Grill with gift shop to be located north of SH 35 and east of Village Road. This property is not platted at this time, but will be approximately 2 acres, being a portion of the remainder of a 19.322-acre tract of land conveyed to Port Lavaca Investors, LTD., recorded in volume 67, page 943 in official records of Calhoun County, Texas. Presenter is Jessica Carpenter**

Development Services Director Carpenter advised Council that the applicant is proposing to open a restaurant and retail establishment titled Big Daddy's Bar and Grill. She said the proposed restaurant will have a gift shop. The site location is adjacent to the approved Express Inn plat on SH 35 north, and east of the Whataburger. The applicant is currently the owner of White's BBQ on Main Street. The applicant has not stated if this is a second location or if this will replace the current business on Main Street. She said the Future Land Use map designates this parcel as Commercial.

Therefore, the proposed Big Daddy's Bar and Grill with gift shop, is complaint with the Future Land Use map. Upon approval for this location to be developed as a restaurant and retail establishment, the applicant will proceed with the platting process for this parcel to become the legal lot of record for the future Big Daddy's Bar and Grill with gift shop.

The Planning Board and staff recommends approval of the conceptual restaurant & retail development, Big Daddy's Bar and Grill, and gift shop. To be located north of SH 35 and east of Village Road. This property is not platted at this time, but will be approximately 2 acres, being a portion of the remainder of a 19.322-acre tract of land conveyed to Port Lavaca Investors, LTD., recorded in volume 67, page 943 in official records of Calhoun County, Texas.

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 the Planning Board and staff, Council hereby approves request for a conceptual restaurant & retail development, Big Daddy's Bar and Grill with gift shop to be located north of SH 35 and east of Village Road, as presented.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

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

8. **Consider approval of a conceptual fast-food restaurant with a drive-thru, Burger King, to be generally located north of Travis Street and south of Tiny Browning Boulevard on SH 35 N. Presenter is Jessica Carpenter**

Development Services Director Carpenter advised Council that the applicant is proposing to open a Burger King fast food restaurant. The site location is adjacent to the White Oak strip mall development, south of Murphy's fuel station, north of the La Quinta hotel, and west of Walmart. The Future Land Use map designates this parcel as Commercial. Therefore, this proposed Burger King is complaint with the Future Land Use map. The site plan provides ample parking and ADA parking to meet the above criteria. The Planning Board and staff recommends approval of this conceptual fast-food restaurant with a drive-thru, Burger King.

Motion made by Councilman District 1 Smith

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

THAT, in accordance with recommendation of the Planning Board and staff, Council hereby approves a conceptual fast-food restaurant with a drive-thru, Burger King, to be generally located north of Travis Street and south of Tiny Browning Boulevard on SH 35 N, as presented.

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

9. **Consider approval of K's Sno-Cone Hut, to be located at 449 Broadway Street, within the city limits of Port Lavaca. This site is generally located west of Broadway Street and east of Commerce Street just north of the intersection of Broadway and Commerce. The property identification number is 91079. The legal description for this parcel is North End, Block C, Lot A, Port Lavaca, Texas. Presenter is Jessica Carpenter**

Development Services Director Carpenter advised Council that the proposed K's Sno Cone Hut will be doing business at the location of 449 Broadway Street. This location is currently Acosta Electric. Therefore, if approved, this location will become a mixed-use business site. Each business will be in separate buildings. The proposed K's Sno Cone Hut will conduct business from a portable building. Exhibit of the portable building provided in the attachments. Acosta Electric is a long-standing electrical business at the location currently and will continue to conduct the business from the permanent structure on site. This proposal is deemed a positive from the perspective the site is large enough to encompass both businesses and meet City code standards, including parking standards.

This property is located in a commercial designation in accordance with the Future Land Use Map. ADA parking is represented herein on the site plan. The minimum ADA parking width is 16ft, referenced and linked herein, to include van accessibility. This site has ample spacing for the general required parking and the ADA parking for both businesses. The Planning Board and staff recommends approval of K's Sno-Cone Hut, to be located at 449 Broadway Street.

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 the Planning Board and staff, Council hereby approves of K's Sno-Cone Hut, to be located at 449 Broadway Street, within the city limits of Port Lavaca (generally located west of Broadway Street and east of Commerce Street just north of the intersection of Broadway and Commerce), as presented.

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

10. **Consider approval of a conceptual plan for a proposed medium-density residential four-plex development. Legal description is Rafei Subdivision (Port Lavaca), Lot 1 and Lot 2, Property identification number 86471 and 86472. Presenter is Jessica Carpenter**

Development Services Director Carpenter advised Council that the applicant is proposing for a medium-density residential four-plex development. The proposed development is 0 .62 acres and will have 12 units. This is contingent on final design layout of the development, but that is the target number of units. The property will require a replat prior to construction. The proposed medium-density four-plex residential townhome development preliminary site plan does display setbacks and the structures do appear to meet minimum setback requirements at this time in the preliminary process. The Planning Board and staff recommends approval of this conceptual plan.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with recommendation of the Planning Board and staff, Council hereby approves a conceptual plan for a proposed medium-density residential four-plex development, legal description is Rafei Subdivision in Port Lavaca, as presented.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

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

11. **Consider approval of a 3-lot preliminary minor plat, Howlett's Subdivision. Generally located at the northeast corner of Austin Street and Henry Barber Way. The legal description for this parcel is A0137 Samuel Shupe, Tract Pt 54, Acres 3.671. The property identification for this site is 40677. Presenter is Jessica Carpenter**

Development Services Director Carpenter advised Council that the applicant for the proposed Howlett's Subdivision plat is requesting to subdivide the 3.671-acre parcel into three (3) lots. Lot one being 0.35 acres and has an old gas station on the site. Lot two being 0.53 acres and has two metal buildings. Lot three, being 0.46 acres and has a manufactured home on site. The Planning Board and staff recommend approval of this preliminary minor plat,

Motion made by Councilman District 2 Dent

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

THAT, in accordance with recommendation of the Planning Board and staff, Council hereby approves request for a 3-lot preliminary minor plat, Howlett's Subdivision, generally located at the northeast corner of Austin Street and Henry Barber Way, as presented.

Seconded by Councilman District 1 Smith

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

12. **Consider approval for a Variance Request for a corner lot that shall have a minimum ten-foot setback on the side street, but the setback is 7-feet 6-inches for an open walled carport on a corner lot side street. The carport is under construction at the location of 1323 Algee Drive. Presenter is Jessica Carpenter**

Development Services Director Carpenter advised Council that the variance request is for the flanking street where the secondary driveway is located and where the carport is currently under construction at 1323 Algee Drive. The applicant constructed the open walled carport for the property owner who is wheelchair bound.

The applicant also sought a petition of approval from the neighboring properties on Second Street where the carport is located. There are only three (3) properties on this street. All three properties agreed they have no issue with the carport. Two neighbors signed the petition of approval and one neighbor preferred not to have any association with the city. This neighbor approved of the carport but preferred not to sign a petition. The Planning Board and staff recommend approving this request.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with recommendation of the Planning Board and staff, Council hereby approves a Variance Request for a corner lot that shall have a minimum ten-foot setback on the side street, but the setback is 7-feet 6-inches for an open walled carport on a corner lot side street and is under construction at the location of 1323 Algee Drive, as presented.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

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

13. **Consider recommendation of the Port Commission to approve a 2-year ground lease agreement with Ausencio Rubio Rayna DBA Poor Boy Bait for a 40'x100' tract + adjacent space to dock 2 shrimp boats at Smith Harbor. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that the current lease for Poor Boys Bait expires on August 31, 2021. Ausencio Rubio Reyna is the sole proprietor now of Poor Boy Bait Stand and has asked for a new lease for the same 40' x 100' tract plus adjacent space to dock two shrimp boats. The Port Commission has recommended entering into a standard two-year lease agreement (no options for renewal) with Ausencio Rubio Reyna DBA Poor Boy Bait for $1,300/month + approved ½ page advertisement in each Calhoun County Visitor's Guide during the term of the lease. If at any time during the term of the lease there is a mutual agreement to relocate the business elsewhere in the Harbor, it will be addressed with an amendment at the time. The Standard lease calls for an annual rent rate increase per the Municipal Cost Index with a 2% minimum and a 5% maximum.

The Port Commission and staff recommend approving a Standard two-year lease (no options for renewal) with Ausencio Rubio Reyna DBA Poor Boy Bait for $1,300/month plus approved advertising in the Calhoun County Visitor's Guide, subject to final review by the City Attorney.

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 the Port Commission and staff, Council hereby approves a Standard two-year lease (no options for renewal) with Ausencio Rubio Reyna DBA Poor Boy Bait for $1,300/month plus approved advertising in the Calhoun County Visitor's Guide, subject to final review by the City Attorney.

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

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

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

14. **Consider amendment to the Lease with Helena Chemical to provide for the scheduled annual rent rate increase, effective 8-1-2021, to be 5% instead of based upon the Municipal Cost index. Presenter is Jody Weaver**

Interim City Manager Weaver reminded Council that at the April 12th Council meeting, there was an agenda item regarding the tariff rates as applicable for Helena Chemical. She said Council appointed a committee to work with Helena to arrive at a consensus for a solution and bring it back to Council for consideration. Committee members were herself, Jerry Smith, Jim Rudellat and Alex Davila. Helena asked for some time to collect some data on how their costs in Port Lavaca compare with other areas they do business in. On June 11th, the committee had a zoom meeting with Ward Bloodworth and Louis Rodrigue of Helena to get an update.

Weaver said that in line with the discussion on April 12, and in an effort to work with our long -time tenants and not impose any large increases in any single year, she is proposing an amendment to their lease to provide for a flat 5% rent rate increase this year instead of that which would result from using the change in the Municipal Cost Index, which would be 9.8%. She said that next year staff will look at how the Municipal Cost Index is at that time compared to that in July and August of 2018 and reevaluate. This was discussed at the Port Commission meeting, but no recommendation to Council was made. There are an additional 7 sheets of copies of email correspondence and a copy of section 5.01 of the Lease with Helena Chemical on file, in its entirety in the office of the City Secretary.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with recommendation of staff, Council hereby approves an amendment to the Lease with Helena Chemical to provide for the scheduled annual rent rate increase, effective 8-1-2021, to be 5% instead of based upon the Municipal Cost index, a copy which is on file, in its entirety, in the office of the City Secretary.

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

Seconded by Councilman District 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

15. **Discuss the proposed allowance for salary increases based upon a percentage of FY 2020-2021 salary expense. Presenter is Jody Weaver**

Interim City Manager Weaver and Council discussed this agenda item.

No action necessary and none taken.

16. **Discuss proposed amendments to the Ordinance described as Appendix A – Fees, Rates and Charges. Presenter is Jody Weaver**

Interim City Manager Weaver and Council discussed this agenda item for amendments to the proposed Ordinance No. G-4-21 described as Appendix A – Fees, Rates and Charges. In Chapter 54 Waterways, Harbor of Refuge, Use of Rail Spur will be changed from $1,000.00 per month to $833.00 per month.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with recommendation of staff, Council hereby approves proposed amendments to the Ordinance described as Appendix A – Fees, Rates and Charges which will be presented later.

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

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

Mayor Whitlow announced that Council would retire into closed session at 8:17 p.m.

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

Mayor Whitlow announced that Council was back in open session at 9:05 p.m. and there would be no action taken with regards to matters in closed session.

VIII. ADJOURNMENT

Mayor asked for motion to adjourn.

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

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

Meeting adjourned at 9:06 p.m.

These minutes were approved on September 13, 2021.

ATTEST:

Jack Whitlow, Mayor

Lorena Perez-Diaz,
Assistant City Secretary

COMMUNICATION

SUBJECT: Minutes of August 16, 2021 Special and Workshop

INFORMATION:

CITY COUNCIL SPECIAL/WORKSHOP MEETING

Monday, August 16, 2021 at 5:30 PM
City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

MINUTES

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

On this the 16th day of August, 2021, the City Council of the City of Port Lavaca, Texas, convened in a special and workshop session at 5:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following members in attendance:

I. ROLL CALL

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

*Dent was in attendance via Zoom.

And with the following absent: None

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

CITY COUNCIL SPECIAL MEETING

II. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 6:33 P.M. and presided with the following announcement:

  There is a typographical error in the meeting notice. The top of the agenda notice states the meeting starts at 5:30 p.m., however, the body of the agenda states the meeting starts at 6:30 p.m. The meeting is being recorded and was convened at 5:30 p.m. Anyone missing the first hour of the meeting may view the tape-recorded meeting at City Hall in the City Secretaries office during working hours or view it on the City of Port Lavaca Facebook page.

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

- Mayor asked for comments from the public and the following citizen commented:
  - Jay Cuellar– Citizen spoke regarding the city's street budget.

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

1. Consider a proposed tax rate for the 2021-2022 fiscal year and take a record vote. Presenter is Susan Lang

Finance Director, Susan Lang, was in attendance and presented the proposed tax rate for the 2021-2022 fiscal year to Council and explained changes in the law.

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

THAT, in accordance with the recommendation of staff, Council hereby approves placing a proposal to adopt a Tax Rate for the 2021-2022 fiscal year as an action item on the September 1, 2021 Special meeting agenda, with a desired rate of $0.7944 per $100 value and publishing notice thereof.

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

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

2. Consider setting a public hearing on proposed 2021-2022 tax rate for Wednesday, September 01, 2021. Presenter is Susan Lang

Interim City Manager Weaver stated that a Special Meeting for Public Hearing on the proposed 2021 Tax Rate needs to be set. She said staff recommends the following dates and times:

- Wednesday, September 01, 2021 5:30 P.M.

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

THAT, in accordance with the recommendation of staff, Council hereby approves a Special Meetings for Public Hearing on the proposed 2021 Tax Rate be set for Wednesday, September 01, 2021 at 5:30 p.m.

Motion made by Councilman District 5 Ward, Seconded by Councilman District 1 Smith.

Voting Yea:

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

3. Consider setting a public hearing on the proposed 2021-2022 fiscal year budget for Wednesday, September 01, 2021. Presenter is Susan Lang

Interim City Manager Weaver stated that a Special meeting for Public Hearing on the proposed 2021-2022 Fiscal Year Budget needs to be set. She said staff recommends the following dates and times:

- Wednesday, September 01, 2021 5:30 P.M.

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

THAT, in accordance with the recommendation of staff, Council hereby approves a Special Meetings for Public Hearing on the proposed 2020-2021 Fiscal Year Budget be set for Wednesday, September 01, 2021 at 5:30 p.m.

Motion made by Councilman District 5 Ward, Seconded by Councilman District 1 Smith.

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

V. ADJOURN SPECIAL MEETING

Mayor asked for motion to adjourn.

Motion made by Councilman District 6 Barr, Seconded by Councilman District 3 Padron

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

Special Meeting adjourned at 6:47 p.m.

CITY COUNCIL WORKSHOP

VI. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 5:38 P.M. and presided with the following announcement:

  There is a typographical error in the meeting notice. The top of the agenda notice states the meeting starts at 5:30 p.m., however, the body of the agenda states the meeting starts at 6:30 p.m. The meeting is being recorded and was convened at 5:30 p.m. Anyone missing the first hour of the meeting may view the tape-recorded meeting at City Hall in the City Secretaries office during working hours or view it on the City of Port Lavaca Facebook page.

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

- Mayor asked for comments from the public and the following citizen commented:
  - Jay Cuellar– Citizen spoke regarding the city's street budget.

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

1. Discuss city budget for 2021-2022 fiscal year. Presenter is Jody Weaver

Council discussed this workshop item.

No action was taken.

IX. ADJOURN WORKSHOP

Mayor asked for motion to adjourn.

Motion made by Councilman District 5 Ward, Seconded by Councilman District 3 Tippit.

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

Workshop adjourned at 6:57 p.m.

These minutes were approved on September 13, 2021.

Jack Whitlow, Mayor

Lorena Perez-Diaz, Assistant City Secretary

COMMUNICATION

SUBJECT: Payment of Invoices Exceeding $1,500

INFORMATION:

A/P COUNCIL REPORT FOR INVOICES OVER $1,500.00 -
AUGUST 2021

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-104004 AECOM TECHNICAL SERVICES					
INV 2000520876	7/27/2021 8/4/2021	8/5/2021 57936	ENGINEERING CONTRACT WWTP EXPANSION WATER SYSTEMS PLANNING	WWTP	$16,796.11
01-101109 ANDERSON MACHINERY CO.					
INV Z09554	7/22/2021 8/18/2021	8/18/2021 58031	EXCAVATOR RENTAL	STREETS	$10,020.73
01-102276 CALDWELL COUNTY CHEVROLET					
INV MED53095	7/20/2021 8/4/2021	8/5/2021 57943	ANIMAL CONTROL UNIT # 3786	ANIMAL CONTROL	$58,145.00
01-101569 CALHOUN COUNTY YMCA					
INV 07/2021	7/21/2021 8/18/2021	8/18/2021 58038	MEMBERSHIP DUES JULY 2021	ALL DEPARTMENTS	$1,731.30
01-102565 CARD SERVICE CENTER					
INV 0305/072021	8/8/2021 9/1/2021	8/23/2021 108	CREDIT CARD CHARGES	ALL DEPARTMENTS	$11,305.26
01-103056 CH2M HILL ENGINEERS, INC					
INV D3364100016	8/2/2021 8/4/2021	8/5/2021 57945	LIGHTHOUSE BEACH FISHING PIER	LIGHTHOUSE BEACH	$8,943.75

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-100105 PORT LAVACA CHAMBER OF COMMERCE					
INV 1471	8/2/2021 8/4/2021	8/5/2021 57946	TOURISM SERVICE AGREEMENT	HOTEL OCCUPANCY TAX	$50,000.00
01-102609 DATAPROSE, LLC					
INV DP2102712	7/31/2021 8/18/2021	8/18/2021 58050	UTILITY BILLING JULY 2021	UTILITY BILLING	$2,566.45
01-103958 DWT'S POLY FOAM CONCRETE					
INV 2106-1912-3378	7/14/2021 8/18/2021	8/18/2021 58055	TEST APPLICATION OF FOAM BAYFRONT SEAWALL	PARKS & RECREATION	$4,155.00
01-103295 ELECTROTECHNICS CORPORATION					
INV 0071574-IN	4/30/2021 8/4/2021	8/5/2021 57956	SCHOOL SIGN	POLICE DEPARTMENT	$28,558.81
01-102453 ERGON ASPHALT & EMULSIONS					
INV 9402510298	7/16/2021 8/4/2021	8/5/2021 57957	HFRS-2 & PUMP CHARGE	STREETS	$7,364.58
01-100728 FERGUSON ENTERPRISES, INC					
INV 9529153	7/21/2021 8/18/2021	8/18/2021 58059	REPAIR CLAMP	UTLITY MAINTENANCE	$3,771.53

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-102882 FRONTIER SOUTHWEST INC					
INV 18830907065/082021	8/10/2021 8/18/2021	8/18/2021 58062	PHONE CHARGES AUGUST 2021	ALL DEPARTMENTS	$2,289.23
01-102490 U.S. BANK NATIONAL ASSOCIATION					
INV 07/2021	7/24/2021 8/4/2021	8/5/2021 57963	FUEL JULY 2021	ALL DEPARTMENTS	$8,230.85
01-102645 GEXA ENERGY, LP					
INV 32716419-4	7/30/2021 8/4/2021	8/5/2021 57965	ELECTRICITY SERVICES JULY 2021	ALL DEPARTMENTS	$33,925.97
01-103151 GRACE PLUMBING					
INV 000107	8/10/2021 8/18/2021	8/18/2021 58064	REMOVE & REPLACE TOILETS (4) FIRE STATION 1	FIRE DEPARTMENT	$1,941.00
01-100186 GUADALUPE BLANCO RIVER					
INV SI012797	7/31/2021 8/18/2021	8/18/2021 58066	WATER PURCHASED JULY 2021	NON-DEPARTMENTAL	$102,844.21
01-100187 GUADALUPE BLANCO RIVER					
INV SI012770	8/1/2021 8/18/2021	8/18/2021 58067	STORED WATER IN CANYON LAKE	NON-DEPARTMENTAL	$28,186.67

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-100203 HAHN EQUIPMENT CO INC					
INV 110022	8/6/2021 8/18/2021	8/18/2021 58070	FLYGT PUMP REPAIRS	WWTP	$3,469.45
01-101839 HARRISON,WALDROP					
INV 82728	7/31/2021 8/18/2021	8/18/2021 58071	AUDIT FEES	NON-DEPARTMENTAL	$5,000.00
01-102578 J & S CONTRACTORS, INC					
INV EST 3	6/30/2021 8/18/2021	8/18/2021 58073	LOW DOCK REPAIRS	CITY HARBOR	$16,834.37
INV EST. 3	6/30/2021	8/18/2021	LOW DOCK REPAIRS	PORT REVENUE FUND	$9,979.68
INV NO 3	6/30/2021 8/4/2021	8/5/2021 57972	DOCK B REPAIRS	PORT REVENUE FUND	$6,974.18
INV NO. 3	6/30/2021 8/4/2021	8/5/2021 57972	DOCK B REPAIRS	PORT REVENUE FUND	$4,895.62
01-102245 CARNEY MAN, INC					
INV 56813	8/16/2021 8/18/2021	8/18/2021 58074	TENTS - BAYFRONT BEATS 2021	HOTEL OCCUPANCY TAX	$2,988.00

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-100260 LESTER CONTRACTING, INC.					
INV #2	7/31/2021 8/18/2021	8/18/2021 58078	LYNNHAVEN LIFT STATION 2020-2021 CIP	WWTP	$122,003.75
INV EST 8	5/31/2021 8/4/2021	8/5/2021 57976	FIRE HYDRANT	UTILITY MAINTENANCE	$20,338.63
01-102904 JESSE JAMES LLC					
INV 1733	8/7/2021 8/18/2021	8/18/2021 58079	IT SERVICES 8/7/21-9/6/21	TECHNOLOGY (POLICE DEPARTMENT)	$1,810.00
INV 1738	8/17/2021 8/18/2021	8/18/2021 58079	IT SERVICES 8/17/21-9/16/21	TECHNOLOGY (ALL DEPARTMENTS)	$2,500.00
01-103888 MAGUIRE IRON INC					
INV 131	7/1/2021 8/18/2021	8/18/2021 58080	COMPOSITE & MULTI-LEG	UTILITY MAINTENANCE	$48,873.00
INV 132	7/1/2021 8/18/2021	8/18/2021 58080	COMPOSITE & MULTI-LEG	UTILITY MAINTENANCE	$103,895.00
01-102016 MARVELOUS GARDENS INC.					
INV 5811	7/15/2021 8/18/2021	8/18/2021 58081	HIGHWAY MEDIAN CONTRACTED SERVICE	STREETS	$4,096.66

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-100267 MCCREARY, VESELKA					
INV 07/2021	8/11/2021 8/18/2021	8/18/2021 58082	COLLECTION DELQ TAX FEES	NON DEPARTMENTAL	$3,448.67
01-103883 NEWLINE SKATEPARKS FL, INC					
INV 000032	6/25/2021 8/4/2021	8/5/2021 57988	ENGINEERING- SKATE PARK	PARKS & RECREATION	$5,000.00
INV 000053	7/25/2021 8/4/2021	8/5/2021 57988	ENGINEERING- SKATE PARK	PARKS & RECREATION	$2,000.00
01-101629 NEWMAN REGENCY GROUP INC					
INV 10351	7/15/2021 8/4/2021	8/5/2021 57989	TROUBLESHOOT UV SYSTEM	WWTP	$2,045.00
INV 10355	7/15/2021 8/4/2021	8/5/2021 57989	WORK DONE TO UV SYSTEM	WWTP	$1,632.64
01-100980 ODESSA PUMPS & EQUIPMENT					
INV 664296	6/30/2021 8/18/2021	8/18/2021 58089	EQUIPMENT RENTAL	WWTP	$1,935.00
01-103938 P&W TREE TRIMMING					
INV INV0110	7/26/2021 8/4/2021	8/5/2021 57992	REMOVE TRASH FROM CITY	NON DEPARTMENTAL	$3,400.00

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
INV INV0111	7/31/2021 8/4/2021	8/5/2021 57992	REMOVE TRASH FROM CITY	NON DEPARTMENTAL	$1,700.00
INV INV0112	8/6/2021 8/18/2021	8/18/2021 58090	REMOVE TRASH FROM CITY	NON DEPARTMENTAL	$3,910.00
INV INV0115	8/15/2021 8/18/2021	8/18/2021 58090	REMOVE TRASH FROM CITY	NON DEPARTMENTAL	$2,550.00
01-103847 ENVIRONMENTAL SCIENCE CORPORATION					
INV 1391077-S	7/31/2021 8/18/2021	8/18/2021 58091	CHEMICALS	WWTP	$1,830.00
01-100335 PORT LAVACA, CITY OF					
INV 07/2021	7/16/2021 8/4/2021	8/5/2021 57998	WATER/SEWER JULY 2021	ALL DEPARTMENTS	$8,580.29
01-103984 PREMIUM PUMPS & CONTROLS					
INV 1583	8/2/2021 8/18/2021	8/18/2021 58098	REPLACEMENT PUMP	WWTP	$3,843.00
INV 1599	8/9/2021 8/18/2021	8/18/2021 58098	REPLACEMENT PUMP	WWTP	$1,707.00

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-100372 QUALITY HOT-MIX, INC.					
INV 26804	7/26/2021 8/18/2021	8/18/2021 58099	PB4 ROCK & COLD MIX	STREETS	$4,433.52
INV 26805	7/26/2021 8/18/2021	8/18/2021 58099	PB4 ROCK & COLD MIX	STREETS	$3,141.54
01-102309 REPUBLIC SERVICES #847					
INV 0847-001162208	7/31/2021 8/18/2021	8/18/2021 58102	DISPOSAL RECYCLING CONTAINERS	NON DEPARTMENTAL	$2,088.69
INV 0847-001163321	7/31/2021 8/18/2021	8/18/2021 58103	GARBAGE COLLECTION	NON DEPARTMENTAL	$65,273.24
01-100840 ROBERTS, ODEFEY, WITTE					
INV 1608-003M/90	8/9/2021 8/18/2021	8/18/2021 58105	MUNICIPAL COURT / JULY 2021	NON DEPARTMENTAL	$3,105.70
01-103898 RUSSELL MARINE LLC					
INV 12562	8/1/2021 8/18/2021	8/18/2021 105	CONSTRUCTION OF LHB FISHING PIER	LIGHTHOUSE BEACH	$170,896.88
01-102145 STAR W EQUIPMENT REPAIRS					
INV 4995	6/8/2021 8/18/2021	8/18/2021 58107	REPAIRS TO DUMP TRUCK	STREETS	$2,835.00

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-103961 THOMPSON PIPE GROUP - PRES					
INV CD99006667	7/6/2021 8/4/2021	8/5/2021 58006	WELDING SERVICES	UTILITY MAINTENANCE	$2,390.00
01-103169 TIMOTHY D. WESTPHAL					
INV 2021050	8/12/2021 8/18/2021	8/12/2021 58020	TAS REGISTRATION	LIGHTHOUSE BEACH	$1,630.00
01-100419 TML - IEBP					
INV PPORTLA12108	7/22/2021 8/4/2021	8/5/2021 58007	HEALTH/DENTAL INSURANCE	ALL DEPARTMENTS	$60,447.71
01-102134 VICTORIA ENGINEERING					
INV 16652	8/12/2021 8/18/2021	8/18/2021 58114	ENGINEERING FOR BREAKWATER HOR BULKHEAD (HELENA)	HOR BULKHEAD (HELENA)	$10,000.00
INV 16653	8/12/2021 8/18/2021	8/18/2021 58114	UPPER DOCK REPAIRS	CITY HARBOR	$9,000.00
INV 16655	8/12/2021 8/18/2021	8/18/2021 58114	WATER LINE 12" LOOP	WATER CONSTRUCTION	$42,750.00

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-100784 VICTORIA BUILDER SUPPLY					
INV 27102	7/30/2021 8/18/2021	8/18/2021 58117	DOORS, WINDOW AND GLASS	BAUER	$1,800.00
			TOTAL INVOICES PAID OVER $1500.00		**$1,157,808.67**

Card Service Center

mastercard

Item 4.

CITY OF PORT L

Account Number: XXXX XXXX XXXX 0305

Billing Questions: 800-367-7576

Website: www.cardaccount.net

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

FIRST NATIONAL BANK IN PORT LAVACA Credit Card Account Statement
July 9, 2021 to August 8, 2021

SUMMARY OF ACCOUNT ACTIVITY

Previous Balance	$1,040.12
- Payments	$1,040.12
- Other Credits	$32.44
+ Purchases	$11,337.70
+ Cash Advances	$0.00
+ Fees Charged	**$0.00**
+ Interest Charged	**$0.00**
= New Balance	$11,305.26
Account Number	XXXX XXXX XXXX 0305
Credit Limit	$26,500.00
Available Credit	$15,143.00
Statement Closing Date	August 8, 2021
Days in Billing Cycle	31

PAYMENT INFORMATION

New Balance:	$11,305.26
Minimum Payment Due:	$339.16
Payment Due Date:	**September 2, 2021**

TRANSACTIONS

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

Tran Date	Post Date	Reference Number	Transaction Description	Amount
07/22	07/22	F1127006B00CHGDDA	AUTOMATIC PAYMENT - THANK YOU	$1,040.12-
			TOTAL XXXXXXXXXXXX0305 $1,040.12-	
07/08	07/09	55432865Y5SWKBBEX	TEEX RETAIL COLLEGE STATI TX	$225.00
07/13	07/15	854509363WGR3T2WL	OSS ACADEMY SPRING TX	$225.00
08/05	08/06	55432866S5V1ZPK6H	BUC-EE'S 12 PORT LAVACA TX	$68.36
08/06	08/08	55432866V5SDFG187	BUC-EE'S 12 PORT LAVACA TX	$31.67
08/06	08/08	55432866V5SDFG199	BUC-EE'S 12 PORT LAVACA TX	$36.49
			ERIC SALES	
			TOTAL XXXXXXXXXXXX0776 $586.52	

Transactions continued on next page

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

Card Service Center

All payments on the account must be made at the address shown on your monthly billing statement and are considered to have been made on the date received at that address.

Account Number:	XXXX XXXX XXXX 0305
New Balance:	$11,305.26
Minimum Payment Due:	$339.16
Payment Due Date:	**September 2, 2021**

Amount Enclosed: $

Make Check Payable to:

CARD SERVICE CENTER
PO BOX 569100
DALLAS TX 75356-9100

CITY OF PORT LAVACA
202 N VIRGINIA ST
PORT LAVACA TX 77979-3431

1127339070000305000339160001130526 5

TRANSACTIONS (continued)

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

Tran Date	Post Date	Reference Number	Transaction Description	Amount
07/21	07/22	55480776B2MHX3D68	ACADEMY SPORTS #128 VICTORIA TX	$259.74
07/21	07/22	55310206A2DZFD81A	AMAZON.COM*2E66G4UT1 A AMZN.COM/BILL WA	$20.54
07/22	07/23	55480776Q2MHMF8ED	ACADEMY SPORTS #128 VICTORIA TX	$211.06
07/26	07/27	55263526GBLHJSMLA	HARBOR FREIGHT TOOLS 2 VICTORIA TX	$55.11
08/03	08/04	55432866R5SFSAH2P	BUC-EE'S 12 PORT LAVACA TX	$30.50
08/03	08/04	55432866R5SFSAH41	BUC-EE'S 12 PORT LAVACA TX	$26.10
08/03	08/04	55432866R5SFSAH49	BUC-EE'S 12 PORT LAVACA TX	$34.30
			KAREN NEAL	
			TOTAL XXXXXXXXXXXXX0784 $637.35	
07/22	07/23	55480776Q2LS25B5X	ACADEMY SPORTS #128 VICTORIA TX CREDIT	$32.44-
07/13	07/14	5548077632MHPQ9AM	ACADEMY SPORTS #128 VICTORIA TX	$324.72
07/20	07/21	55480776A2LS42BPH	ACADEMY SPORTS #128 VICTORIA TX	$97.36
07/21	07/22	55432866A5SHVNXZ1	SQ *SEW MUCH MORE VICTORIA TX	$60.00
07/24	07/26	55263526E2LRQVXAG	HARBOR FREIGHT TOOLS 7 CORPUS CHRIST TX	$39.63
07/26	07/27	15270216F8K24RSWD	EBAY O*06-07389-90682 SAN JOSE CA	$41.14
07/27	07/28	55263526HBLHJSPL9	HARBOR FREIGHT TOOLS 2 VICTORIA TX	$107.40
07/30	08/02	02305376L5SDTQWW5	OFFICE DEPOT #539 VICTORIA TX	$54.11
			JAVIER RAMOS	
			TOTAL XXXXXXXXXXXXX0867 $691.92	
07/11	07/12	554887261BLYFLR55	TEXAS COMM FIRE PROT 5129363842 TX	$56.49
07/14	07/15	5543286645SKNH5LY	TEEX RETAIL COLLEGE STATI TX	$275.00
07/21	07/21	55310206A2DM42WYF	AMZN MKTP US*2E8M18MS0 AMZN.COM/BILL WA	$29.99
07/23	07/23	55432866Q5V0SM3AK	AMZN MKTP US*2E6FD3V72 AMZN.COM/BILL WA	$25.98
07/28	07/30	85180896JWGSWBL3J	KOPPE BRIDGE ON WELLBO COLLEGE STA TX	$12.76
07/28	07/30	85180896JWGSWBL3J	KOPPE BRIDGE ON WELLBO COLLEGE STA TX	$18.62
07/29	07/30	25247806J03JWGHKZ	SHIPLEY SW PKWY COLLEGE STATI TX	$7.00
07/30	07/31	25247806K03NKBTJP	SHIPLEY SW PKWY COLLEGE STATI TX	$7.15
			JUAN LUNA	
			TOTAL XXXXXXXXXXXXX0941 $432.99	
07/21	07/21	55432866A5SQHW6JN	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	$320.00
07/21	07/21	55432866A5SQHW6VF	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	$320.00
07/21	07/21	55432866A5SQHW71M	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	$320.00
07/23	07/25	55488726DBM6VL61K	TCEQ IND RENEWAL LIC 5122396261 TX	$111.00
			WAYNE SHAFFER	
			TOTAL XXXXXXXXXXXXX1212 $1,071.00	
07/12	07/13	5543286615SZHK7W6	SQ *TEXAS MUNICIPAL CO GOSQ.COM TX	$75.00
07/21	07/21	55432866A5SQHVSPY	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	$320.00
07/21	07/21	55432866A5SQHW5ZL	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	$320.00
07/23	07/26	55436876D7L1TKQS4	HILTON GARDEN INN 817-2815800 TX	$98.76
		CHECK-IN 07/22/21	FOLIO #102467	
			MANDY GRANT	
			TOTAL XXXXXXXXXXXXX1238 $813.76	
07/17	07/19	5543286665SB9XXP8	APPLE.COM/BILL 866-712-7753 CA	$1.07
07/19	07/20	8271116680002YAYR	361_PRINTING_EMB_LLC PORT LAVACA TX	$100.00
07/28	07/29	02305376J00GTPBD3	USPS PO 4872200979 PORT LAVACA TX	$10.60
08/03	08/04	75369436P1YVNBS8J	THE UPS STORE 5474 VICTORIA TX	$184.14
			JESSICA CARPENTER	
			TOTAL XXXXXXXXXXXXX1329 $295.81	
07/21	07/21	55432866A5SQHVSP5	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	$320.00
07/21	07/21	55432866A5SQHVV4A	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	$320.00
07/21	07/21	55432866A5SQHW6SN	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	$320.00

Transactions continued on next page

Card Service Center

mastercard

CITY OF PORT L

Account Number: XXXX XXXX XXXX 0305

TRANSACTIONS (continued)

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

Tran Date	Post Date	Reference Number	Transaction Description	Amount
07/21	07/21	55432866A5SQHW6WT	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	$320.00
07/21	07/21	55432866A5SQHW61N	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	$320.00
07/21	07/21	55432866A5SQHW63P	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	$320.00
07/21	07/21	55432866A5SQHW78V	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	$320.00
07/26	07/27	02300966F8PLAAQYG	GOVERNMENT FINANCE OFF CHICAGO IL	$190.00
08/02	08/03	85544026NWGNHLL2B	THE GREEN IGUANA GRILL PORT LAVACA TX	$225.12
			SUSAN LANG	
			TOTAL XXXXXXXXXXXX1345 $2,655.12	
07/13	07/14	5543286625V3ZXE4B	J2 *EFAX CORPORATE SVC 323-817-1155 CA	$138.06
07/19	07/20	5543286685SZ3806P	UPS*BILLING CENTER 800-811-1648 GA	$27.42
07/21	07/21	55432866A5SQHVSR6	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	$320.00
07/21	07/21	55432866A5SQHW5TY	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	$320.00
07/21	07/21	55432866A5SQHW6EH	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	$320.00
07/21	07/21	55432866A5SQHW6TQ	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	$320.00
07/21	07/21	55432866A5SQHW70W	TEXAS MUNICIPAL LEAGUE 512-231-7400 TX	$320.00
07/23	07/25	55432866Q5V39Y4JB	AMAZON.COM*2E9YJ2650 AMZN.COM/BILL WA	$85.95
07/26	07/27	55432866F5SZ1BSFW	UPS*BILLING CENTER 800-811-1648 GA	$21.61
08/02	08/03	55432866N5SY735K5	AMZN MKTP US*2P9R21ZB2 AMZN.COM/BILL WA	$20.99
08/02	08/04	55207396P006Q3DVF	AUTHORIZE.NET SAN FRANCISCO CA	$30.00
			JOANNA WEAVER	
			TOTAL XXXXXXXXXXXX0249 $1,924.03	
07/08	07/09	55429505XRS5NSZAM	PAYPAL *TECSERVICES 4029357733 TX	$215.00
07/08	07/09	55432865X5SV5DQVH	AMAZON.COM*293JB18G0 AMZN.COM/BILL WA	$105.99
07/08	07/09	02305375Y00HXPS3V	USPS PO 4872200979 PORT LAVACA TX	$10.99
07/13	07/14	554295062RSQKNML1	PAYPAL *TECSERVICES 4029357733 TX	$800.00
07/13	07/14	02305376300HAPRST	USPS PO 4872200979 PORT LAVACA TX	$14.20
07/16	07/18	5548872662MD4GJWM	TCEQ EPAYMENT 5122396261 TX	$113.75
07/22	07/25	85450936QWGRKHBJ3	WORKAMPER NEWS HEBER SPRINGS AR	$99.00
07/23	07/25	55488726D2MD1M1Q5	TCEQ EPAYMENT 5122396261 TX	$113.75
07/25	07/26	55310206E2DKSJ08S	AMZN MKTP US*2E00V62V0 AMZN.COM/BILL WA	$51.90
07/26	07/27	52708086F609TSD7K	TRAINING 5124593124 TX	$475.00
07/26	07/28	85450936GWGRKHBHZ	WORKAMPER NEWS HEBER SPRINGS AR	$43.50
07/26	07/28	85450936GWGRKHBHZ	WORKAMPER NEWS HEBER SPRINGS AR	$39.00
07/29	07/31	85544026KWGNGMLM8	MAIN STREET SHIPPING C PORT LAVACA TX	$81.73
08/01	08/02	55432866M5SJH8V91	AMAZON.COM*2P6WF5A70 AMZN.COM/BILL WA	$32.95
			CYNTHIA HEYSQUIERDO	
			TOTAL XXXXXXXXXXXX0264 $2,196.76	

INTEREST CHARGE CALCULATION

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

Type of Balance	Annual Percentage Rate (APR)	Balance Subject to Interest Rate	Days in Billing Cycle	Interest Charge
Purchases	14.24% (v)	$0.00	31	**$0.00**
Cash Advances	14.24% (v)	$0.00	31	**$0.00**

(v) - variable

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

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

COMMUNICATION

SUBJECT: Receive monthly Financial Highlight Report

INFORMATION:

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

To: Mayor and Members of the City Council

From: Susan Lang, Finance Director

Subject: FY 20-21 Financial Highlights through **August 31, 2021**

Date: September 10, 2021

Below are the following reports for the period ending **August 31, 2021,** or **92%** of the year:

The major highlights of the Report are as follows:

Property Tax collections as reported by CCAD - are **$4,538,965** for the year as of July. Collections in FY20-21 are 97% of total adjusted tax levy. Total current year Property Taxes Outstanding as of July is **$139,840**.

In the General Fund, revenues through **8/31/21** are **105%** of budget. In addition:

1. *Current Property Tax* collections - are **$4,161,545** for the year as of August. Collections in FY20-21 are 105% of budget.

2. *Sales Tax* collections through August were **$3,235,445** or 110% of budget. Collections through August in FY 19-20 were **$3,219,291.**

3. *Licenses & Permits* collections are **$154,078** for the year, or 130% of budget**.** Collections through August in FY 19-20 were **$157,408.**

4. *Bauer Center Rentals* through August are **$50,945** or 145% of budget. Collections through August in FY 19-20 were **$31,795.**

5. *Court Fines* are **$90,775** for the year, or 73**%** of budget. Collections through August in FY 19-20 were **$74,145.**

Expenditures in the General Fund for the year are **82%** of budget.

In the Utility Fund, revenues as of **8/31/21** are **105%** ** of budget. In addition:

1. *Metered Water* sales through August are **$1,843,991 or 75%** of budget.
2. *Residential Sewer* sales through August are **950,212 or 79%** of budget.
3. *Garbage Billings* through August are **$630,407** or **91%** of budget.

Adjusted expenditures in the Utility Fund for the year are **90%** of budget.

Summary – FY 2020-2021 through 8/31/21

Fund	Revenues	% Budget	Expense	Reserve Xfer to CIP *	Adjusted Expense	% Budget	Revenues Less Expense
General	$9,841,432	105%	$10,228,806	(2,410,000)	$7,818,806	82%	$2,022,628
Utility	$6,305,364	105%	7,213,872	0	7,213,872	90%	(908,508)
HOT	$394,208	79%	433,050	0	433,050	74%	(38,326)
Beach	$506,503	87%	268,983	(15,000)	253,983	46%	252,820
Port	$627,952	100%	1,302,631	0	1,273,612	71%	(674,680)
						Total	$ 653,934

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

Summary Revenue and Expenditure Reports for the selected funds are attached for your review.

** Received CLFRF Grant for COVID Relief

Port Lavaca
PROPERTY TAX COLLECTION REPORT
July 31, 2021

TAXES DUE AT CERTIFICATION			4,550,879.43	
Adjustments to Date			94,239.16	
TOTAL TAX LEVY			4,645,118.59	

2020 Tax Collections

	Base	Penalties & Interest	Total
October	2,385,941.36	0.00	2,385,941.36
November	250,627.48	0.00	250,627.48
December	550,129.61	0.00	550,129.61
January	797,130.19	0.00	797,130.19
February	179,292.57	5,665.60	184,958.17
March	188,397.18	14,483.71	202,880.89
April	65,863.15	6,573.81	72,436.96
May	43,174.80	4,022.86	47,197.66
June	22,377.36	2,939.84	25,317.20
July (Delinquent as of July 1, 2021)			0.00
August			0.00
September			0.00
TOTAL	4,482,933.70	33,685.82	4,516,619.52

			Last Year % Collected
	% Collected	96.99%	95.39%
TRANSFERRED TO DELINQUENT ROLL			
	July, Aug, and Sept Payments	22,345.21	
2020 TAXES OUTSTANDING		139,839.68	
	% Current Outstanding	3.01%	

****

DELINQUENT COLLECTIONS

	Base	Penalties & Interest	Total
October	14,649.34	6,979.64	21,628.98
November	36,432.40	8,654.61	45,087.01
December	7,670.46	2,534.35	10,204.81
January	10,684.73	4,067.54	14,752.27
February	2,857.19	860.16	3,717.35
March	7,356.81	2,593.32	9,950.13
April	7,792.68	2,917.66	10,710.34
May	7,153.07	2,417.96	9,571.03
June	2,332.38	1,021.52	3,353.90
July	4,659.62	4,316.55	8,976.17
August			0.00
September			0.00
TOTAL	101,588.68	36,363.31	137,951.99

DELINQUENT TAXES OUTSTANDING	319,791.90
TOTAL TAXES OUTSTANDING	459,631.58

COMMUNICATION

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

INFORMATION:

ldiaz@portlavaca.org

From: Amanda Gonzalez/FTP2SF <AmandaG@ftpc.fpcusa.com>
Sent: Friday, September 10, 2021 9:21 AM
To: Ldiaz@portlavaca.org
Cc: amandag5178@gmail.com
Subject: CC Fair Parade 2021

Good Morning,

It is at the request of the Calhoun County Fair Association that we get in the agenda for approval of the 2021 Fair Parade scheduled for October 9, 2021. The them this year will be "Enriching the Community". We will have a lineup at the CHS Stadium and using the Hwy 35 entrance only. The parade route will be start up at Sam Fabion, right on Virginia, left on Main, and end at the Bayfront. The parade will begin line up at 9:00 am and start-up to begin at 10:00 am. We will need police escort for securing a roadblock.

Thanks

Amanda Gonzalez

Formosa Plastics
Administrative Assistant – PPII
Phone 361/987-8426
Fax 361/987-8425
Cell 361/482-8464
Email:amandag@ftpc.fpcusa.com

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COMMUNICATION

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

---

INFORMATION:

CLASS OF 2023 UPCOMING FUNDRAISER

The Class of 2023 would like to put together a Color Run for an upcoming fundraiser to help with prom expenses.

Date: December 11, 2021

Time: @ 6:30 a.m. -9:00 a.m.

Expected Participants- Unknown

Traffic Control: Bayfront, Commerce Street, Bauer Community Center

Fundraiser Event Coordinators: Erin Smith (361) 920-3746 & Esmeralda Sanchez (361)746-4313

Big Bear Shrimp and Seafood
Lighthouse Beach
Port Lavaca Nursing & Rehabilitation Center
Bayside Seafood
Halfmoon Reef Lighthouse
Noble Point
Whataburger
Fishing Pier Park
Walmart Supercenter
Antigua
Scully's Sports Bar & Grill
rgent Care
LaVaca BBQ
Bayfront Peninsula Park
La Estrella
Texas Traditions Grill & Bar
Poor Boy Bait
El Patio
Mario's Frc Clothing

COMMUNICATION

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

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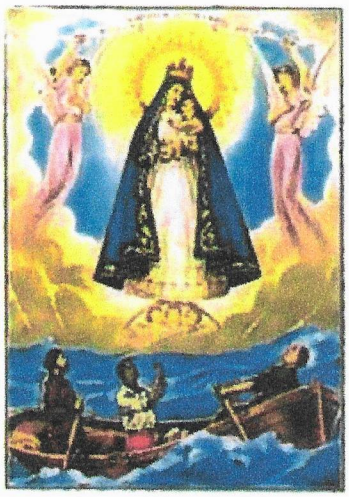
INFORMATION:



Our Lady of the Gulf Catholic Church

415 W. Austin Street
Port Lavaca, TX 77979
Tel: 361-552-6140 Fax: 361-552-4300
Website: WWW.OLGULF.ORG Email: olg@olgulf.org

And Missions of
St. Ann, Point Comfort, TX
St. Joseph, Port O'Connor, TX
St. Patrick, Seadrift, TX

Dear Port Lavaca City Council,

Our Lady of the Gulf Altar Society will hold its annual Turkey Dinner & Raffle Fundraiser on Sunday, November 7, 2021 at St.Jude Hall 300 W. Austin Street. We are requesting closure of Benavides Street between Leona and Austin streets from 10:00 a.m. - 1:30 p.m. in order to allow for drive thru pick up only of the meal.

This annual event in past years has allowed dine in and a bake sale, but in order to follow Covid 19 guidelines, we will only be serving plates to go .

We appreciate your consideration of this request and your past support our church activities.

Should you have any questions you may call the parish office at 361-552-6140 ext. 3.

Sincerely,

Rev.

Rev. Fr. Tommy Chen
Pastor

COMMUNICATION

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

---

INFORMATION:

CITY OF PORT LAVACA

COUNCIL MEETING: SEPTEMBER 20, 2021 **AGENDA ITEM __**

DATE: 9.9.21

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: **LIGHTHOUSE BEACH RV PARK ELECTRICAL REPAIRS**

BACKGROUND: On July 26, the electrical power for the "hillside" RV spaces became overloaded and blew. We contracted with G&W Engineers for a lump sum fee of $7,000 to prepare technical specifications to bid out repairs to the existing meter loop and add another.

We advertised for bids in the Port Lavaca Wave and had 3 potential bidders pick up bid packages. We received only one (1) bid on September 2 from Lectric Electrical Contracting, Inc of Rockport, in the amount of $52,565.00. This is the electrical contractor working on the Lighthouse Beach Pier. G&W's engineer's estimate was $50,000.

FINANCIAL IMPACT:

This project is required to return power to 28 RV spaces so they can be offered for rent again. This is a potential $14,000 /month of revenue, if full with monthly rentals.

As you recall, the FY 2020-21 budget includes $250,000 in Capital Expenditure in the Beach Operating Fund for the Lighthouse Beach Reconstruction. Per my memo to Council on Jan 25, 2021, $31,000 of General Fund Reserves was required to fully fund the pier reconstruction. All of the $250,000 of the Beach Revenue Fund has not been expensed yet, so we are proposing to encumber this $52,565.00 using the remaining budgeted Beach Revenue Fund Capital Improvement Budget, which will result in requiring and additional $52,565 of General Fund Reserves to fully fund the pier reconstruction project.

RECOMMENDATION:

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

ATTACHMENTS:

- Bid

lectrics1@yahoo.com

BID FORM

Bidding Firm: Lectrics Electrical Contractors Inc.

Address: 1648 FM 1781

City, State, Zip: Rockport, Tx. 78382

Phone: 361-729-6686 off. Fax: None

Project: LIGHTHOUSE BEACH RV PARK ELECTRICAL REPAIRS
CITY OF PORT LAVACA

1. The undersigned hereby proposes and agrees to provide all labor, materials, services, equipment, bonds, insurance and all other things necessary to fully perform all Work as specified or indicated in, and in strict accordance with, the bid documents, and addenda thereto, within the time stated herein for the following Lump Sum price:

BID AMOUNT: Fifty two thousand five hundred sixty five dollars and NO/100

($ 52,565.00)

2. If awarded this contract, the undersigned will provide proof of insurance coverage, a satisfactory statutory payment bond as applicable, and execute a satisfactory Construction Contract with the City of Port Lavaca within 10 days after the Notice of Award. It is agreed that this bid shall remain subject to acceptance by the City of Port Lavaca for a period of thirty (30) days from the bid opening date.

3. The undersigned BIDDER agrees to the following:

   A. To perform all Work with skilled craftsmen experienced in the applicable trades and in conformance with the plans and specifications.

   B. To complete the Work within 60 calendar days from the Notice to Proceed.

4. In submitting this Bid, BIDDER represents, as more fully set forth in the Agreement, that:

   A. BIDDER has examined copies of all Contract Documents and the following Addenda, receipt of which is hereby acknowledged.

   Addendum No. _____ _____ _____

   Date Rec'd: _____ _____ _____

   C. BIDDER has examined the site and locality where the Work is to be performed, the legal requirements (federal, state and local laws, ordinances, rules and regulations) and the conditions affecting cost, progress or performance of the Work and has made such independent investigations as BIDDER deems necessary.

COMMUNICATION

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

---

INFORMATION:

CITY OF PORT LAVACA

CC MEETING: **SEPTEMBER 20, 2021**

DATE: 9/9/2021

TO: HONORABLE MAYOR WHITLOW AND CITY COUNCIL MEMBERS

FROM: JESSICA CARPENTER, DIRECTOR OF ECONOMIC DEVELOPMENT

SUBJECT: APPOINTMENT/REAPPOINTMENT OF PLANNING BOARD MEMBER

BACKGROUND:

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

There are no term limits established and the full term is for a period of two (2) years.

FINANCIAL IMPLICATIONS:

IMPACT ON COMMUNITY SUSTAINABILITY:

RECOMMENDATION:
Staff recommends approval.

ATTACHMENTS:
See letter of interest from Sheryl Cuellar attached.

Sheryl Cuellar

108 Boston, Port Lavaca, Texas 7979
Phone: 361-676-5807

City of Port Lavaca City Council

September 9, 2021

Dear Members of Port Lavaca City Council

I, Sheryl Moore Cuellar, am submitting this letter asking you to please vote to reinstate me as a member of the City of Port Lavaca Planning Board. I have served one term and have enjoyed the work that we have done to make Port Lavaca the best it can be both in the near future and in the decades to come.

I have been very excited to see the changes and additions we have discussed and passed on to you come to fruition and see the positive impact and growth it has been for the citizens of this city. We have such wonderful people working towards a common goal in so many different areas of this city office and within the community that I am looking forward to seeing things through and being a part of the growth and pulse of the city.

I hope that you will consider what we have accomplished and will allow me to continue in my work for you and our wonderful city.

Sincerely,

Sheryl Moore Cuellar

COMMUNICATION

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

---

INFORMATION:

ORDINANCE #S-1-21

AN ORDINANCE APPROVING THE ANNUAL BUDGET FOR THE CITY OF PORT LAVACA, TEXAS AND ADOPTING THE BUDGET DOCUMENT FOR THE FISCAL YEAR OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022; 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, 2021 through September 30, 2022, 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, 2021 through September 30, 2022 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 2021/2022.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION 3. 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 1st day of September, 2021

_____
Jack Whitlow, Mayor

SECOND AND FINAL READING this 20th day of September, 2021

_____
Jack Whitlow, Mayor

APPROVED AND ADOPTED this 20th day of September, 2021.

_____
Jack Whitlow, Mayor

ATTEST:

_____
Mandy Grant, City Secretary

APPROVED AS TO FORM:

_____
Anne Marie Odefey, City Attorney

RECORD OF VOTE

	First Reading	Second and Final	Passed and Approved
Councilman Smith	Absent		
Councilman Dent	Nay		
Councilman Tippit	Aye		
Councilwoman Padron	Aye		
Councilman Ward	Aye		
Councilman Barr	Aye		

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

COMMUNICATION

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

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INFORMATION:

ORDINANCE #S-2-21

AN ORDINANCE FIXING THE TAX RATE AND TAX LEVY FOR THE CITY OF PORT LAVACA, TEXAS, FOR THE YEAR 2021, UPON ALL TAXABLE PROPERTY IN SAID CITY OF PORT LAVACA, TEXAS SUBJECT TO TAXATION BY SAID CITY ON THE FIRST DAY OF JANUARY, 2021 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 2021 upon all property of every description subject to taxation by the City of Port Lavaca, Texas on the 1st day of January, 2021, the following tax rate, to-wit:

An Ad Valorem Tax at the rate of $0.7944 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, 2022.

(A) THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

(B) THE TAX RATE WILL EFFECTIVELY BE RAISED BY 7.45 PERCENT (16%) AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A $100,000 HOME BY APPROXIMATELY $109.60.

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	$	0.7308	91.99 %
TAX SUPPORTED DEBT SERVICE FUND:			
2012 General Oblig. Refunding	$	0.0636	8.01 %
TOTALS:	$	0.7944	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 1st day of September, 2021

_____
Jack Whitlow, Mayor

SECOND AND FINAL READING this 20th day of September, 2021

_____
Jack Whitlow, Mayor

APPROVED AND ADOPTED this 20th day of September, 2021.

_____
Jack Whitlow, Mayor

ATTEST:

_____
Mandy Grant, City Secretary

APPROVED AS TO FORM:

_____
Anne Marie Odefey, City Attorney

RECORD OF VOTE

	First Reading	Second and Final	Passed and Approved
Councilman Smith	Absent		
Councilman Dent	Aye		
Councilman Tippit	Aye		
Councilwoman Padron	Aye		
Councilman Ward	Aye		
Councilman Barr	Aye		

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

COMMUNICATION

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

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INFORMATION:

ORDINANCE #G-4-21

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

ARTICLE I. GENERAL

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

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

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

ARTICLE II. FEES TO BE AMENDED

The fees, rates and charges to be amended are in the Chapters listed below and described in full in the attached appendix marked in red or blue and highlighted in yellow:

Chapter 12: Building and Building Regulations
- Sec. 12-1 Plan Review

Chapter 50: Utilities
- Sec. 50-67 Water User Rates
  - Guadalupe Blanco River Authority (GBRA) fee

Chapter 54: Waterways (Tariffs)
- Harbor of Refuge – Dockage Space

ARTICLE III.- EFFECTIVE DATE

This ordinance shall become effective upon adoption by City Council.

FIRST READING this 1st day of September, 2021.

_____
Jack Whitlow, Mayor

SECOND AND FINAL READING this 20th day of September, 2021.

_____
Jack Whitlow, Mayor

APPROVED AND ADOPTED this 20th day of September, 2021.

_____
Jack Whitlow, Mayor

ATTEST:

_____
Mandy Grant, City Secretary

APPROVED AS TO FORM:

_____
Anne Marie Odefey, City Attorney

RECORD OF VOTE

	First Reading	Second and Final	Passed and Approved
Councilman Smith	Absent		
Councilman Dent	Aye		
Councilman Tippit	Aye		
Councilwoman Padron	Aye		
Councilman Ward	Aye		
Councilman Barr	Aye		

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

Appendix A FEES, RATES AND CHARGES

Section Number	Subject	Fee Amount
In General		
12-1	Plan review fees	
	~~(a) $0.20 per square foot for new and remodel commercial construction and $25.00 for new residential. There is no charge for plan review of type Group U and accessory structures (carports, boat sheds, gazebos, swimming pools, fences, and similar structures). At the sole discretion of the building official, the building official may require building plans to be reviewed at the cost of the owner.~~ See Attachment B Fee Schedule	
	(b) Plan review fees for all fire protective systems will be charged at the rate of ½ the permit fee with the exception of NFPA 13 and 13R sprinkler systems. Fees for sprinkler systems will be based on the number of heads per the following table:	
	1—100	$300.00
	101—200	$375.00
	201—300	$500.00
	301—400	$650.00
	401—500	$750.00
	Over 500	$750 plus .50 per head
	For hydraulically designed systems, multiply the fee by 2	

ATTACHMENT B
FEE SCHEDULE

Construction Code Services

Fee Table 1 - Commercial and Multi-Family construction plan review

Valuation	Fee
$1.00 to $10,000.00	$50.oo
$10,001.00 to $25,000.00	$70.69 for the first $10,000.00 plus $5.46 for each additional $1000.00
$25,001.00 to $50,000.00	$152.59 for the first $25,000.00 plus $3.94 for each additional $1000.00
$50,001.00 to $100,000.00	$251.09 for the first $50,000.00 plus $2.73 for each additional $1000.00
$100,001.00 to $500,000.00	$387.59 for the first $100,000.00 plus $2.19 for each additional $1000.00
$500,001.00 to $1,000,000.00	$1,263.59 for the first $500,000.00 plus $1.85 for each additional $1ooo.00
$1,000,001.00 and up	$2,188.59 for the first $1,000,000.00 plus $1.23 for each additional $1000.00

Fee Table 2 - Commercial and Multi-Family construction inspection

Valuation	Fee
$1.00 to $10,000.00	$76.92
$10,001.00 to $25,000.00	$108.75 for the first $10,000.00 plus $8.40 for each additional $1000.00
$25,001.00 to $50,ooo.00	$234.75 for the first $25,000.00 plus $6.06 for each additional $1000.00
$50,001.00 to $100,000.00	$386.25 for the first $50,000.00 plus $4.20 for each additional $1ooo.00
$100,001.00 to $500,00o.00	$596.25 for the first $100,000.00 plus $3.36 for each additional $1000.00
$500,001.00 to $1,000,000.00	$1,940.25 for the first $500,000.00 plus $2.85 for each additional $1000.00
$1,000,001.00 and up	$3,365.25 for the first $1,000,000.00 plus $1.89 for each additional $1000.00

Fee Table 3 - Construction or Improvement of a Residential Dwelling

New Residential Construction	
Plan Review and Inspection Fee	
Square Footage (S.F.)	**Fee**
0 - 1,500 S.F.	$785.00
1,501 - 10,000 S.F.	$785.00 for the first 1,500 S.F. plus $0.35 for each additional S.F. to and includina 10 000 S.F.
Over 10,000 S.F.	$3,760.00 for the first 10,000 S.F. plus $0.15 for each additional S.F. over 10 000 S.F.

Plan Review Only	
Plan Review Fee Only Per Dwelling Unit, a new plan for previously reviewed plan or Master Plan	$200.00 per Plan or per Address
Plan review fee when a permit has been issued for the dwelling and the construction plans are altered such that an additional plan review is required (excludes new plan)	$150.00 per Plan or per Address
Alterations / Additions/ Improvements for Residential Construction	
Trade Permits	**Fee**
Building, Mechanical, Electrical, Plumbing, Fuel Gas and similar	$100.00 per trade
Other project types not listed above	$160.00 per trade
Miscellaneous residential projects such as, but not limited to, Accessory Structures, Fences, Pools, etc.	See Fee Table 2

* All fees billed upon issuance of the permit by the jurisdiction

Fire Services

Single Family Residential Fire Services

Fire Code Plan Review Services	$175.00
Fire Code Inspection Services	$400.00

Fire Code Plan Review Services - Commercial and Multi-Family construction

Valuation	Fee, Each System
Less than $6,250	$200.00
$6,250 to $250,000	$300.00
$251,000 to $500,000	$425.00
$501,000 to $1,000,000	$550.00
$1,001,000 to $3,000,000	$800.00
$3,001,000 to $6,000,000	$1,200.00
$6,000,000 and up	$1,200.00 plus $0.38 for each additional $1,000.00

Fire Code Inspection Services - Commercial and Multi-Family construction

Valuation	Fee, Each System
Less than $6,250	$300.00
$6,250 to $250,000	$425.00
$251,000 to $500,000	$525.00
$501,000 to $1,000,000	$675.00
$1,001,000 to $3,000,000	$950.00
$3,001,000 to $6,000,000	$1,425.00

Appendix A FEES, RATES AND CHARGES

CHAPTER 50—UTILITIES

Section Number	*Subject*	*Fee Amount*
50-52(b)	Inspection fee	
Water table		
50-67	*Water user rates:*	
50-67	*Residential:*	
	Base charge 0—2,000 gallons	$17.00per month
	Guadalupe-Blanco River Authority (GBRA) fee	~~$6.18 per month~~ $7.54 per month
	2,001—5,000 gallons	$4.78 per 1,000 gallons
	5,001—25,000 gallons	$5.26 per 1,000 gallons
	Over 25,000 gallons	$5.97 per 1,000 gallons
50-67	*Small Commercial:*	
	Base charge 0—2,000 gallons ⅝—1½-inch meter	$19.50 per month
	Guadalupe-Blanco River Authority (GBRA) fee	~~$6.18 per month~~ $7.54 per month
	2,001—5,000 gallons	$4.95 per 1,000 gallons
	5,001—25,000 gallons	$5.26 per 1,000 gallons
	Over 25,000 gallons	$5.97 per 1,000 gallons
50-67	*Large commercial:*	
	Base charge 2—6-inch water meter	$37.00 per month
	Guadalupe-Blanco River Authority (GBRA) fee	~~$6.18 per month~~ $7.54 per month
	0—5,000 gallons	$4.95 per 1,000 gallons
	5,001—25,000 gallons	$5.26 per 1,000 gallons
	Over 25,000 gallons	$5.97 per 1,000 gallons
50-67	*Outside city limits:*	
	For residential and commercial customers located outside the city limits, the charge for water shall be 1½ times the rate charged to customers inside the city limits	

Appendix A FEES, RATES AND CHARGES

Section Number	Subject	Fee Amount
CHAPTER 54—WATERWAYS		
	Tariffs:	
	Oysters per sack	~~$0.30~~ $0.00
	Oysters per barrel	~~$0.90~~ $0.00
	Shrimp per ton	~~$8.00~~ $0.00
	Crude/condensate per barrel	$0.10
	Crude/condensate per ton of bulk	$0.65
	~~Railcars~~	
	~~Railcar/per day~~	~~$75.00~~
	Public Dock Space	
	~~Per day for 200-250' barges~~ Per day per barge	$200.00
	Harbor of Refuge	
	Dockage Space - LF/month	$3.30
	Use of Rail Spur- LS/month	$833.00
	Marina Rates	
	Dockage Space - LF/month	$6.30
	110 v. 30-amp Connection - per month	$52.50
	220 v. 50-amp Connection - per month	$105.00
	Water and Trash Included in all rentals If paid annually, will discount one month's rental	
	Transient rate < 35 ft.	$15.75
	Transient rate > 35 ft.	$21.00
(Ord. No. G-1-19 , art. II, 1-14-2019; Ord. No. G-4-20 , art. II, 9-14-2020; Ord. No. G-3-21 , art. II, 5-10-2021)		

COMMUNICATION

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

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INFORMATION:

CITY OF PORT LAVACA

COUNCIL MEETING: SEPTEMBER 20, 2021 **AGENDA ITEM __**

DATE: 9.9.21

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: **COMPETITVE SEALED PROPOSALS FOR RE-ROOF OF POLICE STATION**

BACKGROUND: Rawley McCoy has prepared bid documents for the re-roof of the Police Station. Their recommendation for the method of procurement is competitive sealed proposals. Agenda item 9 through 12 are resolutions required as part of this procurement method.

We began advertising for bids on September 8, with a contract award planned for the October 13 Council meeting.

9. A resolution selecting Davis-Bacon labor rates as the Prevailing Wage Rates for this project

10. A resolution delegating City Manager as having the authority to form a committee to advise on the selection of the proposal and bring that recommendation to Council for final approval.

11. A resolution establishing the Competitive Proposal Method as the method of procurement for this project to re-roof the Police Station.

12. A resolution establishing the selection committee appointed by City Manager

RECOMMENDATION:

Staff recommends approval of all four resolutions.

ATTACHMENTS:

- Resolutions

RESOLUTION NO. R-092021-1
PREVAILING WAGE RATE
CITY OF PORT LAVACA CITY COUNCIL
POLICE DEPARTMENT RE-ROOF

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

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

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

PASSED AND ADOPTED on this 20**th day of September 2021.**

_____,
Honorable Jack Whitlow, Mayor, City of Port Lavaca

ATTEST:

_____,
Mandy Grant, City Secretary, City of Port Lavaca

COMMUNICATION

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

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INFORMATION:

CITY OF PORT LAVACA

COUNCIL MEETING: SEPTEMBER 20, 2021 **AGENDA ITEM __**

DATE: 9.9.21

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: **COMPETITVE SEALED PROPOSALS FOR RE-ROOF OF POLICE STATION**

BACKGROUND: Rawley McCoy has prepared bid documents for the re-roof of the Police Station. Their recommendation for the method of procurement is competitive sealed proposals. Agenda item 9 through 12 are resolutions required as part of this procurement method.

We began advertising for bids on September 8, with a contract award planned for the October 13 Council meeting.

9. A resolution selecting Davis-Bacon labor rates as the Prevailing Wage Rates for this project

10. A resolution delegating City Manager as having the authority to form a committee to advise on the selection of the proposal and bring that recommendation to Council for final approval.

11. A resolution establishing the Competitive Proposal Method as the method of procurement for this project to re-roof the Police Station.

12. A resolution establishing the selection committee appointed by City Manager

RECOMMENDATION:

Staff recommends approval of all four resolutions.

ATTACHMENTS:

- Resolutions

RESOLUTION NO. R-092021-2
DELEGATION OF AUTHORITY
CITY OF PORT LAVACA CITY COUNCIL
POLICE DEPARTMENT RE-ROOF

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

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

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

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

PASSED AND ADOPTED on this 20**th day of September 2021.**

_____,
Honorable Jack Whitlow, Mayor, City of Port Lavaca

ATTEST:

_____,
Mandy Grant, City Secretary, City of Port Lavaca

COMMUNICATION

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

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INFORMATION:

CITY OF PORT LAVACA

COUNCIL MEETING: SEPTEMBER 20, 2021 **AGENDA ITEM __**

DATE: 9.9.21

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: **COMPETITVE SEALED PROPOSALS FOR RE-ROOF OF POLICE STATION**

BACKGROUND: Rawley McCoy has prepared bid documents for the re-roof of the Police Station. Their recommendation for the method of procurement is competitive sealed proposals. Agenda item 9 through 12 are resolutions required as part of this procurement method.

We began advertising for bids on September 8, with a contract award planned for the October 13 Council meeting.

9. A resolution selecting Davis-Bacon labor rates as the Prevailing Wage Rates for this project

10. A resolution delegating City Manager as having the authority to form a committee to advise on the selection of the proposal and bring that recommendation to Council for final approval.

11. A resolution establishing the Competitive Proposal Method as the method of procurement for this project to re-roof the Police Station.

12. A resolution establishing the selection committee appointed by City Manager

RECOMMENDATION:

Staff recommends approval of all four resolutions.

ATTACHMENTS:

- Resolutions

RESOLUTION NO. R-092021-3
CONSTRUCTION PROCUREMENT METHOD
CITY OF PORT LAVACA CITY COUNCIL
POLICE DEPARTMENT RE-ROOF

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

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

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

PASSED AND ADOPTED on this 20**th day of September 2021.**

_____,
Honorable Jack Whitlow, Mayor, City of Port Lavaca

ATTEST:

_____,
Mandy Grant, City Secretary, City of Port Lavaca

COMMUNICATION

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

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INFORMATION:

CITY OF PORT LAVACA

COUNCIL MEETING: SEPTEMBER 20, 2021 **AGENDA ITEM __**

DATE: 9.9.21

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: **COMPETITVE SEALED PROPOSALS FOR RE-ROOF OF POLICE STATION**

BACKGROUND: Rawley McCoy has prepared bid documents for the re-roof of the Police Station. Their recommendation for the method of procurement is competitive sealed proposals. Agenda item 9 through 12 are resolutions required as part of this procurement method.

We began advertising for bids on September 8, with a contract award planned for the October 13 Council meeting.

9. A resolution selecting Davis-Bacon labor rates as the Prevailing Wage Rates for this project

10. A resolution delegating City Manager as having the authority to form a committee to advise on the selection of the proposal and bring that recommendation to Council for final approval.

11. A resolution establishing the Competitive Proposal Method as the method of procurement for this project to re-roof the Police Station.

12. A resolution establishing the selection committee appointed by City Manager

RECOMMENDATION:

Staff recommends approval of all four resolutions.

ATTACHMENTS:

- Resolutions

RESOLUTION NO. R-092021-4
SELECTION COMMITTEE & PROPOSAL RANKING CRITERIA
CITY OF PORT LAVACA CITY COUNCIL
POLICE DEPARTMENT RE-ROOF

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

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

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

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

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

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

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

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

_____,
Jody Weaver, City Manager, City of Port Lavaca

ATTEST:

_____,
Honorable Jack Whitlow, Mayor, City of Port Lavaca

_____,
Mandy Grant, City Secretary, City of Port Lavaca

COMMUNICATION

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

---

INFORMATION:

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

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

City Secretary
Ext. 230

Code Enfoncement
Ext. 229

Finance
Ext. 234

Inspections/Permits
Ext. 229

Municipal Court
Ext. 226

Personnel
Ext. 224

Utility Billing
Ext. 238

Animal Control
361-552-5726

Bauer Center
361-552-1234

Fire Station
361-552-3241

Public Works Director
361-552-3347

Parks & Recreation
361-552-1234

Police
361-552-3788

Streets
361-552-3347

Utilities Operation
361-552-3347

September 13, 2021

Michael Sosa
Enterprise Fleet Management
1505 Harry Wurzbach
San Antonio, TX 78209

Dear Michael:

After review and evaluation of TIPS Agreement #190402, the City of Port Lavaca is pleased to award this proposal to Enterprise Fleet Management.

The contract agreement to be prepared as a result of this award will be one which incorporates by reference all the requirements, terms and conditions of the solicitation and the contract proposal as negotiated.

City Council has authorized the City Manager, Jody Weaver, to execute the various contracts subject to approval by the City Attorney, Anne Marie Odefey.

On behalf of City of Port Lavaca, we thank you and look forward to a mutually beneficial relationship with your company.

Sincerely,

Jack Whitlow
Mayor

CITY OF PORT LAVACA - REPLACEMENT WORKSHEET

VIN	Department	Year	Make	Model	Current Odometer	Recommended Replacement Year	Notes
1GCEC19X68Z309675	ANIMAL	2008	Chevrolet	Silverado 1500	157,558	2021	Awaiting Replacement
1C6RD6FP4CS242437	ANIMAL	2012	RAM	1500	107,047	2021	Replace with 3/4 Ton Animal Control Body
1FTRF12235NA55675	BAUER	2005	Ford	F-150	102,022	2021	Replace with Silverado 1500
1FTRX12WX5FA37460	FIRE	2005	Ford	F-150	-	2021	Replace with Silverado 1500
1FTNF205X9EA35690	FIRE	2009	Ford	F-250	53,581	2021	Replace with Silverado 2500
1FT8W3B64BEA13098	FIRE	2011	Ford	F-350	-	2021	Replace with 1 Ton SRW LWB
1HGCM55895A120718	POLICE	2005	Honda	Accord	142,000	2021	Replace with Equinox (evidence)
6G1MK5U25DL812043	POLICE	2013	Chevrolet	Caprice	82,381	2021	Replace with Tahoe
1GNLC2E03ER224253	POLICE	2014	Chevrolet	Tahoe	-	2021	Replace with Tahoe
1GNLC2EC3FR252825	POLICE	2015	Chevrolet	Tahoe	81,354	2021	Replace with Tahoe
1GNLCDEC5GR178417	POLICE	2016	Chevrolet	Tahoe	12,345	2021	Replace with Tahoe
1GCRCPEA4BZ244662	PORT COMM	2011	Chevrolet	Silverado 1500	-	2021	Replace with Silverado 1500 4x4
1FTRF12298KD08987	STREETS	2008	Ford	F-150	131,481	2021	Replace with Silverado 1500 - Parks is using
1J8GS48K39C530876	UTIL MAINT	2009	Jeep	Grand Cherokee	-	2021	Replace with Traverse
1FTSX2A51AEB36927	UTIL MAINT	2010	Ford	F-250	-	2021	Being Replaced with #2524
1GCNCPEXXCZ128953	UTIL MAINT	2012	Chevrolet	Silverado	-	2021	Replace with Silverado 1500
1GB2CVCG1BZ259069	WWTP	2011	Chevrolet	Silverado 2500HD	-	2021	Replace w/ 1 Ton Svc Body
1GCRCPEA0CZ103301	WWTP	2012	Chevrolet	Silverado	-	2021	Replace with Silverado 1500
1FTFW1CF9BKD62219	POLICE	2011	Ford	F-150	79,489	2022	
6G1MK5U21CL606815	POLICE	2012	Chevrolet	Caprice	-	2022	
1GB5CZCG4DZ221259	STREETS	2013	Chevrolet	Silverado 3500HD	-	2022	
3GCPCREA9DG328479	STREETS	2013	Chevrolet	Silverado 1500	-	2022	
1GC2CVCG7CZ125888	UTIL MAINT	2012	Chevrolet	Silverado 2500HD	-	2022	
1GCRCPEH2FZ364253	FIRE	2015	Chevrolet	Silverado 1500	22,597	2023	
1GCRCPEC8EZ171804	UTIL MAINT	2014	Chevrolet	Silverado 1500	-	2023	
1GCNCPEH6FZ149599	UTIL MAINT	2015	Chevrolet	Silverado 1500	-	2023	
1FM5K8ARXGGD31838	CODE	2016	Ford	Utility Police Interceptor	16,242	2024	
1GB2CUEG9GZ124646	PARKS	2016	Chevrolet	Silverado 2500HD	1,234	2024	
1G1ZC5ST3JF222350	POLICE	2018	Chevrolet	Malibu	1,099	2024	
3GCPCNEC0HG217691	STREETS	2017	Chevrolet	Silverado 1500		2024	
3GCPCNEC9HG217740	UTIL MAINT	2017	Chevrolet	Silverado		2024	
1FT8W3CT2JEB73922	FIRE	2018	Ford	F-350	18,471	2025	
3GCPCNEC4JG226559	PARKS	2018	Chevrolet	Silverado 1500	16,327	2025	
1FM5K8AR1KGA63366	POLICE	2019	Ford	Police Interceptor Utility	26,549	2025	
1FM5K8ARXXGA63365	POLICE	2019	Ford	Police Interceptor Utility	38,042	2025	
3GCPWAEF9LG274975	UTIL MAINT	2020	Chevrolet	Silverado		2025	Replacement Received
	PARKS						Awaiting Replacement
	UTIL MAINT						

enterprise
FLEET MANAGEMENT

City of Port Lavaca - Year 1 Replacement - Estimated Equity Lease Menu Pricing for 2022 Model Year within 1-2%

Edge #	Year	Make	Model	Dept	Trim Level	Quantity	Term	Estimated Annual Mileage	Monthly Cost (Lease Rate)*	Full Maintenance**	Annual Cost Including Maintenance	Annual Cost Including Maintenance by Quantity	Aftermarket Cost Per Vehicle	Aftermarket Cost by Quantity
5742116	2022	Chevrolet	Equinox	PD	1XP26 - LS w/1LS Front-wheel Drive	1	48	10000	$410.77	$33.08	$5,326.20	$5,326.20	$0.00	$0.00
5742118	2022	Chevrolet	Traverse	PW	1NB56 - LS w/1LS Front-wheel Drive	1	24	10000	$493.29	$29.34	$6,271.56	$6,271.56	$0.00	$0.00
5868400	2022	Ford	F150	Various	XL 4x2 Crew Cab	5	12	10000	$718.92	$34.58	$9,042.00	$45,210.00	$0.00	$0.00
5876955	2022	Ford	F150	Port Comm	XL 4x4 Crew Cab	1	12	10000	$843.33	$35.83	$10,549.92	$10,549.92	$0.00	$0.00
5742123	2022	Chevrolet	Silverado 2500	Fire	CC20953 - LT/LTZ/WT/Custom 4x4 Crew Cab	1	48	10000	$707.91	$34.63	$8,910.48	$8,910.48	$0.00	$0.00
5742128	2022	Chevrolet	Silverado 2500	PD	Animal Control Body	1	48	10000	$630.69	$51.95	$8,191.68	$8,191.68	$13,500.00	$13,500.00
5742159	2022	Chevrolet	Silverado 3500	Fire	LT 4x4 Crew Cab 8 ft. box SRW	1	48	10000	$715.50	$39.20	$9,056.40	$9,056.40	$0.00	$0.00
5742165	2022	Chevrolet	Silverado 3500	WWTP	WWTP Svc Body	1	48	10000	$673.01	$39.20	$8,546.52	$8,546.52	$8,500.00	$8,500.00
5868291	2022	Ford	Police Interceptor Utility	PD	Base All-Wheel Drive	4	48	15000	$800.52	Not Available	$9,606.24	$38,424.96	$16,500.00	$66,000.00

*Lease rates are based upon factory order pricing and miles per year
**Maintenance includes no brakes and no tires
Estimated Pricing does not include any applicable taxes
Pricing does not include expected return on equity at end of lease

Annual Cost Including Maintenance	$140,487.72

One Time Upfront Cost for Aftermarket Equipment	$88,000.00
Year 1 Cost including Aftermarket Equipment and	$228,487.72
Estimated Resale of 16 Owned Vehicles	$32,000.00

Estimated Total Year 1 Cost for 16 Vehicles minus Resale	$196,487.72

City of Port Lavaca Replacement Worksheet

Vehicle #	VIN	Department	Year	Make	Model	Current Odometer	Assigned Category	Recommended Replacement Year	New Replacement Category	Notes
FIRE	1FT8W3B64BEA13098	City of Port Lavaca	2011	Ford	F-350	75,000	1 Ton Pickup Quad 4x4	2022	1 Ton Pickup Quad 4x4	
ANIMAL	1GCEC19X68Z309675	City of Port Lavaca	2008	Chevrolet	Silverado 1500	157,558	1/2 Ton Pickup Ext 4x2	2022	1/2 Ton Pickup Ext 4x2	
FIRE	1FTRX12WX5FA37460	City of Port Lavaca	2005	Ford	F-150	75,000	1/2 Ton Pickup Ext 4x2	2022	1/2 Ton Pickup Ext 4x2	
PORT COMM	1GCRCPEA4BZ244662	City of Port Lavaca	2011	Chevrolet	Silverado 1500	75,000	1/2 Ton Pickup Ext 4x2	2022	1/2 Ton Pickup Ext 4x2	
WWTP	1GCRCPEA0CZ103301	City of Port Lavaca	2012	Chevrolet	Silverado 1500	75,000	1/2 Ton Pickup Ext 4x2	2022	1/2 Ton Pickup Ext 4x2	
ANIMAL	1C6RD6FP4CS242437	City of Port Lavaca	2012	RAM	1500	107,047	1/2 Ton Pickup Quad 4x2	2022	1/2 Ton Pickup Quad 4x2	
POLICE	1FTFW1CF9BKD62219	City of Port Lavaca	2011	Ford	F-150	79,489	1/2 Ton Pickup Quad 4x2	2022	1/2 Ton Pickup Quad 4x2	
BAUER	1FTRF12235NA55675	City of Port Lavaca	2005	Ford	F-150	102,022	1/2 Ton Pickup Reg 4x2	2022	1/2 Ton Pickup Reg 4x2	
STREETS	1FTRF12298KD08987	City of Port Lavaca	2008	Ford	F-150	131,481	1/2 Ton Pickup Reg 4x2	2022	1/2 Ton Pickup Reg 4x2	
UTIL MAINT	1GCNCPEXXCZ128953	City of Port Lavaca	2012	Chevrolet	Silverado 1500	75,000	1/2 Ton Pickup Reg 4x2	2022	1/2 Ton Pickup Reg 4x2	
UTIL MAINT	1FTSX2A51AEB36927	City of Port Lavaca	2010	Ford	F-250	75,000	3/4 Ton Pickup Ext 4x2	2022	3/4 Ton Pickup Ext 4x2	
UTIL MAINT	1GC2CVCG7CZ125888	City of Port Lavaca	2012	Chevrolet	Silverado 2500HD	75,000	3/4 Ton Pickup Ext 4x2	2022	3/4 Ton Pickup Ext 4x2	
WWTP	1GB2CVCG1BZ259069	City of Port Lavaca	2011	Chevrolet	Silverado 2500HD	75,000	3/4 Ton Pickup Ext 4x2	2022	3/4 Ton Pickup Ext 4x2	
FIRE	1FTNF205X9EA35690	City of Port Lavaca	2009	Ford	F-250	53,581	3/4 Ton Pickup Reg 4x2	2022	3/4 Ton Pickup Reg 4x2	
POLICE	6G1MK5U21CL606815	City of Port Lavaca	2012	Chevrolet	Caprice	75,000	Full-size Sedan	2022	Full-size Sedan	
UTIL MAINT	1J8GS48K39C530876	City of Port Lavaca	2009	Jeep	Grand Cherokee	75,000	Mid Size SUV 4x2	2022	Mid Size SUV 4x2	

COMMUNICATION

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

---

INFORMATION:

CITY OF PORT LAVACA

DATE: 9.20.2021

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: **RENOVATIONS TO THE SOUTHERN PACIFIC RAILWAY DEPOT**

For this project, we have $65,575 remaining of 2020-21 CIP budgeted funds and $125,000 2021-22 CIP budgeted funds, for a total of $190,575.

Lynn Engineering recently completed bid documents for the Renovations to the Southern Pacific Railway Depot and we began advertising for bids and conducted a mandatory pre-bid conference on July 8. Due to rain, a second mandatory pre-bid was held on July 27 and the bid date was postponed to August 31 at 3 pm. Two bids were received and a bid tabulation is attached.

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

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

The Apparent Low Bidder is Barefoot Construction.
The Base Bid and Alternate 2 = $189,820.00 * Enviroshake
The Base Bid + Alt 1 + Alt 2 = $162,720.00 * 30-yr asphalt shingles

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

If we go with replacing the outside deck (Alt 2), we will want to take the opportunity to do some fill and grading and possible yard type drainage under the deck area. I do not have a scope established for this, but may be $25,000 or so.

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

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

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

If instead Council votes to accept the Base Bid + Alt #2+ Alt #1 (architectural asphalt shingles), this would provide a savings of $27,100, which should pay for the grading and drainage improvements.

Attachments:

- Bid Tabulation
- Photo of original cedar shakes
- Photo of Enviroshake
- Photo of Architectural shingles
- Plan sheet showing cornices

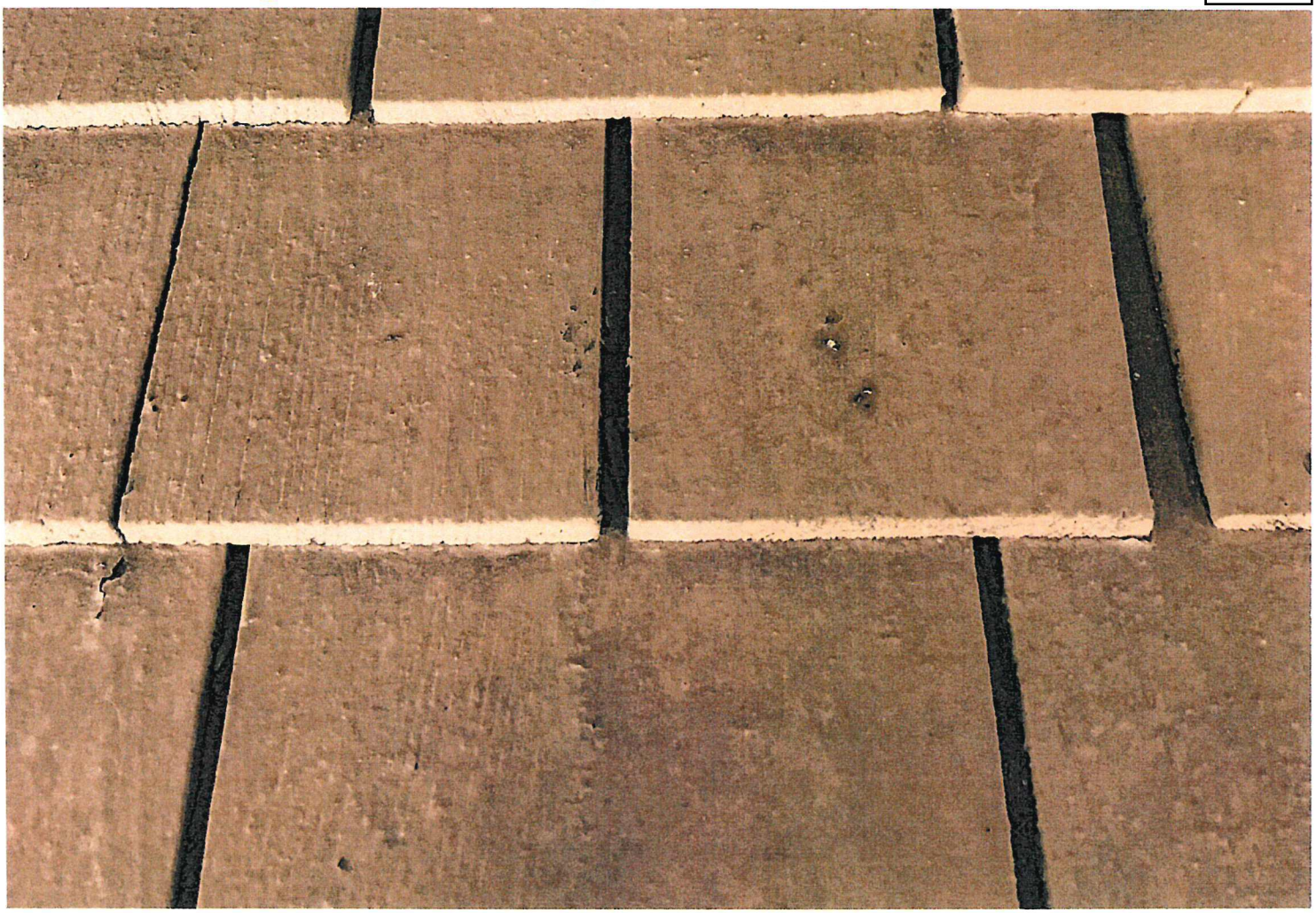
BID TABULATION

RENOVATION OF TRAIN DEPOT - CITY OF PORT LAVACA
BID DATE: Tuesday August 31, 2021 at 3:00 pm

				Barefoot		BLS	
		Qty	Unit	Unit Price	Lum Sum Bid	Unit Price	Lum Sum Bid
1	Entire Building reside, vapor barrier and 5-1/4" HardiePlank	1	LS		$ 18,300.00		$ 30,000.00
2	New 3066 vinyl window	5	ea	$ 1,040.00	$ 5,200.00	$ 1,000.00	$ 5,000.00
3	New 1468 vinyl transom window	4	ea	$ 1,025.00	$ 4,100.00	$ 625.00	$ 2,500.00
4	New 2266 vinyl window	1	ea	$ 560.00	$ 560.00	$ 1,500.00	$ 1,500.00
5	soffit supports (cornices)	30	ea	$ 276.67	$ 8,300.00	$ 500.00	$ 15,000.00
6	New 3068 walk door	1	ea	$ 1,340.00	$ 1,340.00	$ 1,500.00	$ 1,500.00
7	Remove/replace gable siding north end (15 sf)	1	LS		$ 850.00		$ 750.00
8	Paint entire exterior	1	LS		$ 9,600.00	$ 30,000.00	$ 30,000.00
9	Replace fascia board around perimeter	1	LS		$ 2,200.00		$ 12,250.00
10	Enviroshake, underlayment and 19/32" CDX	1	LS		$ 46,600.00		$ 35,000.00
11	Remove/replace porch posts	6	ea	$ 1,600.00	$ 9,600.00	$ 7,500.00	$ 45,000.00
12	Install Hardie soffit to underside of gable extension	1	LS		$ 5,950.00		$ 17,500.00
13	Deleted						
14	Remove/replace damaged 1x3 T&G soffit deck	1	BF	$ 950.00	$ 950.00	$ 100.00	$ 100.00
15	Remove/replace damaged 1x4 T&G soffit deck	1	BF	$ 1,680.00	$ 1,680.00	$ 100.00	$ 100.00
16	Remove/replace damaged 2x4 studs	1	BF	$ 920.00	$ 920.00	$ 100.00	$ 100.00
17	Remove/replace damaged cedar shakes with P/W of matching thickness	1	SF	$ 650.00	$ 650.00	$ 100.00	$ 100.00
					$ 116,800.00		$ 196,400.00
Alternate Bid #1					Lum Sum Bid		Lum Sum Bid
1	30 yr shingles, 30# felt 7/18" OSB decking	1	LS		$ 19,500.00 *(instead of $46,600)		$ 20,000.00 * Deduction
Alternate Bid #2					Lum Sum Bid		Lum Sum Bid
1	Remove all exterior deck boards, floor joist and floor beams	1	LS		$ 6,800.00		$ 7,975.00
2	Construct New deck per plans	1	LS		$ 66,220.00		$ 77,175.00
					$ 73,020.00		$ 85,150.00

BASE BID + ALTERNATE 1	$ 89,700.00	$ 176,400.00
BASE BID + ALTERNATE 2	$ 189,820.00	$ 281,550.00
BASE BID + ALTERNATE 1+2	$ 162,720.00	$ 261,550.00

original shingles



Enviroshake

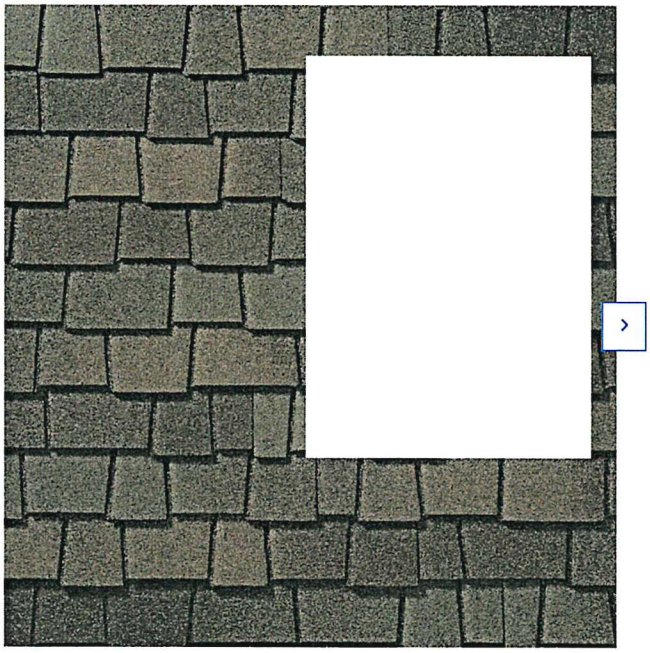
What are you looking for today?

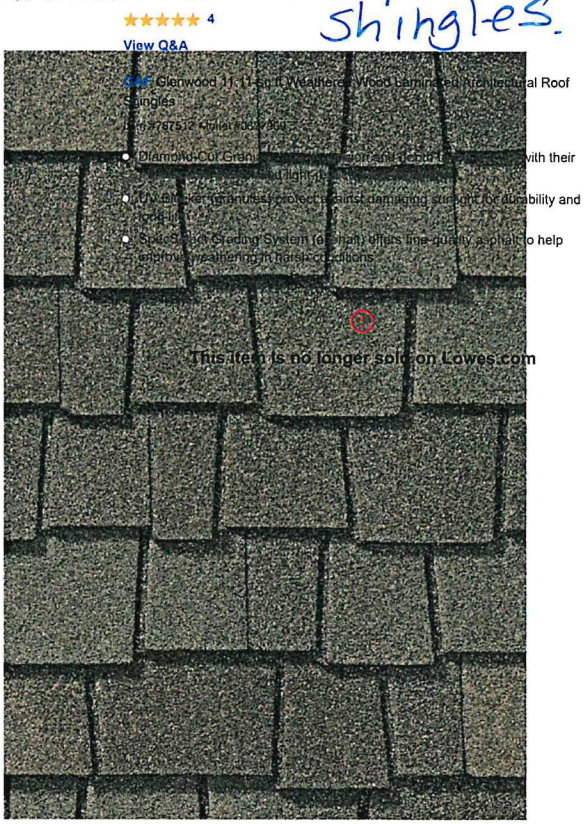
Victoria Lowe's Open until 10 PM

Prices, Promotions, styles, and availability may vary. Our local stores do not honor online pricing. Prices and availability of products and services are subject to change without notice. Errors will be corrected where discovered, and Lowe's reserves the right to revoke any stated offer and to correct any errors, inaccuracies or omissions including after an order has been submitted.

Building Supplies / Roofing / Roof Shingles

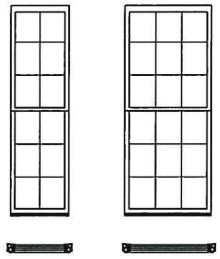
photo of Architectural Asphalt shingles.

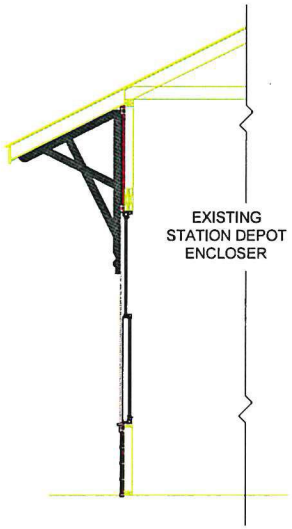




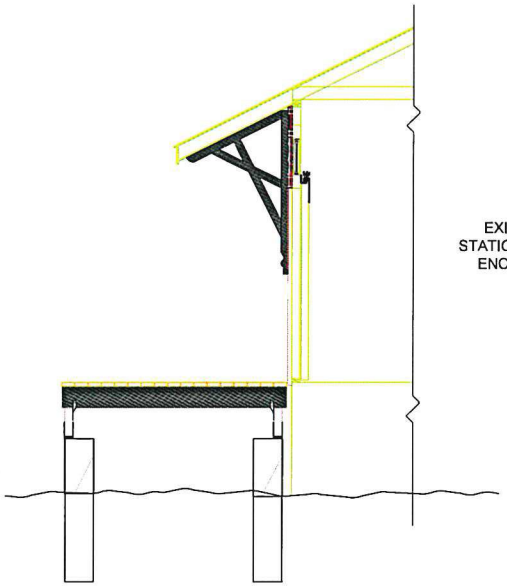
GAF Glenwood 11.11-sq ft Weathered Wood Laminated Architectural Roof Shingles

Overview Specifications Reviews Questions & Answers Product Features

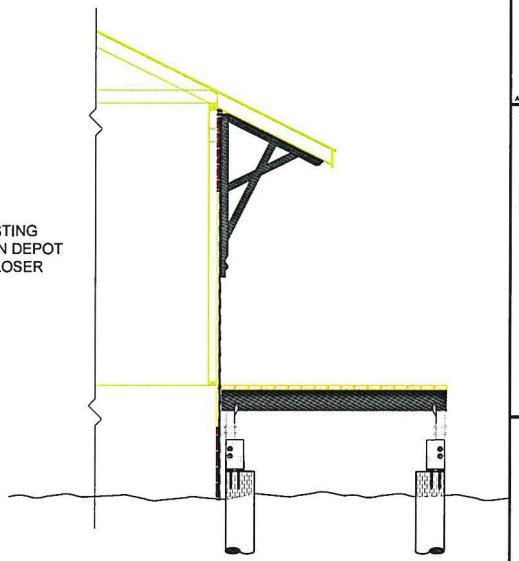




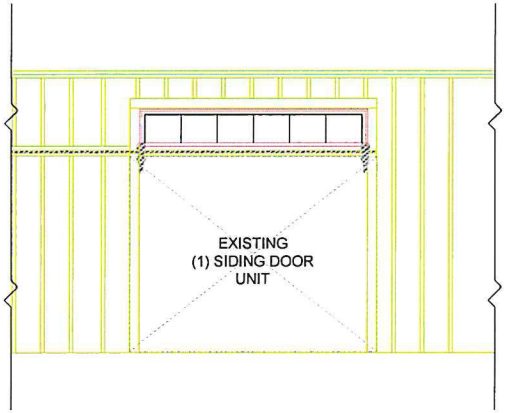
A3.0 STATION DEPOT WINDOW ELEVATION



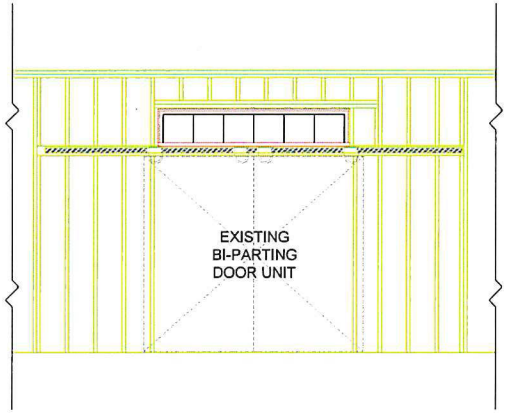
A3.0 NORTH DECK



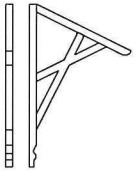
A3.0 SOUTH DECK



A3.0 INTERIOR - SLIDING DOOR VIEW



A3.0 INTERIOR - SLIDING DOOR VIEW



A3.0 DECORATIVE - EAVE CORNICE BRACKET

F-11605

ARCH/ENG SEAL:

LYNNENGINEERING
1221 AVENUE F
BAY CITY, TEXAS
77414
PH: (979) 245-6900
FAX: (979) 245-5345

PROJECT NAME:
PORT LAVACA SOUTHERN PACIFIC DEPOT
- RENOVS -
110 N VIRGINIA STREET
PORT LAVACA, TEXAS

CUT SECTIONS & DETAILS

CUSTOMER NAME:
CITY OF PORT LAVACA
202 N VIRGINIA STREET
PORT LAVACA, TEXAS
77979
(361) 552-9793

DESIGN INFO:
PROJECT FILE NO.: 15484_PORT LAVACA
DRAWN BY: WB
CHECKED BY: LCC
DESIGNED BY: WB
JOB NO. 35484

PRINTED

DATE	REMARKS
00/00/00	PRELIMINARY
07/23/21	PERMIT
00/00/00	CONSTRUCTION

REVISIONS

NO.	REMARKS
00/00/00	REVISION 1
00/00/00	REVISION 2
00/00/00	REVISION 3
00/00/00	REVISION 4

PAGE NO:
A3.0

COMMUNICATION

SUBJECT: Receive Comprehensive Plan 5-Year Review Report. Presenter is Jody Weaver

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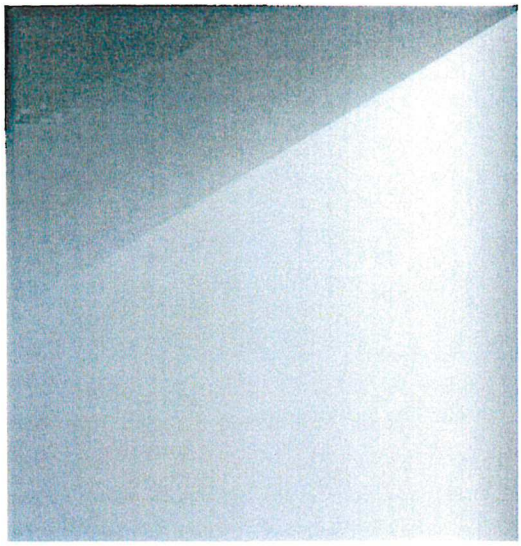
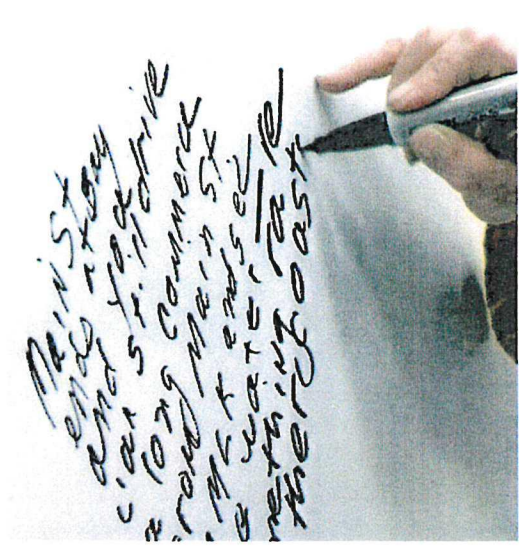
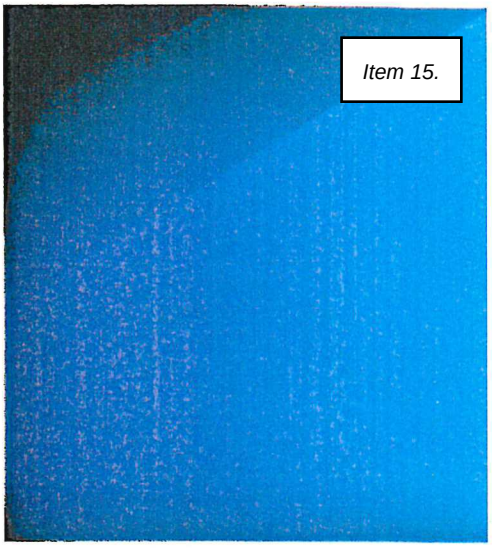
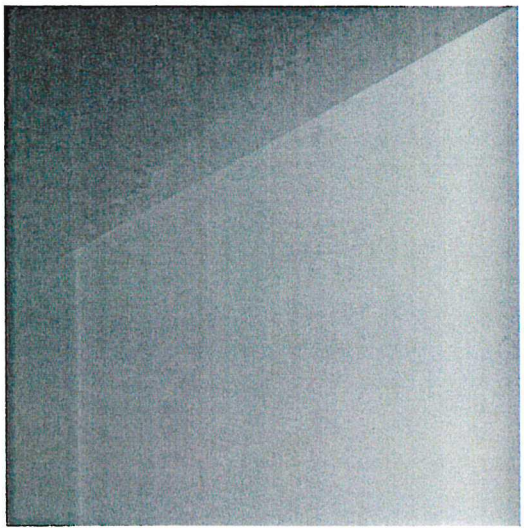
INFORMATION:









PLAN

PORT LAVACA

COMPREHENSIVE PLAN

5-YEAR REVIEW

SEPTEMBER 13, 2021

Acknowledgements

The Plan Port Lavaca, dated September 12, 2016, calls for a review of the Comprehensive Plan annually. Unfortunately, with the Hurricane Harvey recovery efforts which City staff has been involved in over the past 4 years, this annual Comprehensive Plan review has not occurred. Committee members, Planning Board and City staff contributed to identifying completed tasks and accomplishments that have occurred since 2016, in order to provide this 5-year Review. With this effort there is a renewed focus on the Comprehensive Plan with plans to establish a "Visioning" Committee, comprised of representatives from various boards and committees in the community, and meet in March 2022 to provide input in the budget and capital improvement planning process for FY 2022-23.

City Council

Jack Whitlow, Mayor

Jerry Smith, District 1

Tim Dent, District 2

Allen Tippit, District 3

Rosie Padron, District 4

Jim Ward, District 5

Ken Barr, District 6

City Staff

Jody Weaver, Interim City Manager

Mandy Grant, City Secretary

Jessica Carpenter, Director of Development Services

Wayne Shaffer, Public Works Director

Susan Lang, Finance Director

Joe Reyes, Fire Chief

Colin Rangnow, Police Chief

Jim Rudellat – Harbor Master

Comprehensive Plan Advisory Committee

Russell Cain

Tania French

Lisa Gonzales

Roshanda Thomas

Steve Martwitz

Olga Szela

Planning Board

Mike Elgin, Chairman

Gary Crone

Mark Howell

Justin Weaver

Sheryl Cuellar

Betty Birdwell

Lindsey Huang

Introduction

The Chapter 9 Action Plan of the 2016 Plan Port Lavaca Comprehensive Plan serves as a "to-do list" for City staff and officials. The Plan Port Lavaca calls for a review of the Comprehensive Plan annually. Unfortunately, with the recovery efforts which City staff has been involved in over the past 4 years since Hurricane Harvey, this annual Comprehensive Plan review has not occurred. In an effort to regroup and refocus on the Comprehensive Plan, the Advisory Committee, Planning Board and City staff have compiled the following list of tasks and accomplishments, completed or actively underway, which have occurred since 2016, to serve as a 5-year Review Document.

Action Plan: 5-year Review

1. CONSIDER ADOPTING DEVELOPMENT REGULATIONS:
   Director of Dev. Services/Planning Board

   Topics for a workshop tentatively scheduled for October 25 include
   - Updates to the Manufactured Home Ordinance
   - Updates to Sign Ordinance

2. WORK TO IMPROVE THE DOWNTOWN AND WATERFRONT AREAS THROUGH VARIOUS ACTIVITIES:
   Director of Dev. Services/City Manager/ Port Commission
   - We are reviewing the Waterfront Master Plan prepared by Kendig Keast Collaborative in 2012 and are working to prepare an advertisement for a Request for Qualifications in order to select a consultant to perform a "next step" Master Plan Study with the newly purchased Smith Harbor as a focus.
   - In 2021 the City has received a $13.5M CDBG-Mitigation Grant to construct a Living Shoreline breakwater to reduce the impacts to the Bayfront area from storm surge
   - In 2021 the City has received a Boating Access Grant and Planning Grant for a new timber breakwater to protect the Nautical landings Marina
   - The five-year CIP includes plans to improve the entrance to the Bayfront Park and provide attractive crosswalks at the intersection of Main St. and Commerce Street at the heart of the downtown and waterfront area.
   - In 2020/21, using Port Commission and General Fund dollars, as well as FEMA funds, improvements were made to the City Harbor including 1) upgrades to the lower concrete dock, 2) new finger piers, and 3) new vinyl bulkhead, concrete walk and handrails along the east side of Scully's Restaurant. A construction contract will be awarded in September 2021 to make improvements to the Upper Dock at City Harbor and provide ADA access from Fulton Street.
   - The five-year CIP includes funds to demolish and grade the site of the old freezer plant at the corner of Fulton and Harbor to provide a safe and pleasant looking area to attract development.

3. AMEND THE SUBDIVISION ORDINANCE:
Director of Dev. Services/Planning Board/Parks Department and Board

Scheduled for a workshop on October 25, we will discuss with Council proposed updates to the Subdivision Ordinance

4. CONTINUE PARKS IMPROVEMENTS AT WILSON AND BAYFRONT PARK:
Parks Department and Board

Wilson Park:

- Concession Stand/Restroom/Press Box Building was renovated in 2020
- A new parking lot with 29 spaces plus 2 ADA spaces, and an underground drainage system was constructed in 2020
- A new Skate Park is in the design phase and will be constructed in late 2021/early 2022 with added lighting and sidewalks

Bayfront Park:

- Completed Reconstruction of the Bayfront Fishing Pier in 2019
- Installed a new recycled plastic playscape with the "LaBelle" ship theme in Jan. 2020
- Completed upgrades to handrails at the large Pavilion and sidewalk improvements in 2020
- Completed Parking Lot and sidewalk improvements of the east end of the peninsula along with solar lighting in 2021
- Applied for and received a $200,000 TPWL grant for a multi-use walk/bike path with solar lighting and other amenities, scheduled to bid in October of 2021
- The City's Five-year Capital Plan includes improvements to the entrance of the Bayfront Park to provide an exit turn lane and ADA access from Main Street into the park.

5. CONTINUE PROACTIVE AND ASSERTIVE CODE ENFORCEMENT:
Code Enforcement Officer

- The City has employed a full-time Code Enforcement Officer
- Code Enforcement is working with the Appraisal District to identify substandard housing with unpaid taxes, which may be candidates for a tax sale to get the property into hands to renovate or demolish the structure.
- City staff has adopted a philosophy of working with the citizens towards code COMPLIANCE vs. code ENFORCEMENT and has seen positive results.

6. FOCUS EFFORTS ON HISTORICALLY AND CULTURALLY SIGNIFICANT AMENITIES (Southern Pacific Railroad Depot, Main Street Theatre, and Old Fire Station
    - In 2020, all asbestos and pigeon feces were abated from the Old Fire Station. All the suspended ceiling was removed, and new glass was placed in the windows and new gutter and downspouts were installed.
    - Bid documents are being prepared to paint the exterior of the structure for bid in late 2021.
    - A construction contract will be awarded in September 2021 to renovate the exterior of the Southern Pacific Train Depot building with budgeted General Fund dollars.
    - The City Events Committee initiated a monthly Farmer's Market event called Depot Days in July 2021
    - With the onset of COVID in early 2020, efforts to work with the Port Lavaca Main Street Theatre have been stalled.

7. ENSURE ADEQUATE FUNDING RESOURCES TO SUPPORT THE UPCOMING COMPREHENSIVE PLAN ACTIONS:

    The City budgets $25,000 each year for matching Façade grants and welcomes working with developers using 380 Agreements. The City actively pursues grant funding to leverage City dollars towards the costs of infrastructure improvements. Examples are:
    - 2019 TxCDBG for sewer system upgrades on San Antonio, Benavides and MLK
    - 2019 TPWL Trails Grant for Bayfront Park
    - 2019 TPWL Boating Access Grant for the Nautical Landings Breakwater
    - 2019 CDBG-DR grant for street and drainage improvements in the Original Townsite
    - 2021 CDBG-MIT grant for a Living Shoreline to protect downtown and the waterfront area during storm events

8. BEAUTIFY THE COMMUNITY WITH A SPECIAL EMPHASIS ON ITS CORRIDORS:
    - The City conducted a Sweep into Summer Cleanup event in June of 2019
    - The City conducted a Sweep into Spring City-wide Cleanup event in April 2021
    - The City continues its City-Wide Cleanup where City crews pick up small construction debris and bulk in one of 4 areas of the City during the third week of each month.
    - The 2021-22 Budget includes $100,000 for landscaping and gateway sign improvements

9. PROMOTE TOURISM OPPORTUNITIES IN PORT LAVACA:
    - As part of the lease agreement with Miller's Seafood, they will advertise in the Calhoun County Visitor's Guide promoting their working oyster dock at City Harbor as a tourist destination
    - As part of the lease agreement with Poor Boy Bait Shop in Smith Harbor, they will advertise in the Calhoun County Visitor's Guide promoting their bait shop for local and visiting fisherman
    - The City is working to hire a full time camp host at Lighthouse Beach, who will help promote not only the assets at Lighthouse Beach but educate visitors to the campground/beach one-on-one to other tourism opportunities in the City

10. LAND USE AND RECREATION:
    - The Planning Board and Council utilize the adopted Land Use Plan when considering approval of concept plans for proposed new development
    - The City has acquired one new pocket park in Claret Crossing Subdivision as part of a 380 Development Agreement

11. TRANSPORTATION AND CIRCULATION:
    - The City contracts for regular mowing and trash pick-up of the SH 35 median
    - Developed an online city-wide sidewalk map in 2020, linked on the City's website
    - A new sidewalk is included along at least one side of all newly constructed streets
    - Enforcing the requirement that new sidewalks be constructed along the street of all commercial and multi-family development
    - Constructed a new sidewalk on Tilley Street from Half League to Bonorden in 2019
    - Constructed a new sidewalk on Houston Street from Newlin to SH 35 in 2020
    - Constructed new sidewalk on both sides of Jackson Street in front of J-R Elementary School in 2020
    - Constructed new sidewalk on one side of West George Street from Half League to Border in 2021
    - Constructed a new sidewalk on Bauer Street from Oren to Austin in 2021, except one block where the sidewalk will need to be constructed on the street side of the existing curb line due to very steep driveways
    - Sidewalks on one side of the street are part of the street construction plans for Ezell Street and East George Street in 2021/22
    - We are in the planning stages of a redesign of the welcome signs to Port Lavaca

12. INFRASTRUCTURE:
    - UV Disinfection System at the WWTP was replaced in 2020
    - A new waterline was installed on SH 35 between the Chaparral Motel and WalMart in 2020
    - A new PVC waterline was installed to replace an old cast iron line on Brookhollow Drive in 2020
    - Lift Station Assessment Study was completed by Urban Engineering in January 2020
    - 13 non-working fire hydrants were replaced in 2021
    - The Lynnhaven Lift Station is being reconstructed with increased capacity and discharge directly to the WWTP in 2021
    - AECOM, an engineering consultant, has been hired to conduct a Water Systems Planning Study to consider options for a backup water supply
    - AECOM, an engineering consultant, has been hired to conduct an Expansion Study of the Lynn's Bayou Wastewater Treatment Plant
    - We are currently bidding a Phase 1 project to link both Elevated Water Storage Tanks with a 12" waterline

13. COMMUNITY CHARACTER:
    - The City is participating in the HOME Program and in the process of working with qualifying families that applied in 2018. It is anticipated that of the 9 original 2018 applicants, 5 will make it through to completion and construct a new home.
    - One substandard residential structure was demolished in 2019
    - The 2021-22 budget includes funds for demolition of one substandard structure. This will be a topic in a Council Workshop slated for September 27, 2021.

14. ECONOMIC DEVELOPMENT:
    - We are still working with the RESTORE program on a project to clean up barges in Smith Harbor
    - We have provided the water utilities as an incentive to a new Hampton Inn currently under construction
    - We are proposing to provide water and sewer utilities to a new Burger King to be located near Wal-Mart
    - We are responding to inquiries from extended stay hotels planning development in Port Lavaca

15. LAND USE AND RECREATION: (Teen Center) – No Activity

16. TRANSPORTATION AND CIRCULATION:
    - We are looking into the feasibility of hosting an electric vehicle charging station in Port Lavaca
    - In 2020 a permit was approved for an additional taxi service in Port Lavaca

17. DOWNTOWN STREETSCAPE IMPROVEMENTS:
    - In 2020 all of the streetlights were converted to LED to provide brighter light at night
    - In conjunction with planned improvements to the entrance to Bayfront Park, the crosswalks at Main and Commerce Streets will be enhanced
    - We are looking into grant opportunities for downtown streetscape improvements and have had informal discussions with TxDOT about traffic calming ideas and even converting downtown Main Street to a one-way street.

Moving forward with New Focus

City staff is in the process of recruiting volunteers for a "Visioning" Committee to work with staff in providing priorities and direction for continued efforts to implement this plan, as well as engage new ideas to facilitate and attract growth and development in our community. This committee will be comprised of a representative from each of various boards and committees, as well a few from the general public. It is expected that each of the members of the current Comprehensive Plan Advisory Committee will be transitioned to members of the "Visioning" Committee.

COMMUNICATION

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

---

INFORMATION:

CITY OF PORT LAVACA

MEETING: September 20, 2021

DATE: 09.08.21

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JESSICA CARPENTER, DEVELOPMENT SERVICES DIRECTOR

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

Sec. 42-106. - Application—Required.

The subdivider or his duly authorized representative shall appear before the planning commission, at an official meeting, and submit a formal application for replat approval.

Applicant has adhered to the proper subdivision replat application submittal and review procedural process prior to presentation before the Planning Board.

The intent of this replat of lots 1 and 2 of block 1 of Rafei Subdivision is to replat 2 lots into 3 lots. The purpose is to develop each of the three lots with a 4-unit multi family structure on each lot. The proposed development is 0 .62 acres and will have a total of 12 units.

The proposed medium-density four-plex residential townhome development preliminary site plan does display setbacks and the structures do appear to meet minimum setback requirements.

The development team has participated in a predevelopment meeting with city staff and the terms of development were discussed for adherence.

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

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

The applicant received Planning Board approval on August 02, 2021, and City Council approval on August 09, 2021, for this property to be developed as a medium-density residential four-plex development.

Below references the City Code of Ordnances, Chapter 42 – Subdivisions and Plats, where this Preliminary Plat request is compliant and will meet the ordinance as presented.

Sec. 42-5. - Policy.

(a) It shall be unlawful for any owner or agent of any owner of land to lay out, subdivide, plat or replat any land into lots, blocks, and streets within the jurisdictional area of this chapter without the proper approval of the planning commission. It shall be unlawful for any such owner or agent to offer for sale or sell property for building lots, building tracts or urban use therein, which has not been laid out, subdivided, platted, or replatted with the approval of the planning commission in accordance with this chapter.

The applicant is compliant with the replat process prior to submitting any building plans for the multifamily residential development.

Comprehensive Plan:

https://www.portlavaca.org/wp-content/uploads/2016/06/PortLavacaCompPlan2018reduced.pdf

Top Issues Related to Community Character:

- Limited housing choices
- Lack of quality affordable housing for young professionals, middle-class, and retirees (pg. 97 Comprehensive Plan)

Department Comments:

Engineering: Sidewalks are required the length of the frontage of the plat.

Development Services: Comply with building permit processes upon replat approval and recordation.

Staff Recommendation: Approval

Staff recommends approval of the Dry Tinder Square Replat being all of lots 1 and 2 of block 1of the Rafei Subdivision, Calhoun County, Texas. To replat 2 lots into 3 lots. Located on Bauer Street, north of Austin Street. The property identification numbers for this replat are as follows: PIN 86471and PIN 86472.

Planning Board: APPROVED

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

Attachments:

- Dry Tinder Square Replat Subdivision
- Rafei Subdivision
- PIN 86471 CAD
- PIN 86472 CAD

CERTIFICATE OF OWNERSHIP

STATE OF TEXAS

COUNTY OF CALHOUN

WE, DRY TINDER CAPITAL, LLC, ACTING BY AND THROUGH ROMMY FOTEH BEING AN OFFICER OF DRY TINDER CAPITAL, LLC, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED HEREIN AS DRY TINDER SQUARE TO THE CITY OF PORT LAVACA, TEXAS AND WHOSE NAME IS SUBSCRIBED HERE TO, HEREBY DEDICAGTED TO THE USE OF PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

IN TESTIMONY WHEREOF, DRY TINDER CAPITAL, LLC HAS CAUSED THESE PRESENT TO BE SIGNED BY ROMMY FOTEH, ITS PRINCIPAL, ON THIS _____ DAY OF _____ , 2021.

DRY TINDER CAPITAL, LLC

BY:_____
DRY TINDER CAPTIPAL, PRINCIPAL

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ROMMY FOTEH, PRINCIPAL KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED, AND AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2021.

_____
NOTARY PUBLIC IN AN FOR FOR THE STATE OF TEXAS.

MY COMMISSION EXPIRES:_____.

CITY COUNCIL CERTIFICATE OF APPROVAL

STATE OF TEXAS

COUNTY OF CALHOUN

I, MANDY GRANT, CITY SECRETARY OF THE CITY OF PORT LAVACA, AN INCORPORATED CITY IN CALHOUN COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING SUBDIVISION PLAT WAS APPROVED BY CITY COUNCIL OF SAID CITY AS

WITNESS MY HAND AND SEAL OF THE CITY OF PORT LAVACA, TEXAS , ON THIS _____ DAY OF _____ , 2021.

BY:_____
CITY SECRETARY
CITY OF PORT LAVACA, CALHOUN COUNTY
STATE OF TEXAS

COUNTY CLERK CERTIFICATE

STATE OF TEXAS

COUNTY OF CALHOUN

I, ANNA GOODMAN, CLERK OF COUNTY COURT AND COUNTY CLERK OF CALHOUN COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING SUBDIVISION PLAT OF TINDER SQUARE, WITH CERTIFICATE OF AUTHENTICATION WAS FILED FOR

ECORD IN MY OFFICE ON THE _____ DAY OF _____ 2021, _____ O'CLOCK ___ M AND WAS DULY

ECORDED ON THE _____ DAY OF _____ IN VOLUME ____, PAGE _____ OF THE CALHOUN COUNTY DEED RECORDS,

SLIDE NO. _____

BY:_____
COUNTY CLERK
CALHOUN COUNTY
STATE OF TEXAS

CALHOUN COUNTY APPRAISAL DISTRICT

STATE OF TEXAS

COUNTY OF CALHOUN

I, HEREBY CERTIFY THAT NO DELINQUENT AD VALOREM TAXES ARE OWED ON THE REAL PROPERTY OF THIS AMENDED

PLAT. SIGNED THIS THE _____ DAY OF _____, 2021.

BY:_____
JESSE HUBBELL
CHIEF APPRAISER

METES AND BOUNDS

FIELD NOTES FOR RAFEI SUBDIVISION, A 0.622 ACRE ADDITION IN CALHOUN COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME Z, PAGE 811 OF THE PLAT RECORDS OF CALHOUN, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH CAPPED IRON ROD FOUND AT THE SOUTHERLY CORNER OF SAID RAFEI SUBDIVISION, SAID POINT ALSO BEING THE SOUTHERLY CORNER OF LOT 2 OF SAID RAFEI SUBDIVISION AND BEING NORTHEAST RIGHT-OF-WAY (R.O.W.) LINE OF BAUER DRIVE (60 FOOT R.O.W.);

THENCE NORTH 36°57’50” WEST, ALONG SAID NORTHEAST R.O.W. LINE AND THE SOUTHWEST LINE OF SAID RAFEI SUBDIVISION, AT 121.89 FEET PASSING THE WESTERLY COMMON CORNER OF LOT 1 AND LOT 2 OF SAID SUBDIVISION, CONTINUING FOR A TOTAL DISTANCE 237.57 FEET TO A 1/2 INCH CAPPED IRON ROD FOUND AT THE WESTERLY CORNER OF SAID RAFEI SUBDIVISION, SAID POINT ALSO BEING THE WESTERLY CORNER OF LOT 1 OF SAID SUBDIVISION;

THENCE NORTH 49°05’05” EAST, ALONG THE NORTHWEST LINE OF SAID RAFEI SUBDIVISION AND SAID LOT 1, A DISTANCE OF 120.29 FEET TO A 1/2 INCH CAPPED IRON ROD FOUND AT THE NORTHERLY CORNER OF SAID RAFEI SUBDIVISION AND ALSO BEING THE NORTHERLY CORNER OF SAID LOT 1;

THENCE SOUTH 36°57’50” EAST, ALONG THE NORTHEAST LINE OF SAID RAFEI SUBDIVISION AND SAID LOT 1, AT 123.97 FEET PASSING A 1/2 INCH CAPPED IRON ROD FOUND AT THE EASTERLY COMMON CORNER OF SAID LOT 1 AND LOT 2 AND CONTINUING FOR A TOTAL DISTANCE 90.00 FEET TO A 1/2 INCH CAPPED IRON ROD FOUND AT THE EASTERLY CORNER OF SAID RAFEI SUBDIVISION AND SAID LOT 2;

THENCE SOUTH 38°09’22” WEST, ALONG THE SOUTHEAST LINE OF SAID RAFEI SUBDIVISION AND SAID LOT 2, A DISTANCE OF 124.17 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.622 ACRES (27,094 SQUARE FEET) OF LAND, MORE OR LESS.

DANIEL VILLA, JR.
REGISTRATION NO. 6751

STATE OF TEXAS REGISTERED DANIEL VILLA, JR. 6751 PROFESSIONAL LAND SURVEYOR

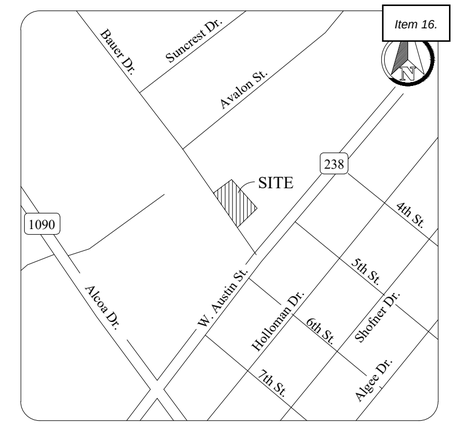
BENCHMARK INFORMATION:

NGS BENCH MARK NO. AN0848
ELEVATION = 14.90',

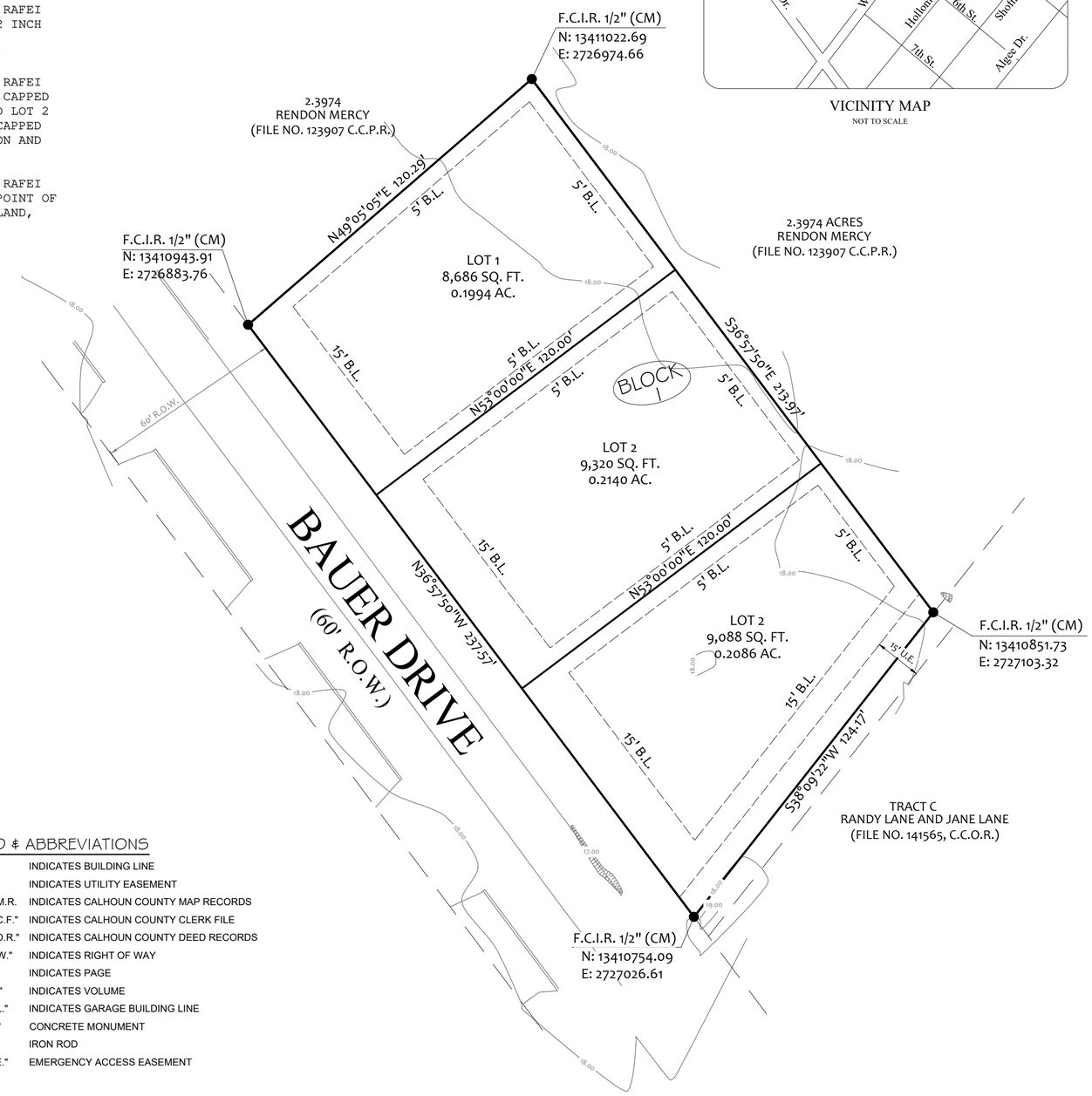
ALL ELEVATIONS AS SHOWN HAVE BEEN ADJUSTED -0.30' TO RM AN0848 REFERENCE ELEVATION= 14.90

TBM "A"
60D NAIL SET ON LIGHT POST
ELEVATION = 18.26'

30 0 15 30 60
1 inch = 30 feet
GRAPHIC SCALE



VICINITY MAP
NOT TO SCALE



LEGEND & ABBREVIATIONS

1.	"B.L."	INDICATES BUILDING LINE
2.	"U.E."	INDICATES UTILITY EASEMENT
3.	"C.C.M.R.	INDICATES CALHOUN COUNTY MAP RECORDS
4.	"C.C.C.F."	INDICATES CALHOUN COUNTY CLERK FILE
5.	"C.C.D.R."	INDICATES CALHOUN COUNTY DEED RECORDS
6.	"R.O.W."	INDICATES RIGHT OF WAY
7.	"PG."	INDICATES PAGE
8.	"VOL."	INDICATES VOLUME
9.	"G.B.L."	INDICATES GARAGE BUILDING LINE
10.	"C.M."	CONCRETE MONUMENT
11.	"I.R."	IRON ROD
12.	"E.A.E."	EMERGENCY ACCESS EASEMENT

LOT COVERAGE TABLE

LOT #	LOT SIZE (S.F.)	BLDG. COVERAGE (S.F.)	% COVERAGE
1	8,686	5,211.60	60% MAX
2	9,320	5,592.00	60% MAX
3	9,088	5,452.80	60% MAX

DWELLING UNIT DENSITY TABLE

TOTAL NO. OF DWELLING UNITS	TOTAL GROSS ACREAGE	TOTAL PROJ. DENSITY (UNITS PER AC.)
12	0.6220	19.29

PARKS AND OPEN SPACE TABLE

NUMBER OF EXISTING DWELLING UNITS	0
NUMBER OF PROPOSED DWELLINGS	12
NUMBER OF INCREMENTAL PROPOSED DWELLINGS	12
NO LAND IS BEING ESTABLISHED AS PRIVATE PARK OR DEDICATED TO THE PUBLIC FOR PARK PURPOSES	
I HEREBY CERTIFY THAT THE INFORMATION PROVIDED IS TRUE	

FLOODPLAIN NOTE

* THIS TRACT IS LOCATED OUTSIDE THE 100-YEAR YEAR FLOOD PLAIN IN UNSHADED ZONE X AS LOCATED BY FEDERAL INSURANCE ADMINISTRATION DESIGNATED FLOOD HAZARD AREA MAP No. 48057C0185E, DATED 10/16/2014.
100-YR BASE FLOOD ELEVATION = N/A
500-YR DESIGNATED FLOOD ELEVATION = N/A

PRELIMINARY PLAT
DRY TINDER SQUARE

BEING A 0.6220 ACRE (27,094 S.F.) TRACT OF LAND, BEING ALL OF LOTS 1 AND 2, BLOCK 1 OF RAFEI SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED UNDER VOLUME Z, PAGE 811 OF THE PLAT RECORDS, CALHOUN COUNTY, TEXAS

REASON FOR REPLAT: TO CREATE THREE (3) LOTS
SCALE 1"=30' AUGUST 2021
1 BLOCK, 3 LOTS

OWNER:
DRY TINDER CAPITAL LLC
26 AVIANO CIRCLE
MISSOURI CITY TX 77459
TEL: (832) 492-3485

SURVEYOR:
DVJ LAND SURVEYING
5295 HOLLISTER STREET
HOUSTON, TX 77040
DIR: (832) 518-9910
DVJLANDSURVEYING.com
FIRM NO. 10194609

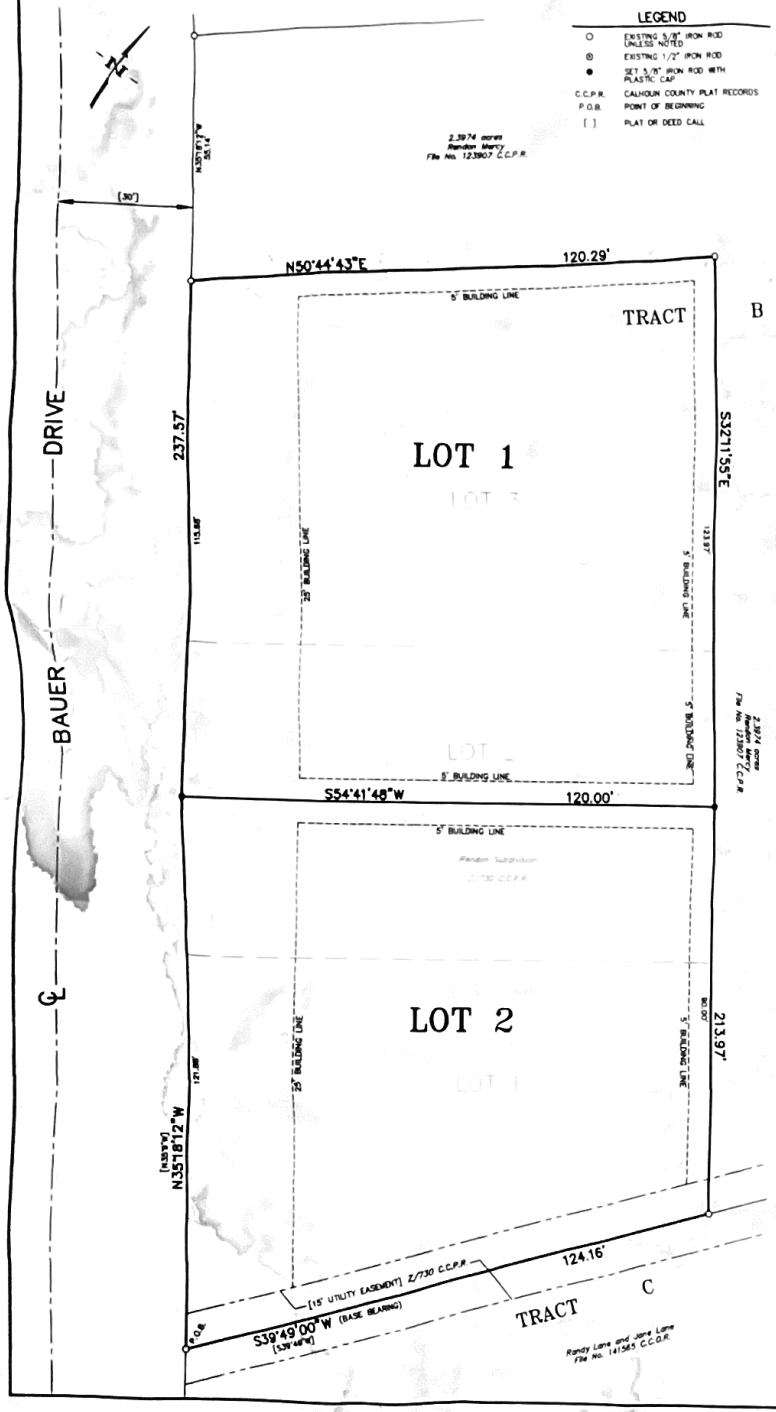
ENGINEER:
CAS CONSULTANTS, LLC 6201 BONHOMME
SUITE 315N HOUST 7036
PHONE: 281.3
WWW.CASENGS.COM
TBPE FIRM NO. 15593

Item 16.

RAFEI SUBDIVISION

A 0.62 ACRE SUBDIVISION

REPLAT OF LOTS 1, 2 & 3 OF RENDON SUBDIVISION Z/730 C.C.P.R.



LEGEND

○	EXISTING 5/8" IRON ROD UNLESS NOTED
⊗	EXISTING 1/2" IRON ROD
●	SET 5/8" IRON ROD WITH PLASTIC CAP
C.C.P.R.	CALHOUN COUNTY PLAT RECORDS
P.O.B.	POINT OF BEGINNING
[ ]	PLAT OR DEED CALL

CERTIFICATE OF OWNERSHIP

STATE OF TEXAS
COUNTY OF CALHOUN

I, THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS RAFEI SUBDIVISION TO THE CITY OF PORT LAVACA, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSE, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

E. N. Rafei

QUEST IRA, INC.
ETHAN RAFEI

STATE OF TEXAS
COUNTY OF Calhoun

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ETHAN RAFEI, KNOWN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 15 DAY OF February 2016

Glynis King

NOTARY PUBLIC, STATE OF TEXAS

GLYNIS KING
Notary Public, State of Texas
My Commission Expires
JUNE 20, 2019

CITY COUNCIL CERTIFICATE APPROVAL

STATE OF TEXAS
COUNTY OF CALHOUN

I, MANDY GRANT, CITY SECRETARY OF THE CITY OF PORT LAVACA, AN INCORPORATED CITY IN CALHOUN COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING SUBDIVISION PLAT WAS APPROVED BY THE CITY COUNCIL OF SAID CITY AS APPROVED BY LAW, AND THAT THE RESOLUTION APPEARS OF RECORD IN VOLUME 3E PAGE 171 OF THE MINUTES OF THE PLANNING BOARD OF PORT LAVACA AS KEPT IN MY OFFICE.

WITNESS MY HAND AND SEAL OF THE CITY OF PORT LAVACA, TEXAS, ON THIS THE 23 DAY OF FEBRUARY 2016.

Mandy Grant

CITY SECRETARY
CITY OF PORT LAVACA, CALHOUN COUNTY
STATE OF TEXAS

COUNTY CLERK CERTIFICATE

STATE OF TEXAS
COUNTY OF CALHOUN

I, ANNA GOODMAN, CLERK OF COUNTY COURT AND COUNTY CLERK OF CALHOUN COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING SUBDIVISION PLAT OF RAFEI SUBDIVISION, WITH CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 24TH DAY OF FEBRUARY 2016, 10:29 O'CLOCK A.M., AND WAS DULY RECORDED ON THE 24TH DAY OF FEBRUARY 2016 IN VOLUME Z PAGE 811 OF THE CALHOUN COUNTY DEED RECORDS, SLIDE NO. 540B

ANNA GOODMAN
COUNTY CLERK
COUNTY OF CALHOUN
STATE OF TEXAS

By: Jacie Sampson, Deputy

INST. #146732

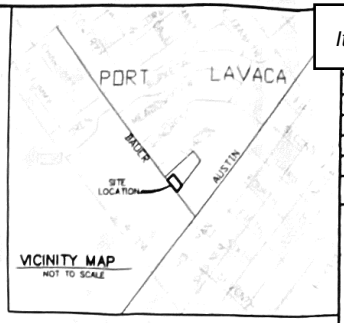
CALHOUN COUNTY APPRAISAL DISTRICT

I, HEREBY CERTIFY THAT NO DELINQUENT AD VALOREM TAXES ARE OWED ON THE REAL PROPERTY OF THIS AMENDED PLAT.

SIGNED THIS THE 16th DAY OF February 2016.

BY: Jess Hubbell

JESS HUBBELL
CHIEF APPRAISER



VICINITY MAP
NOT TO SCALE

GRAPHIC SCALE

20 10 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

FIELDNOTE DESCRIPTION
0.62 ACRE

STATE OF TEXAS |
COUNTY OF CALHOUN |

ALL OF THAT CERTAIN TRACT OR PARCEL CONTAINING 0.62 ACRE SITUATED IN THE MAXIMO SANCHEZ LEAGUE, ABSTRACT NO. 35 OF CALHOUN COUNTY, TEXAS AND BEING ALL OF LOTS 1, 2 AND 3 OF THE RENDON SUBDIVISION ACCORDING TO PLAT RECORDED IN VOLUME Z, PAGE 730 OF THE PLAT RECORDS OF CALHOUN COUNTY, TEXAS AND BEING A PART OF THE SAME PROPERTY SHOWN AS TRACT "B" OF MARSHALL MEADOWS SUBDIVISION RECORDED IN VOLUME Z, PAGE 508 OF THE DEED RECORDS OF CALHOUN COUNTY, TEXAS. THIS 0.62 ACRE IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT AN EXISTING 5/8 INCH IRON ROD LOCATED IN THE NORTHEAST LINE OF BAUER DRIVE AND AT THE WEST CORNER OF COMMERICAL PROPERTY TRACT "C" OF THE ABOVE REFERENCED SUBDIVISION AND AT THE SOUTH CORNER OF THE ABOVE REFERNECED TRACT "B" AND FOR THE SOUTH CORNER OF THE ABOVE REFERENCED RENDON SUBDIVISION FOR THE SOUTH CORNER OF THIS 0.62 ACRE BEING DESCRIBED;

THENCE NORTH 35° 18' 12" WEST [DEED CALL = NORTH 35° 18' 12" WEST], WITH THE NORTHEAST LINE OF BAUER DRIVE AND THE SOUTHWEST LINE OF THE SAID TRACT "B" AND THE SOUTHWEST LINE OF RENDON SUBDIVISION, A DISTANCE OF 237.57 FEET [DEED CALL =237.57 FEET] TO AN EXISTING 5/8 INCH IRON ROD LOCATED AT THE WEST CORNER OF RENDON SUBDIVISION FOR THE WEST CORNER OF THIS 0.62 ACRE BEING DESCRIBED;

THENCE NORTH 50° 44' 43" EAST [DEED CALL = NORTH 50° 44' 43" EAST], WITH THE NORTHWEST LINE OF RENDON SUBDIVISION, A DISTANCE OF 120.29 FEET [DEED CALL = 120.29 FEET] TO AN EXISTING 5/8 INCH IRON ROD LOCATED AT THE NORTH CORNER OF RENDON SUBDIVISION FOR THE NORTH CORNER OF THIS 0.62 ACRE BEING DESCRIBED;

THENCE SOUTH 32° 11' 55" EAST [DEED CALL = SOUTH 32° 11' 55" EAST], WITH THE SOUTHWEST LINE OF THE RENDON SUBDIVISION, A DISTANCE OF 213.97 FEET [DEED CALL = 213.97 FEET] TO AN EXISTING 5/8 INCH IRON ROD LOCATED IN THE NORTHWEST LINE OF THE SAID TRACT "C" AND IN THE NORTHWEST LINE OF A TRACT CONVEYED TO RANDY LANE AND JANE LANE RECORED IN FILE NO. 141565 OF THE OFFICIAL RECORDS OF CALHOUN COUNTY AND AT THE EAST CORNER OF RENDON SUBDIVISION FOR THE EAST CORNER OF THIS 0.62 ACRE BEING DESCRIBED;

THENCE SOUTH 39° 49' 00" WEST (BASE BEARING) [DEED CALL = SOUTH 39° 48' 00" WEST], WITH THE NORTHWEST LINE OF THE SAID TRACT "C" AND THE NORTHWEST LINE OF THE SIAD LANE TRACT AND THE SOUTHEAST LINE OF RENDON SUBDIVISION, A DISTANCE OF 124.16 FEET [DEED CALL = 124.16 FEET] TO THE PLACE OF BEGINNING, CONTAINING WITHIN THESE METES AND BOUNDS 0.62 ACRE.

THIS FIELDNOTE DESCRIPTION AND PLAT WERE PREPARED FROM A SURVEY MADE ON THE GROUND UNDER MY DIRECTION.

G & W ENGINEERS, INC.
HENRY A. DANYSH
REGISTERED PROFESSIONAL
LAND SURVEYOR, NO. 5088

2/3/16
DATE

STATE OF TEXAS
REGISTERED
HENRY A. DANYSH
5088
PROFESSIONAL
LAND SURVEYOR

HAD
DATE
OCT 29, 2015
SCALE
1" = 20'

G & W ENGINEERS, INC.
ENGINEERING • SURVEYING • PLANNING
205 W. LIVE OAK STREET
PORT LAVACA, TEXAS 77979
(361) 552-9430 TBPLS FIRM NO. 10022100
1803A 7th STREET
BAY CITY, TEXAS 77414
(979) 323-7100 TBPLS FIRM NO. 10022101

FINAL PLAT

RAFEI SUBDIVISION
MAXIMO SANCHEZ LEAGUE
ABSTRACT NO. 35
CALHOUN COUNTY, TEXAS

FILE NO.: 110

SHEET NO.: 1 OF 1

Property Identification #: 86471

Geo ID: S0239-00010-0001-00
Situs Address: S BAUER DR DR PORT LAVACA, TX 77979
Property Type: Real
State Code: C1

Property Information: 2021

Legal Description: RAFEI SUBD (PORT LAVACA), LOT 1
Abstract: S0239
Neighborhood: MARSHALL MEADOWS AREA
Appraised Value: $15,840.00
Jurisdictions: G05, NV6, S01, C04, FML, CAD, GWD

Owner Identification #: 101200

Name: QUEST IRA INC
Exemptions:
DBA: Null

Re-Center Map

Calhoun CAD Map Search

This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Calhoun County Appraisal District expressly disclaims any and all liability in connection herewith.

Property Identification #: 86472

Geo ID: S0239-00000-0002-00
Situs Address: S BAUER DR PORT LAVACA, TX 77979
Property Type: Real
State Code: C1

Property Information: 2021

Legal Description: RAFEI SUBD (PORT LAVACA), LOT 2
Abstract: S0239
Neighborhood: MARSHALL MEADOWS AREA
Appraised Value: $14,230.00
Jurisdictions: G05, NV6, S01, C04, FML, CAD, GWD

Owner Identification #: 101200

Name: QUEST IRA INC
Exemptions:
DBA: Null

Re-Center Map

Calhoun CAD Map Search

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COMMUNICATION

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

---

INFORMATION:

CITY OF PORT LAVACA

MEETING: September 20, 2021

DATE: 09.08.21

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JESSICA CARPENTER, DEVELOPMENT SERVICES DIRECTOR

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

Chapter 42 - SUBDIVISIONS AND PLATS

https://library.municode.com/tx/port_lavaca/codes/code_of_ordinances?nodeId=PTIICOOR_CH42SUPL_ARTIINGE_S42-5PO

Below references the City Code of Ordnances, Chapter 42 – Subdivisions and Plats, where this Final Plat request is compliant and will meet the ordinance as presented.

Sec. 42-2. - Purpose.

(c) The city planning board, before approving any plats submitted to it, shall refer such plats to the departments, agencies, and utilities in this chapter named for their suggestions and comments by written report.

Applicant has adhered to the proper subdivision plat submittal and review procedural process prior to presentation before the Planning Board.

Sec. 42-5. - Policy.

(a) It shall be unlawful for any owner or agent of any owner of land to lay out, subdivide, plat or replat any land into lots, blocks, and streets within the jurisdictional area of this chapter without the proper approval of the planning board. It shall be unlawful for any such owner or agent to offer for sale or sell property for building lots, building tracts or urban use therein, which has not been laid out, subdivided, platted, or replatted with the approval of the planning board in accordance with this chapter.

The applicant is in compliance with the platting process prior to development.

Sec. 42-6. - Procedure

A plat must be approved prior to the offering for sale of any lot, tract, or building site; prior to any construction work; and before any map of said subdivision is prepared in a form for recording.

The Howlett's Subdivision final plat is 3.671-acre parcel subdivided into three (3) lots. Lot one being 0.35 acres and has an old gas station on the site. Lot two being 0.53 acres and has two metal buildings.

Lot three, being 0.46 acres and has a manufactured home on site. All structures exist and have been on site for a long duration. The final plat represents a 60' access and fire lane easement for lot 2 and lot 3 which are landlocked lots. The 60 ft. access and fire lane easement meets access easement requirements. Access and Fire Lane easement is not required to be improved to city private road standards. However, if future permits are needed, the access easement/fire lane must be improved to city road standards.

The remainder parcel will require platting prior to sale or issuance of a permit.

Preliminary minor plat was approved by the Planning Board on August 02, 2021, and City Council on August 09, 2021.

Staff Recommendation: Approval

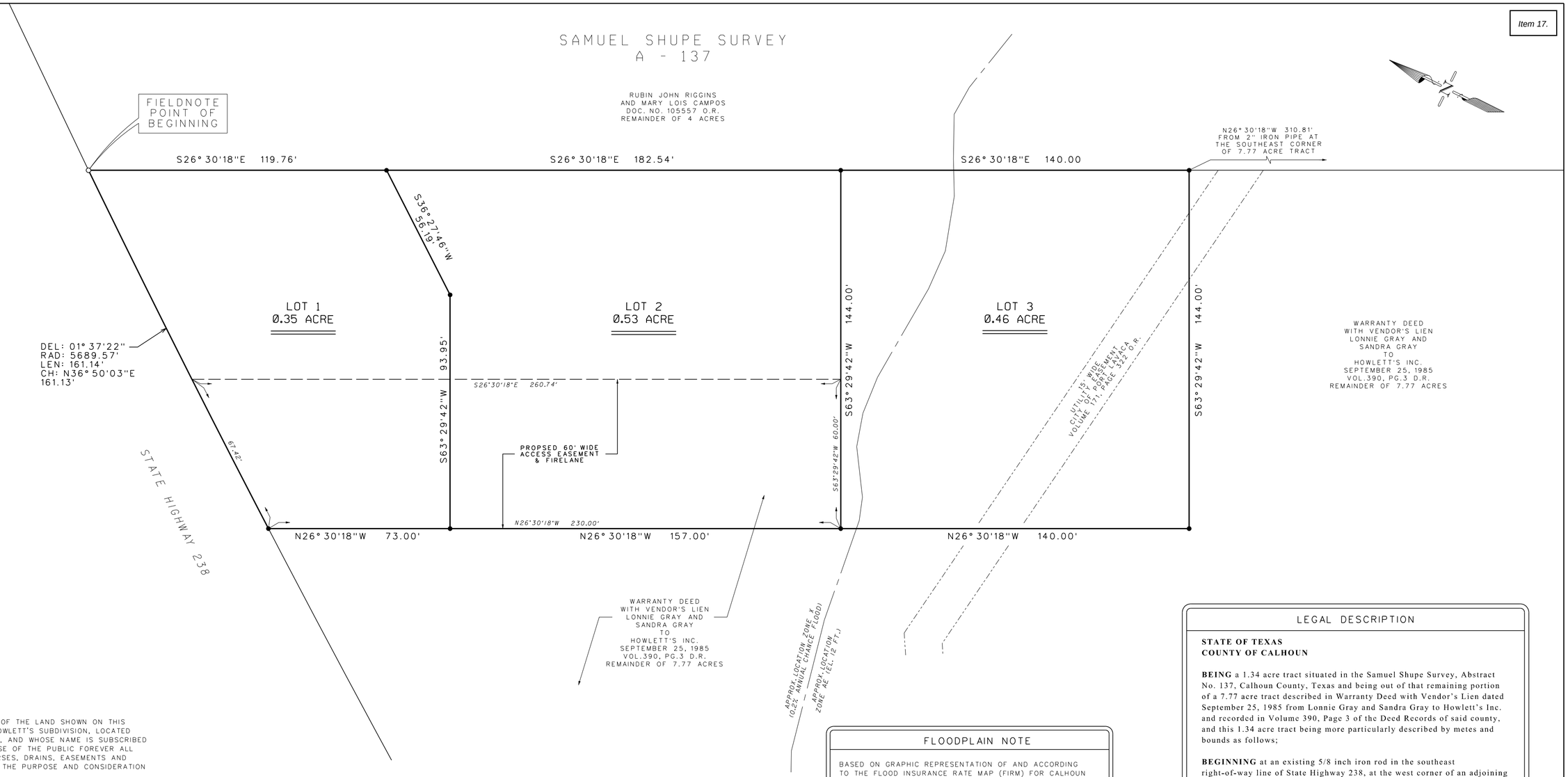
Staff recommends approval of a 3-lot final minor plat, Howlett's Subdivision. Generally located at the northeast corner of Austin Street and Henry Barber Way. The legal description for this parcel is A0137 SAMUEL SHUPE, TRACT PT 54, ACRES 3.671. The property identification for this site is 40677.

Planning Board: APPROVED

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

Attachments:

- Howlett's Subdivision
- Howlett's Subdivision CAD
- Google Map



I (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS HOWLETT'S SUBDIVISION, LOCATED IN THE CITY OF PORT LAVACA, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

_____

OWNERS SIGNATURE

KRYSTAL KAY STRINGHAM
1659 E. MAXWELL DITCH RD.
PORT LAVACA, TX 77979

STATE OF TEXAS
COUNTY OF CALHOUN

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED KRYSTAL KAY STRINGHAM KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SUCH PERSON EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE THIS THE ___ DAY OF _____ 2021.

_____

NOTARY PUBLIC
CALHOUN COUNTY, TEXAS

FLOODPLAIN NOTE

BASED ON GRAPHIC REPRESENTATION OF AND ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) FOR CALHOUN COUNTY, TEXAS, COMMUNITY PANEL NUMBER 48057C0185E, MAP EFFECTIVE OCTOBER 16, 2014, THE SUBJECT PROPERTY IS LOCATED PARTIALLY IN ZONE AE (EL. 12 FT.) AND PARTIALLY IN ZONE X (0.2% CHANCE FLOOD).

LEGAL DESCRIPTION

STATE OF TEXAS
COUNTY OF CALHOUN

BEING a 1.34 acre tract situated in the Samuel Shupe Survey, Abstract No. 137, Calhoun County, Texas and being out of that remaining portion of a 7.77 acre tract described in Warranty Deed with Vendor's Lien dated September 25, 1985 from Lonnie Gray and Sandra Gray to Howlett's Inc. and recorded in Volume 390, Page 3 of the Deed Records of said county, and this 1.34 acre tract being more particularly described by metes and bounds as follows;

BEGINNING at an existing 5/8 inch iron rod in the southeast right-of-way line of State Highway 238, at the west corner of an adjoining 4 acre tract described in Document No. 105557 of the Official Records of said county, and at the north corner of said 7.77 acre tract for the north corner of the herein described tract;

THENCE South 26°30'18" East with the southwest line of said 4 acre tract, the northeast line of said 7.77 acre tract, and the northeast line of the herein described tract for a distance of 442.30 feet to a set 5/8 inch iron rod for the east corner of the herein described tract, said iron rod being located North 26°30'18" West a distance of 310.81 feet from an existing 2 inch iron pipe at the southeast corner of said 7.77 acre tract;

THENCE South 63°29'42" West with the southeast line of the herein described tract for a distance of 144.00 feet to a set 5/8 inch iron rod for the south corner of the herein described tract;

THENCE North 26°30'18" West with the southwest line of the herein described tract for a distance of 370.00 feet to a set 5/8 inch iron rod in the curved southeast right-of-way line of State Highway 238 and in the northwest line of said 7.77 acre tract for the west corner of the herein described tract;

THENCE with the curved southeast right-of-way line of State Highway 238 and the northwest line of the herein described tract, said curve having a delta angle of 01°37'22", a radius of 5689.57 feet, a long chord of 161.13 feet which bears North 36°50'03" East for an arc distance of 161.14 feet to the **POINT OF BEGINNING**, Containing 1.34 acres of land.

CALHOUN COUNTY APPRAISAL DISTRICT

I HEREBY CERTIFY THAT THE AD VALOREM TAXES ON THE LAND INCLUDED WITHIN THE BOUNDARIES OF THIS PLAT ARE PAID FOR THE TAX YEAR 2021 AND ALL PRIOR YEARS.

IF APPLICABLE, THE ABOVE-DESCRIBED PROPERTY HAS/IS RECIEVING SPECIAL APPRAISAL BASED ON ITS USE, AND ADDITIONAL ROLLBACK TAXES MAY BECOME DUE BASED ON THE PROVISIONS OF THE SPECIAL APPRAISAL (COMPTROLLER RULE 9.3040) OR PROPERTY OMITTED FROM THE APPRAISAL ROLL AS DESCRIBED UNDER TAX CODE SECTION 25.21 IS NOT INCLUDED IN THIS CERTIFICATE [TAX CODE SECTION 31.08(B)].

SIGNED THIS THE ____ DAY OF _____ 2021.

_____

JESSE W. HUBBELL
CHIEF APPRAISER

CITY SECRETARY CERTIFICATION

I, _____, CITY SECRETARY OF THE CITY OF PORT LAVACA, AN INCORPORATED CITY IN CALHOUN COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING PLAT WAS APPROVED BY THE CITY COUNCIL OF SAID CITY AS APPROVED BY LAW, AND THAT THE RESOLUTION APPEARS OF RECORD IN VOLUME _____, PAGE _____ OF THE MINUTES OF THE CITY COUNCIL OF PORT LAVACA AS KEPT IN MY OFFICE.

WITNESS MY HAND AND SEAL OF THE CITY OF PORT LAVACA,

ON THIS _____ DAY OF _____/_____/_____,20_____.

_____

CITY SECRETARY
CITY OF PORT LAVACA, CALHOUN COUNTY
STATE OF TEXAS

SURVEYOR CERTIFICATION

I, GEORGE GANEM, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF PORT LAVACA, TEXAS.

NOT-FOR-RECORDING

_____

GEORGE A GANEM, JR. DATE
GANEM & KELLY SURVEYING, INC.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 4681

COUNTY CLERK CERTIFICATION

I, _____, CLERK OF COUNTY COURT AND COUNTY CLERK OF CALHOUN COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING PLAT OF HOWLETT'S SUBDIVISION, LOCATED IN THE CITY OF PORT LAVACA, CALHOUN COUNTY, TEXAS, DULY AUTHENTICATED BY CERTIFICATION OF THE CITY OF PORT LAVACA, TEXAS, ATTACHED HERETO, AS FILED FOR RECORD IN MY OFFICE ON THE ____ DAY OF _____/ 2021,____ O'CLOCK __.M., AND WAS DULY RECORDED ON THE ____ DAY OF _____/ 2021, IN VOLUME _____, PAGE _____ OF THE CALHOUN COUNTY PLAT RECORDS. SLIDE NO. _____.

_____

COUNTY CLERK

GENERAL NOTES

ADDRESS:

LOT 1:
101 STATE HIGHWAY 238
PORT LAVACA, TX 77979

LOT 2:
T.B.D.
PORT LAVACA, TX 77979

LOT 3:
T.B.D.
PORT LAVACA, TX 77979

LAND USE:

LOTS 1 & 2: COMMERCIAL

LOT 3: RESIDENTIAL

THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THERE MAY BE EASEMENTS OR OTHER MATTERS OF RECORD NOT SHOWN.

BEARINGS ARE BASED ON GPS OBSERVATION NAD 83 TEXAS SOUTH CENTRAL ZONE. COORDINATES AND DISTANCES SHOWN HEREON ARE GRID.

LEGEND

○ - 5/8 IRON ROD FOUND UNLESS OTHERWISE NOTED
● - 5/8 IRON ROD SET UNLESS OTHERWISE NOTED
AC - AIR CONDITIONING UNIT
WM- WATER METER
MH- MANHOLE
PP - POWER POLE
GA- GUY ANCHOR
-E- - OVERHEAD TELEPHONE
-X- - FENCE

HOWLETT'S SUBDIVISION

A SUBDIVISION LOCATED IN THE CITY OF PORT LAVACA, CALHOUN COUNTY,TEXAS

BEING A PLAT OF 1.34 ACRES WITHIN THE CITY LIMITS OF PORT LAVACA AND BEING OUT OF A 7.77 ACRE TRACT SITUATED IN THE SAMUEL SHUPE SURVEY, ABSTRACT NO. 137, AND BEING DESCRIBED IN VOLUME 390, PAGE 3 OF THE DEED RECORDS OF CALHOUN COUNTY, TEXAS.

GANEM & KELLY SURVEYING, INC.
LAMAR STREET, SUITE 5
POINT COMFORT, TEXAS 77978
(361) 987-2011
FIRM NO. 10080300

DRAWN BY : G.A.G.	SCALE: 1" = 30'
CHECKED BY: G.A.G.	DATE: 08/02/2021
APPROVED BY: G.A.G.	JOB NO. PC21-140

Property Identification #: 40677

Geo ID: A0137-00000-0056-00
Situs Address: 101 HWY 238 PORT LAVACA, TX 77979
Property Type: Real
State Code: F1

Property Information: 2021

Legal Description: A0137 SAMUEL SHUPE, TRACT PT 54, ACRES 3.671
Abstract: A0137
Neighborhood: PORT LAVACA COMMERCIAL
Appraised Value: $224,110.00
Jurisdictions: G05, NV6, S01, C04, FML, CAD, GWD

Owner Identification #: 40677

Name: HOWLETTS INC
Exemptions:
DBA: Null

Re-Center Map

Calhoun CAD Map Search

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101
Airline Dr
Peikert Ln
Perkert St
238
1090
Justice Dr
Leon Dr
Jackson St
Oleander Dr
Vail Dr
McPherson Dr
Larry Dr
105

COMMUNICATION

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

---

INFORMATION:

CITY OF PORT LAVACA

MEETING: September 20, 2021

DATE: 09.08.21

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JESSICA CARPENTER, DEVELOPMENT SERVICES DIRECTOR

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

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

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

The applicant is proposing a multifamily apartment complex. The site location is currently not platted and is vacant land. The preliminary density is anticipated to be 75 to 150 units. This is contingent upon if the developer can purchase both lots or just one. One of the lots is currently owned by the church that is adjacent to this conceptual apartment complex location. The applicant has already approached the church to consider selling the additional lot needed to attain the 150-unit density. The church is considering the offer and may require a reconfiguration of the lots under the platting process to appease both the church and the apartment complex developer.

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

The Future Land Use map designates this parcel as high density residential and mixed use. Therefore, the proposed apartment complex is complaint with the Future Land Use map.

Comprehensive Plan
https://www.portlavaca.org/wp-content/uploads/2016/06/PortLavacaCompPlan2018reduced.pdf

Top Issues Related to Community Character:

> Lack of quality affordable housing for young professionals, middle-class, and retirees. (pg. 97 Comprehensive Plan)

Here are the preliminary details by department:

Public Works: There is sewer and water at this location. No lift station required.

Engineering/TxDOT: Drainage is to the rear of the property where the vegetated drainage channel is located. Consult with TxDOT on the approach permits.

Fire: Consult with the fire department for fire lane access and fire hydrant requirements. Apartments require fire protection sprinkler systems.

Staff Recommendation: Approval

Staff recommends approval of a conceptual multifamily apartment complex. To be located on Alcoa Drive also known as FM 1090. The legal description for each lot is A0137 SAMUEL SHUPE, TRACT PT 52, ACRES 7.02 and 0137 SAMUEL SHUPE, TRACT PT 52, ACRES 6.96. Property identification numbers are 40462 and 90212.

Planning Board: APPROVED

Planning Board approved this conceptual multifamily apartment complex. To be located on Alcoa Drive also known as FM 1090. The legal description for each lot is A0137 SAMUEL SHUPE, TRACT PT 52, ACRES 7.02 and 0137 SAMUEL SHUPE, TRACT PT 52, ACRES 6.96. Property identification numbers are 40462 and 90212.

Attachments:

- PIN 40462
- PIN 90212
- Parcel image outline

Property Identification #: 40462

Geo ID: A0137-00000-0046-00
Situs Address: Null
Property Type: Real
State Code: X

Property Information: 2022

Legal Description: A0137 SAMUEL SHUPE, TRACT PT 52, ACRES 7.02
Abstract: A0137
Neighborhood: PORT LAVACA WEST
Appraised Value: N/A
Jurisdictions: G05, NV6, S01, C04, FML, CAD, GWD

Owner Identification #: 80729

Name: CORNERSTONE ASSEMBLY OF GOD
Exemptions: EX-XV
DBA: Null

Re-Center Map

Calhoun CAD Map Search

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Property Identification #: 90212

Geo ID: A0137-00000-0047-00
Situs Address: Null
Property Type: Real
State Code: E4

Property Information: 2022

Legal Description: A0137 SAMUEL SHUPE, TRACT PT 52, ACRES 6.96
Abstract: A0137
Neighborhood: PORT LAVACA WEST
Appraised Value: N/A
Jurisdictions: C04, CAD, FML, G05, GWD, NV6, S01

Owner Identification #: 101093

Name: MCDANIEL JANICE
Exemptions:
DBA: Null

Re-Center Map

Calhoun CAD Map Search

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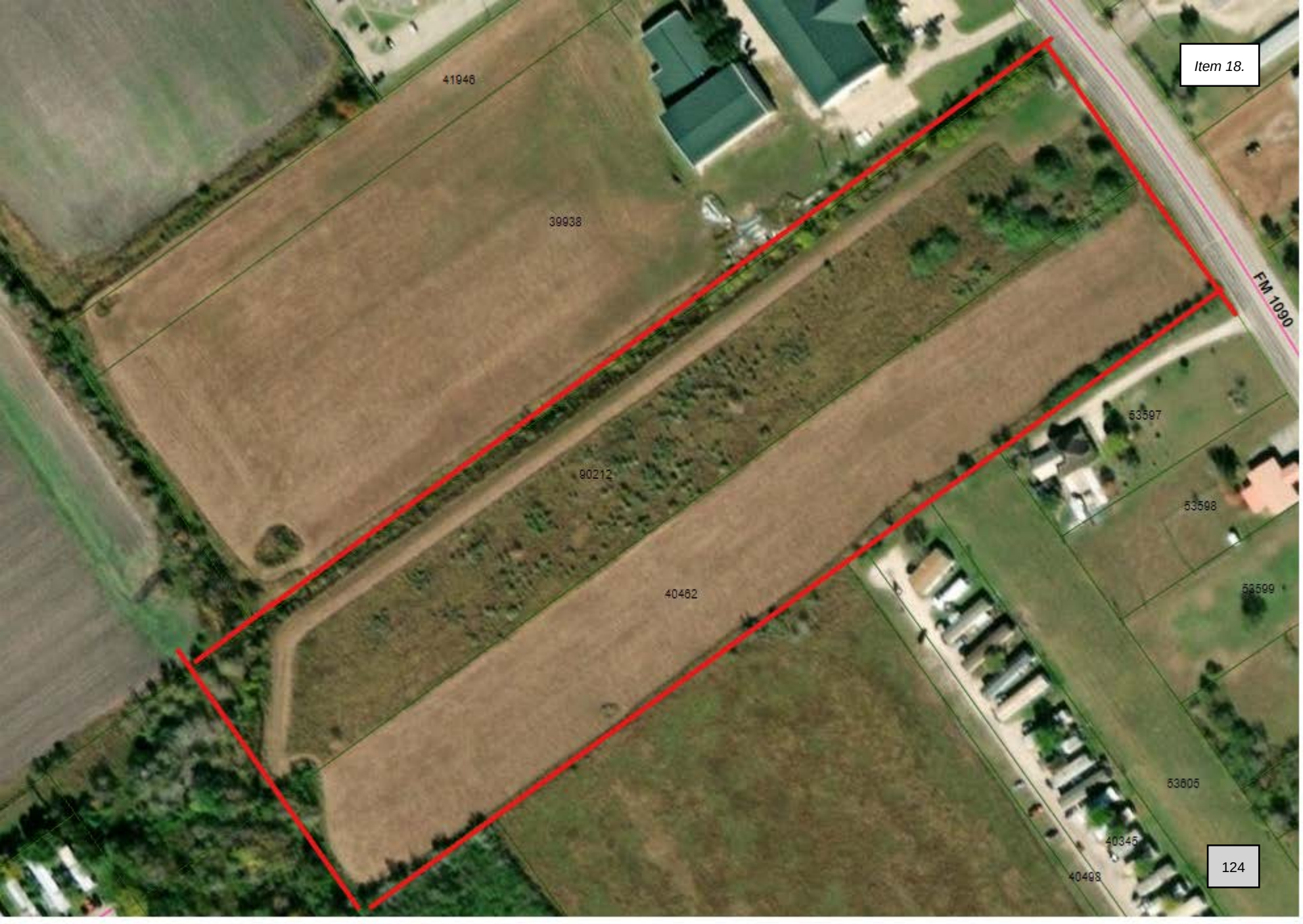
41946
39938
90212
40462
53597
53598
53599
53605
40345
40498
FM 1090

COMMUNICATION

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

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INFORMATION:

CITY OF PORT LAVACA

MEETING: September 20, 2021

DATE: 09.08.21

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JESSICA CARPENTER, DEVELOPMENT SERVICES DIRECTOR

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

Chapter 36 – SIGNS

https://library.municode.com/tx/port_lavaca/codes/code_of_ordinances?nodeId=PTIICOOR_CH36SI

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

(a) Freestanding signs shall be subject to the following:

(2) The maximum allowable effective area for freestanding signs will be 60 square feet.

(3) Multifaced signs shall have a maximum effective area of 180 square feet.

(4) The maximum allowable height shall not exceed 20 feet.

The Prosperity Bank sign variance request is for a 75 ft. freestanding pole sign with a 360 sq. ft. surface area. The request is 50% larger than the sign code maximum surface area square footage of 180 sq. f.t, and more than 50% greater than the sign code maximum heigh of 20 ft.

The current freestanding pole sign was originally permitted at a height of 25 ft. back in 1999 for the former property owner - First Capital Bank. In 2005, Prosperity Bank was permitted to replace the 50 sq. ft. surface area sign from the former First Capital Bank to Prosperity Bank but the existing 25ft. freestanding pole sign was not altered.

Applicant's reason for request: DIRECT HARDSHIP ON THE BUSINESS

Prosperity Bank's hardship for this location and the need for the increased height and allowed square footage on the pylon sign, is without approval on the size requested, Prosperity Bank will lack visibility and not be able to fairly advertise their business with the neighboring competition and businesses. In addition, just as the neighboring Whataburger, this site has severe visibility issues due to the power lines on the property. Prosperity Bank would like to increase the height of

the pylon to 75ft. overall height pylon with approximately 360 sq. ft. main-id cabinet due to the proximity of the highway and to give their customers better visibility of the location.

In June of 2016 the City Council approved the Whataburger variance for the 75 ft. freestanding pole sign with a 355 sq. ft. surface area. Consideration was given to this variance, as this sign dimension was the prior Whataburger sign dimension in their former location. Therefore, it was reviewed with a legal nonconforming use intent.

In August of 2014 the City Council approved a variance for the Port Lavaca Ford Dealership requesting to place a sign that is 47.5 ft in height.

Staff Recommendation: Denial

Staff recommends denial of this variance request for the proposed Prosperity Bank sign. The variance request is for a 75 ft. high freestanding pole sign with a 360 sq. ft. surface area. This sign will be located at 1107 N. SH 35 on the Prosperity Bank property. The request is 50% greater than the sign code maximum surface area, and more than 50% greater than the sign code maximum height.

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

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

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

- Designation of a compromise for a pole height and sign surface area square footage that fits the SH-35 commercial corridor for signage now and for future growth and development, as well as the aesthetic vision for the city Gateway in this location.

Planning Board Recommendation: DENIED

Planning Board denied this variance request for the proposed Prosperity Bank sign. The variance Request is for a 75 ft. high freestanding pole sign with a 360 sq. ft. surface area. This sign will be located at 1107 N.SH 35 on the Prosperity Bank property. The request is 50% larger than the sign code maximum surface area square footage, and more than 50% greater than the sign code maximum height.

Planning Board did not wish to set a precedent by approving this variance request.

Attachments:

- Prosperity Bank Sign Variance Request Packet
- 1999 First Capital Bank Sign Plan
- 2005 Prosperity Bank Sign Plan

CITY OF PORT LAVACA
REQUEST FOR VARIANCE

Date: August 18, 2021

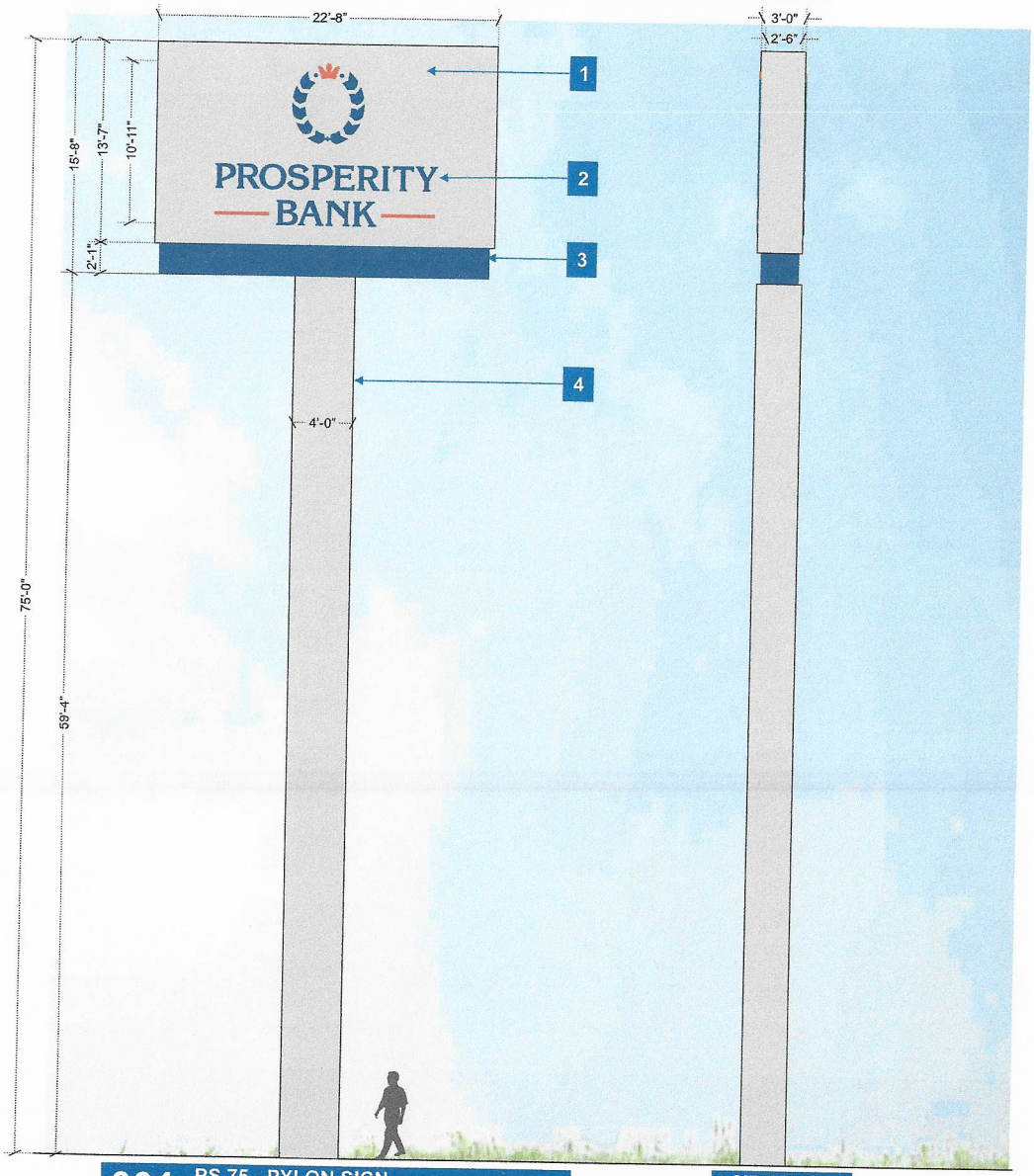
Name: SSC Signs & Lighting on behalf of Prosperity Bank

Address: 1107 TX-35
Port Lavaca, TX 77979

Reason for request: DIRECT HARDSHIP ON THE BUSINESS

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

PS.75 - PYLON SIGN - OPTION A



001 PS.75 - PYLON SIGN

SCALE: 1/8"= 1'

352.56 SQ FT.

SIDE VIEW

SPECIFICATIONS

1. FABRICATED ALUMINUM SIGN CABINET W/ 2" ALUM. SQ. TUBE FRAME. .090 ALUM. ROUTED OUT FACES. CABINET PAINTED TO MATCH MP 41 342SP BRUSHED ALUMINUM.. INTERNALLY ILLUMINATED WITH EVERYLITE 3D 6500 WHITE LEDS.

2. PUSH THRU CLEAR ACRYLIC GRAPHIC WITH FIRST SURFACE TRANSLUCENT VINYL BLUE 3M 3630-36 & BURNT ORANGE 3M 3630-124. SECOND SURFACE VINYL TO BE 3M 3635-70 DIFFUSER

3. REVEAL PAINTED TO MATCH BLUE PMS 288C WITH A ALUMINUM C CHANNEL ABOVE TO ACCOMMODATE ACCENT SLOAN BLUE (701269-BLSJ1-MB) LEDS

4. FABRICATED .125 ALUMINUM CLADDING PAINTED TO MATCH BRUSHED ALUMINUM.

PRELIM ENGINEERING - WINDLOAD REQUIREMENTS FOR THIS AREA IS 120MPH, NOTE: SEALED ENGINEERING REQUIRED

- V1 - VINYL 3M 3630-187 INFINITY BLUE
- V2 - VINYL 3M 3630-124 BURNT ORANGE
- V3 - VINYL 3M 3635-70 DIFFUSER
- P1 - PAINT TO MATCH MP 41 342SP BRUSHED ALUMINUM
- P2 - PAINT TO MATCH PROSPERITY BLUE PMS: 288C

SSC SIGNS & LIGHTING
972.219.2495

CLIENT
PROSPERITY
PORT LAVACA

ADDRESS
1107 TX-35
PORT LAVACA TX 77979

DATE 8.20.2021

DESIGNER - RH

DRAWING NO.
21OP377-2

REVISION	DATE
1. ADD NOTE 001,REVISE SIZE 004 ADD EXIT SIGN RSH 6.8	
2. CUSTOMER REVISE RSH 8.20	

APPROVAL DATE -

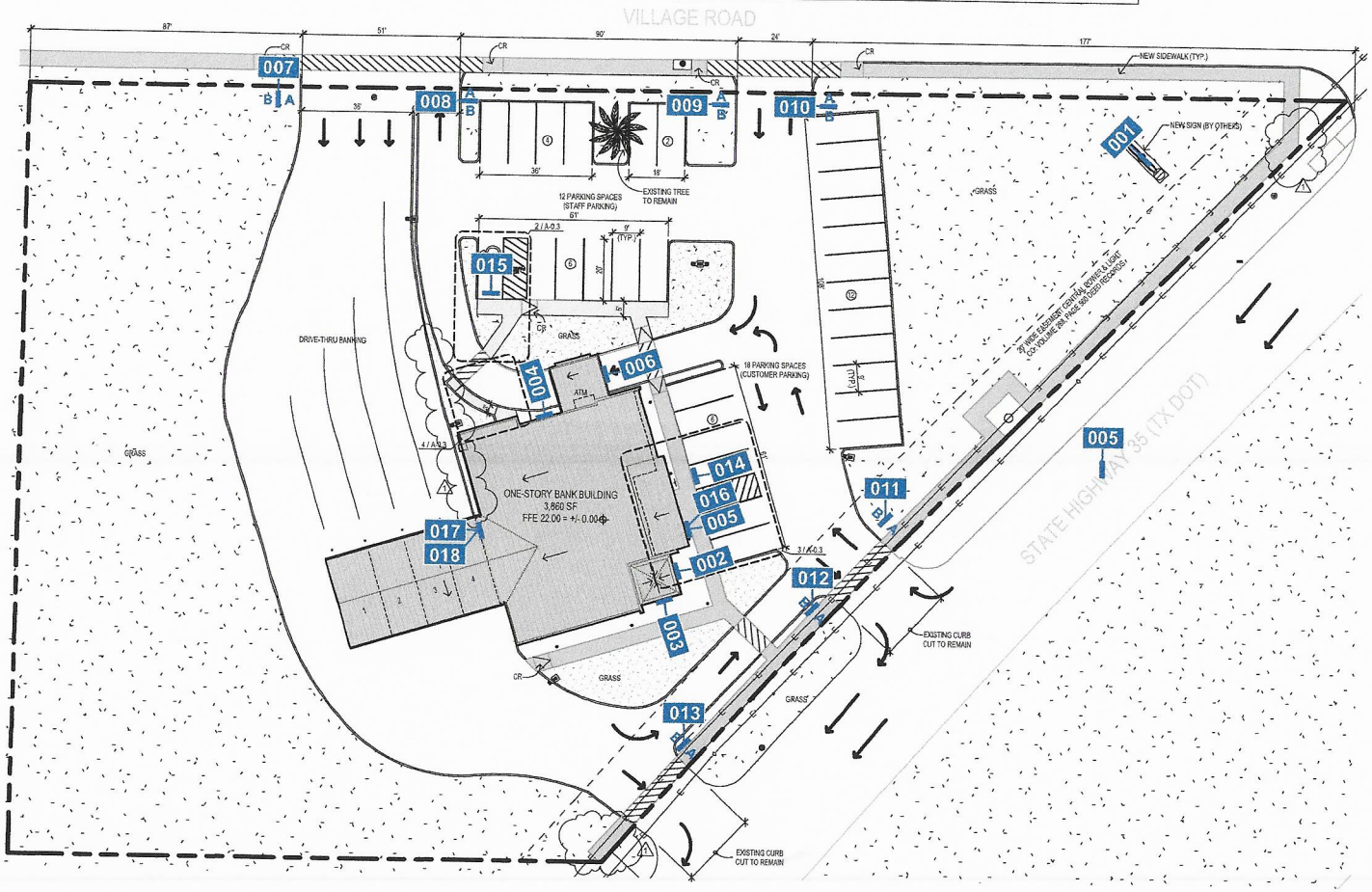
APPROVED BY -

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. Dimensions are approximate & may change due to construction factors or exact field conditions. Color shown areas close as printing will allow; Always follow written specifications. All rights reserved. This design has been created for you in connection with a project being planned for you by SSC Signs & Lighting. It may not be reproduced in any manner without prior consent.

SITE MAP

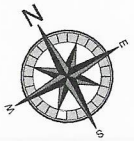
SIGN SCHEDULE

LOCATION	SIGN TYPE	QTY	ITEM DESCRIPTION	LOCATION	SIGN TYPE	QTY	ITEM DESCRIPTION	LOCATION	SIGN TYPE	QTY	ITEM DESCRIPTION
001	PS.00	1	PYLON SIGN	008	DS.36	1	DIRECTIONAL SIGN	015	PS.01	1	PARKING SIGN
002	ICL.16	1	ILLUMINATED CHANNEL LETTERS	009	DS.36	1	DIRECTIONAL SIGN	016	DV.01	1	DOOR VINYL
003	ICL.16	1	ILLUMINATED CHANNEL LETTERS	010	DS.36	1	DIRECTIONAL SIGN	017	WV.01	1	WINDOW VINYL
004	ICL.11	1	ILLUMINATED CHANNEL LETTERS	011	DS.36	1	DIRECTIONAL SIGN	018	PB-CG	1	CLUTTER GURAD
005	ICL.41	1	ILLUMINATED CHANNEL LOGO	012	DS.36	1	DIRECTIONAL SIGN				
006	ICS.01	1	ILLUMINATED CABINET SIGN	013	DS.36	1	DIRECTIONAL SIGN				
007	DS.36	1	DIRECTIONAL SIGN	014	PS.01	1	PARKING SIGN				



NOTES

-DIRECTIONAL SIGNS TO BE PLACED 5FT AWAY FROM PROPERTY LINE



SSC SIGNS & LIGHTING
972.219.2495

CLIENT
PROSPERITY
PORT LAVACA
ADDRESS
1107 TX-35
PORT LAVACA TX 77979
DATE 8.20.2021
DESIGNER - RH
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WWW.SSCSIGNS.COM

ssanchez@portlavaca.org

To: ssanchez@portlavaca.org
Subject: FW: Pylon request-Port Lavaca

From: Thomas Petras (Corp) <Thomas.Petras@prosperitybankusa.com>
Sent: Wednesday, September 1, 2021 7:28 AM
To: William Key <william.key@blsconstruction.com>; Lorenzo Tenorio <lorenzo.tenorio@blsconstruction.com>; Joy Janak <joy.janak@blsconstruction.com>; Fawn Leal <fleal@sscsigns.com>
Subject: Re: Pylon request-Port Lavaca

Good Morning Jessica,

This is to confirm that we do want the variance to increase our visibility at this location. If you need any additional confirmation please let me know.

We appreciate your assistance with this matter.

Thomas Petras
Director of Facilities
Prosperity Bank.

COMMUNICATION

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

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INFORMATION:

CITY OF PORT LAVACA

DATE: 9.20.2021

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: **SOMETHING MORE MEDIA LEASE – SUITE 4 NAUTICAL LANDINGS**

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

- Electricity: From research that Jim Ruddellat has done, the meter that includes the electricity for this Suite, also includes the electricity for Edwards Jones (Suite 3) and the electricity for the Day Room. The A/C for the Day Room is on a different meter, but this meter includes the Day Room Lights, plugs, Refrigerator, Washer and Dryer. On average we are paying $268/month for this meter. This Suite accounts for approximately 25% of the area of the DayRoom, Suite 3 and Suite 4. There is no definitive way to determine how much each tenant is using, so I am proposing we agree to a fixed amount of $68/month. This is an increase of $38 over what she is currently paying. (This amount correlates to the 11 cents per sf cost that Suite 2 pays for electricity. Suite 2's meter is not combined with any other space).

- Rent (622 sf): Suite 4's current rate is $0.78/sf. Edward Jones and Bay Ltd are paying $1.05/sf, although the latter's lease ends on October 30, so will require a new lease next month. Spiretek is about $ 1.17/sf without the electricity and this lease also expires at the end of October. Knowing that the market rate may be as much as $1.17/sf, but also knowing Council does not favor making large increases at one time and also trying to target an approximate $125/month increase overall for Something More Media, I am proposing a $1.00/sf rental rate for this unit, but offering a discount of $50 a month to Something More Media to account for the following circumstances:

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

- In Summary:
  New monthly rent payment = $572 ($622 x $1/SF - $50) This is an 18% increase to the Rent alone
  New monthly electric cost = $68 This is a $38/mo increase
  Total $640 This is a $125.64/mo increase or 24.4%

- Rent shall be adjusted annually during the term of the lease, per the MCI, 2% min and 5% maximum
- Electric cost will be adjusted as may be required by any percentage increase in the KWH cost, w is currently at 0.03883/kWh.
- Tania will accept as much as a 5-year lease if offered. I would recommend at least a 3-year lease.

PORT COMMISSION RECOMMEDATIONS:

- The Port Commission concurs with the $1/sf and the $68/month for electricity ($690/month), but does NOT recommend any discount be offered to the rent. ($690/mo equates to a 34% increase)
- The Port Commission recommends a one (1)-year lease with a one (1)-year option, so that the City may make market adjustments on a more frequent basis, if the market warrants.
- If Tenant shall holdover following expiration of the lease, Tenant shall pay the sum of **150%** of the Base Rent per month for each month of holdover
- Language regarding Default by Tenant/Landlord's Remedies be amended to remove mention of Landlord having to sue (D.11)

Following the Port Commission vote on the recommendation to Council, Tania offered the attached additional information for Council consideration.

CITY MANAGER RECOMMENDATION:

- I RECOMMEND APPROVAL OF THE LEASE DOCUMENT AS PRESENTED*
- And I recommend approval of a **budget amendment to reduce the amount that the Port Revenue Fund contributes to the General Fund Administration by $600, being equal to the $50/month discount to the Suite 4 rent**.
- *To offer a bit more stability for the tenant, and offer a compromise between the Port Commission and the tenant, I recommend a two (2)-year lease with a one (1)-year option which is the same as the current lease. Note: the lease provides language for an annual increase per the MCI with a minimum 2% and maximum 5%.
- *If Tenant shall holdover following expiration of the lease, Tenant shall pay the sum of **125%** of the Base Rent per month for each month of holdover.
- *After consult with Anne Marie, it seems that the Language of Section D.11 of the Standard Lease is standard language for such a lease and she does not recommend changing it. I concur. Note: that the language provides several avenues to the City to Remedy a default – it does not require City to sue.

*The lease as presented incorporates the highlighted items.

Attachments: Proposed Lease for Suite 4 – Something More Media

Office Lease

Date: October 1, 2021

Landlord:
CITY OF PORT LAVACA, TEXAS, a Texas home rule municipality
202 N. Virginia
Port Lavaca, TX 77979

Tenant: **TANIA FRENCH DBA**
SOMETHING MORE MEDIA
106 South Commerce St. Suite 4
Port Lavaca, Texas 77979

Premises:

Approximate square feet: 597 sf (office) + 25 sf (restroom) = 622 net square feet

Name of Building: Nautical Landings

Street address/suite: Suite 4_____

City, state, zip: Port Lavaca, Texas 77979

Term (months): 24 [with a one (1) year option to extend upon 90 days advance written notice]

Commencement Date: October 1, 2021 _____

Termination Date: September 30, 2023

Base Rent (monthly): $640.00 (includes utilities)

Rent shall be adjusted on October 1st each year by the increase of the Municipal Cost Index as of the latest date it was published prior to October 1st with a 2% minimum and a 5% maximum. City may give a courtesy notice of any increase annually, however failure to give such notice does not relieve Tenant of the obligation to pay such increases.

Tenant's Electricity Share: $68/month

Permitted Use: Business Establishment

Tenant's Insurance: As required by Insurance Addendum

Landlord's Insurance: As required by Insurance Addendum

Tenant's Rebuilding Obligations: If the Premises are damaged by fire or other elements,

Tenant will be responsible for repairing or rebuilding the following leasehold improvements: All partitions, walls, ceiling systems, wiring, light fixtures, floors, finishes, wall coverings, floor coverings, signs, doors, hardware, windows, window coverings, plumbing, heating, ventilating, and air-conditioning equipment, and other improvements originally installed in the Premises by Tenant.

A. Definitions

A.1. "Agent" means agents, contractors, employees, licensees, and, to the extent under the control of the principal, invitees.

~~*A.2.* "Building Operating Hours" means 8:00 A.M. to 6:00 P.M. Monday through Friday, except holidays.~~

A.3. "Common Areas" means all facilities and areas of the Building and Parking Facilities and the related land that are intended and designated by Landlord from time to time for the common, general, and nonexclusive use of all tenants of the Building. Landlord has the exclusive control over and right to manage the Common Areas.

A.4. "Essential Services" means the following services: (a) air-conditioning and heating to the Premises reasonable for the Permitted Use (exclusive of air-conditioning or heating for electronic data-processing or other specialized equipment) during Building Operating Hours and at such other times at such additional cost as Landlord and Tenant may agree on; (b) hot and cold water for lavatory and drinking purposes; (c) electric current for normal office machines and the Building's standard lighting reasonable for the Permitted Use; and (d) lighting in Common Areas and fluorescent lights in the Building's standard light fixtures on the Premises.

A.5. "Injury" means (a) harm to or impairment or loss of property or its use, (b) harm to or death of a person, or (c) "personal and advertising injury" as defined in the form of liability insurance Tenant is required to maintain.

A.6. "Parking Facility" means the common area parking located on the Premises.

A.7. "Rent" means Base Rent plus any other amounts of money payable by Tenant to Landlord.

B. Tenant's Obligations

B.1. **Tenant agrees to -**

B.1.a. Lease the Premises for the entire Term beginning on the Commencement Date and ending on the Termination Date.

B.1.b. Accept the Premises in their present condition "AS IS," the Premises being currently suitable for the Permitted Use.

B.1.c. Obey (i) all laws relating to Tenant's use, maintenance of the condition, and occupancy of the Premises and Tenant's use of any Common Areas in the Building; (ii) any requirements imposed by utility companies serving or insurance companies covering the Premises or Building; and (iii) any rules and regulations for the Building and Common Areas adopted by Landlord.

B.1.d. Pay monthly, in advance, without demand, on the first day of the month, the Base Rent to Landlord at Landlord's Address.

B.1.e. Pay a late charge of 10 percent of any Rent not received by Landlord by the tenth day after it is due.

B.1.f. Obtain and pay for all utility services used by Tenant and not provided by Landlord.

B.1.g. Tenant shall reimburse Landlord directly for its electric service with a monthly sum of **$68.00**, being a mutually agreed upon estimate of the average cost of electricity used monthly, based upon an energy rate of $0.03883/kWh. Such payment for electricity is due on the first day of the month and is subject to a late charge of 10 percent, if not received by Landlord by the tenth day after its due. This monthly reimbursement amount will be reviewed annually and adjusted per any percentage change in the energy rate being paid by Landlord.

B.1.h. Allow Landlord to enter the Premises to perform Landlord's obligations, inspect the Premises, and show the Premises to prospective purchasers or tenants.

B.1.i. Repair, replace, and maintain any part of the Premises that Landlord is not obligated to repair, replace, or maintain, normal wear excepted.

B.1.j. Submit in writing to Landlord any request for repairs, replacement, and maintenance that are the obligations of Landlord.

B.1.k. Vacate the Premises and return all keys to the Premises on the last day of the Term. If Tenant shall holdover following expiration of this lease, Tenant shall pay the sum of 125% of the Base Rent per month for each month Tenant shall holdover.

B.1.l. INDEMNIFY, DEFEND, AND HOLD LANDLORD AND ITS RESPECTIVE AGENTS, HARMLESS FROM ANY INJURY (AND ANY RESULTING OR RELATED CLAIM, ACTION, LOSS, LIABILITY, OR REASONABLE EXPENSE, INCLUDING ATTORNEY'S FEES AND OTHER FEES AND COURT AND OTHER COSTS) OCCURRING IN ANY PORTION OF THE PREMISES IF CAUSED IN WHOLE OR IN PART BY THE ACTS OR OMISSIONS OF TENANT OR ITS AGENTS, INCLUDING IN WHOLE OR IN PART BY THE NEGLIGENT ACTS OR OMISSIONS OF TENANT OR ITS AGENTS. **THE INDEMNITY CONTAINED IN THIS PARAGRAPH (i) IS INDEPENDENT OF TENANT'S INSURANCE, (ii) WILL NOT BE LIMITED BY COMPARATIVE NEGLIGENCE STATUTES OR DAMAGES PAID UNDER THE WORKERS' COMPENSATION ACT OR SIMILAR EMPLOYEE BENEFIT ACTS, (iii) WILL SURVIVE THE END OF THE TERM, AND (iv) WILL APPLY EVEN IF AN INJURY IS**

CAUSED IN PART BY THE ORDINARY NEGLIGENCE OR STRICT LIABILITY OF LANDLORD BUT WILL NOT APPLY TO THE EXTENT AN INJURY IS CAUSED IN WHOLE OR IN PART BY THE GROSS NEGLIGENCE OR WILLFUL MISCONDUCT OF LANDLORD, LIENHOLDER, OR THEIR RESPECTIVE AGENTS.

B.2. **Tenant agrees not to -**

B.2.a. Use the Premises for any purpose other than the Permitted Use.

B.2.b. Create a nuisance.

B.2.c. Interfere with any other tenant's normal business operations or Landlord's management of the Building.

B.2.d. Permit any waste.

B.2.e. Use the Premises in any way that would increase insurance premiums, or void insurance on the Building.

B.2.f. Change Landlord's lock system.

B.2.g. Alter the Premises.

B.2.h. Allow a lien to be placed on the Premises.

B.2.i. Assign this lease or sublease any portion of the Premises without Landlord's written consent. Any assignment shall be void and of no effect. If City does consent to an assignment, Tenant herein shall not be relieved of any responsibility under this Lease.

B.2.j. Smoking, vaping, and/or chewing tobacco products on the Premises or in the common area is strictly prohibited.

C. Landlord's Obligations

C.1. **Landlord agrees to -**

C.1.a. Lease to Tenant the Premises for the entire Term beginning on the Commencement Date and ending on the Termination Date.

C.1.b. Obey all laws relating to Landlord's operation of the Building and Common Areas.

C.1.c. Provide the Essential Services.

C.1.d. Repair, replace, and maintain the (i) roof, (ii) foundation, (iii) Common Areas, (iv) structural soundness of the exterior walls, doors, corridors, and windows, and (v) other structures or equipment serving the Premises.

C.1.e. TO THE EXTENT ALLOWED BY TEXAS LAW, BUT NOT OTHERWISE, INDEMNIFY, DEFEND, AND HOLD TENANT HARMLESS FROM ANY INJURY AND ANY RESULTING OR RELATED CLAIM, ACTION, LOSS, LIABILITY, OR REASONABLE EXPENSE, INCLUDING ATTORNEY'S FEES AND OTHER FEES AND COURT AND OTHER COSTS, OCCURRING IN ANY PORTION OF THE COMMON AREAS. **THE INDEMNITY CONTAINED IN THIS PARAGRAPH (i) IS INDEPENDENT OF LANDLORD'S INSURANCE, (ii) WILL NOT BE LIMITED BY COMPARATIVE NEGLIGENCE STATUTES OR DAMAGES PAID UNDER THE WORKERS' COMPENSATION ACT OR SIMILAR EMPLOYEE BENEFIT ACTS, (iii) WILL SURVIVE THE END OF THE TERM, AND (iv) WILL APPLY IF CAUSED IN WHOLE OR IN PART BY THE ACTS OR OMISSIONS OF LANDLORD OR ITS AGENTS, INCLUDING IN WHOLE OR IN PART BY THE NEGLIGENT ACTS OR OMISSIONS OF LANDLORD OR ITS AGENTS, EVEN IF AN INJURY IS CAUSED IN PART BY THE ORDINARY NEGLIGENCE OR STRICT LIABILITY OF TENANT BUT WILL NOT APPLY TO THE EXTENT AN INJURY IS CAUSED IN WHOLE OR IN PART BY THE GROSS NEGLIGENCE OR WILLFUL MISCONDUCT OF TENANT.**

C.2. **Landlord agrees not to -**

C.2.a. Interfere with Tenant's possession of the Premises as long as Tenant is not in default.

C.2.b. Unreasonably withhold consent to a proposed assignment or sublease.

D. General Provisions

Landlord and Tenant agree to the following:

D.1. Alterations. Any physical additions or improvements to the Premises made by Tenant will become the property of Landlord and must be ADA compliant. Landlord may require that Tenant, at the end of the Term and at Tenant's expense, remove any physical additions and improvements, repair any alterations, and restore the Premises to the condition existing at the Commencement Date, normal wear excepted.

D.2. Signage. Landlord shall allow Tenant to place regulatory agency mandated signage (stickers) on or near the front entrance of the Premises.

D.3. Abatement. Tenant's covenant to pay Rent and Landlord's covenants are independent. Except as otherwise provided, Tenant may not abate Rent for any reason.

D.4. Insurance. Tenant and Landlord will maintain the respective insurance coverages described in the attached Insurance Addendum.

D.5. Release of Claims/Subrogation. LANDLORD AND TENANT RELEASE EACH OTHER, AND THEIR RESPECTIVE AGENTS, FROM ALL CLAIMS OR LIABILITIES FOR

DAMAGE TO THE PREMISES OR BUILDING, DAMAGE TO OR LOSS OF PERSONAL PROPERTY WITHIN THE BUILDING, AND LOSS OF BUSINESS OR REVENUES THAT ARE INSURED BY THE RELEASING PARTY'S PROPERTY INSURANCE OR THAT WOULD HAVE BEEN INSURED BY THE REQUIRED INSURANCE IF THE PARTY FAILS TO MAINTAIN THE PROPERTY COVERAGES REQUIRED BY THIS LEASE. THE PARTY INCURRING THE DAMAGE OR LOSS WILL BE RESPONSIBLE FOR ANY DEDUCTIBLE OR SELF-INSURED RETENTION UNDER ITS PROPERTY INSURANCE. LANDLORD AND TENANT WILL NOTIFY THE ISSUING PROPERTY INSURANCE COMPANIES OF THE RELEASE SET FORTH IN THIS PARAGRAPH AND WILL HAVE THE PROPERTY INSURANCE POLICIES ENDORSED, IF NECESSARY, TO PREVENT INVALIDATION OF COVERAGE. THIS RELEASE WILL NOT APPLY IF IT INVALIDATES THE PROPERTY INSURANCE COVERAGE OF THE RELEASING PARTY. **THE RELEASE IN THIS PARAGRAPH WILL APPLY EVEN IF THE DAMAGE OR LOSS IS CAUSED IN WHOLE OR IN PART BY THE ORDINARY NEGLIGENCE OR STRICT LIABILITY OF THE RELEASED PARTY OR ITS AGENTS BUT WILL NOT APPLY TO THE EXTENT THE DAMAGE OR LOSS IS CAUSED IN WHOLE OR IN PART BY THE GROSS NEGLIGENCE OR WILLFUL MISCONDUCT OF THE RELEASED PARTY OR ITS AGENTS.**

D.6. Casualty/Total or Partial Destruction

D.6.a. If the Premises are damaged by casualty and can be restored within ninety days, Landlord will, at its expense, restore the roof, foundation, Common Areas, and structural soundness of the exterior walls of the Premises and any leasehold improvements within the Premises that are not within Tenant's Rebuilding Obligations to substantially the same condition that existed before the casualty and Tenant will, at its expense, be responsible for replacing any of its damaged furniture, fixtures, and personal property and performing Tenant's Rebuilding Obligations. If Landlord fails to complete the portion of the restoration for which Landlord is responsible within ninety days from the date of written notification by Tenant to Landlord of the casualty, Tenant may terminate this lease by written notice delivered to Landlord before Landlord completes Landlord's restoration obligations.

D.6.b. If the Premises cannot be restored within ninety days, Landlord has an option to restore the Premises. If Landlord chooses not to restore, this lease will terminate. If Landlord chooses to restore, Landlord will notify Tenant of the estimated time to restore and give Tenant an option to terminate this lease by notifying Landlord within ten days. If Tenant does not terminate this lease, the lease will continue and Landlord will restore the Premises as provided in D.6.a. above.

D.6.c. To the extent the Premises are untenantable after the casualty, the Rent will be adjusted as may be fair and reasonable.

D.7. Uniform Commercial Code. Tenant grants Landlord a security interest in Tenant's personal property now or subsequently located on the Premises. This lease is a security agreement under the Uniform Commercial Code. Landlord may file financing statements or continuation statements to perfect or continue the perfection of the security interest.

D.8. Default by Landlord/Events. Defaults by Landlord are failing to comply with any provision of this lease within thirty days after written notice and failing to provide Essential Services to Tenant within ten days after written notice.

D.9. Default by Landlord/Tenant's Remedies. Tenant's remedies for Landlord's default are to sue for damages and, if Landlord does not provide an Essential Service within thirty days after default, terminate this lease.

D.10. Default by Tenant/Events. Defaults by Tenant are (a) failing to pay Rent timely, (b) abandoning the Premises or vacating a substantial portion of the Premises, and (c) failing to comply within ten days after written notice with any provision of this lease other than the defaults set forth in (a) and (b).

D.11. Default by Tenant/Landlord's Remedies. Landlord's remedies for Tenant's default are to (a) enter and take possession of the Premises and either sue for Rent as it accrues or accelerate all rent due under this lease and sue; (b) enter and take possession of the Premises, after which Landlord may relet the Premises on behalf of Tenant and receive the Rent directly by reason of the reletting, and Tenant agrees to reimburse Landlord for any expenditures made in order to relet; (c) enter the Premises and perform Tenant's obligations; and (d) terminate this lease by written notice and sue for damages. Landlord may enter and take possession of the Premises by self-help, by picking or changing locks if necessary, and may lock out Tenant or any other person who may be occupying the Premises, until the default is cured, without being liable for damages.

D.12. Default/Waiver. All waivers must be in writing and signed by the waiving party. Landlord's failure to enforce any provisions of this Lease or its acceptance of late installments of Rent will not be a waiver and will not estop Landlord from enforcing that provision or any other provision of this Lease in the future.

D.13. Holdover. If Tenant does not vacate the Premises following termination of this lease, Tenant will become a tenant at will and must vacate the Premises on receipt of notice from Landlord. No holding over by Tenant, whether with or without the consent of Landlord, will extend the Term.

D.14. Attorney's Fees. If either party retains an attorney to enforce this lease, the party prevailing in litigation is entitled to recover reasonable attorney's fees and other fees and court and other costs.

D.15. Venue. Exclusive venue is in the county in which the Premises are located.

D.16. Entire Agreement. This lease, its exhibits, addenda and riders, are the entire agreement of the parties concerning the lease of the Premises by Landlord to Tenant. There are no representations, warranties, agreements, or promises pertaining to the Premises or the lease of the Premises by Landlord to Tenant, and Tenant is not relying on any statements or representations of any agent of Landlord, that are not in this lease and any exhibits, addenda, and riders.

D.17. Amendment of Lease. This lease may be amended only by an instrument in writing signed by Landlord and Tenant.

D.18. Limitation of Warranties. THERE ARE NO IMPLIED WARRANTIES OF MERCHANTABILITY, OF FITNESS FOR A PARTICULAR PURPOSE, OR OF ANY OTHER KIND ARISING OUT OF THIS LEASE, AND THERE ARE NO WARRANTIES THAT EXTEND BEYOND THOSE EXPRESSLY STATED IN THIS LEASE.

D.19. Notices. Any notice required or permitted under this lease must be in writing. Any notice required by this lease will be deemed to be given (whether received or not) the earlier of receipt or three business days after being deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address shown in this lease. Notice may also be given by regular mail, personal delivery, courier delivery, or e-mail and will be effective when received. Any address for notice may be changed by written notice given as provided herein.

D.20. Use of Common Areas. Tenant will have the nonexclusive right to use the Common Areas subject to any reasonable rules and regulations that Landlord may prescribe.

D.21. Abandoned Property. Landlord may retain, destroy, or dispose of any property left on the Premises at the end of the Term.

E. Special Provisions

The Landlord and Tenant agree that, provided and on condition that (1) the Tenant is in possession of the Premises; (2) this Lease is not previously canceled or terminated as in this Lease provided, by operation of law or otherwise; (3) the Tenant has faithfully complied with and performed all the covenants and conditions in the Lease on its part to be performed during the original term hereof; and (4) Tenant is not in default at the time of the exercise of this option to extend, the parties hereto covenant and agree that the Tenant shall have the option to renew the original term of this Lease for one (1) additional year (hereafter referred to as the Renewal Term) by Tenant giving to Landlord written notice of its exercise of this Option to Extend at least 90 days prior to the expiration of the original term. In the event that Tenant shall fail to exercise this Option to Extend, then this Option shall be null, void, and of no effect, effective at the end of the day, June 30, 2023, it being understood that the time for Tenant to exercise this option to extend shall be of the essence. Upon the giving of the Notice above referred to, this Lease shall be deemed to have been renewed for a term of one year immediately following the expiration of the original term, without the necessity of the execution of any further instrument or instruments, upon the same terms and conditions, covenants and agreements as are contained in this Lease.

City of Port Lavaca, Texas,
a Texas Home Rule Municipality

_____
John D. "Jack" Whitlow, Mayor

(TENANT)

_____

Printed Name: _____

DRAFT

COMMUNICATION

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

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INFORMATION:

CITY OF PORT LAVACA

COUNCIL MEETING: SEPTEMBER 20, 2021 **AGENDA ITEM __**

DATE: 9.9.21

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: **URBAN ENGINEERING TASK ORDER #23 BROOKS LIFT STATION**

BACKGROUND: We have budgeted $300,000 to construct a replacement for the Brooks Lift Station. In the January 2020 Sanitary Sewer Lift Station Assessment Report prepared by Urban Engineering, the Brooks Lift Station was listed as being in a "unsafe/very poor condition," with a total replacement recommended. The new lift station will be designed with added capacity for growth. The Brooks Lift Station is located in City Park on Half League Road.

Urban Engineering has submitted a Task Order in the amount of $2,800 for the topographic survey work and $30,000 for the design, bid documents, and construction administration.

FINANCIAL IMPACT:

This project is budgeted for in the FY 2021-22 budget. It will take several months to complete the design and bid documents before bidding and construction can begin.

RECOMMENDATION:

Staff recommends approval of Task Order #23 to Urban Engineering's Professional Services Agreement dated 11.13.2017, in the amount of $32,800.

ATTACHMENTS:

- Task Order #23

This is Task Order No. 23 consisting of 3 pages.

Task Order

In accordance with paragraph 1.01 of the Standard Form of Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated November 13, 2017 ("Agreement"), Owner and Engineer agree as follows:

1. **Specific Project Data**
   A. Title: City of Port Lavaca – Brooks Wastewater Lift Station Replacement
   B. Description: Design plans & specifications, prepare bid documents and perform contract administration for the total replacement of the Brooks wastewater lift station and 8" force main located on Half League Road.

2. **Services of Engineer**
   Engineer shall have those responsibilities set forth in Exhibit A.

3. **Owner's Responsibilities**
   Owner shall have those responsibilities set forth in Exhibit B.

4. **Times for Rendering Services**
   Services will be rendered in a timely manner and in accordance with the schedule determined during the Study and Report Phase of the Project.

5. **Payments to Engineer**
   A. Owner shall pay Engineer for services rendered as follows:

Category of Services	*Compensation Method*	*Lump Sum, or Estimate of Compensation for Services*
Topographic Survey	*Fixed Fee*	*$ 2,800.00*
Design, Bid & Contract Administration	*Fixed Fee*	*$30,000.00*

   B. The terms of payment are set forth in Article 4 of the Agreement and in Exhibit C.

   C. Reimbursable Expenses: Includes fees charged by outside entities have review authority over the project, government agency fees and advertising fees. See Appendix 1 to Exhibit C "Reimbursable Expenses Schedule"

6. **Consultants:** Urban Surveying, Inc.

7. **Other Modifications to Agreement:** None

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8. **Attachments:** None

9. **Documents Incorporated By Reference:** Master Agreement Between City of Port Lavaca and Victoria Engineering, Inc. dba Urban Engineering dated November 13, 2017. This includes all Attachments to that Agreement (Attachments A – Attachment I inclusive).

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Terms and Conditions: Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is September 20, 2021.

OWNER:

By: _____

Name: Jack Whitlow

Title: Mayor

ENGINEER:

By: _____

Name: Matt A. Glaze, P.E.

Title: Senior Engineer

Engineer License or Firm's Certificate No. TREF# F-160

State of: Texas

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Jody Weaver, P.E.

Title: City Engineer

Address: 202 N. Virginia St.
Port Lavaca, TX 77979

E-Mail Address: jweaver@portlavaca.org

Phone: 361-552-9793

Fax: 361-552-6062

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Matt A. Glaze, P.E.

Title: Senior Engineer

Address: 2004 N. Commerce St.
Victoria, TX 77901

E-Mail Address: mglaze@urbanvictoria.com

Phone: 361-578-9836

Fax: N/A

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COMMUNICATION

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

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INFORMATION:

COMMUNICATION

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

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INFORMATION: