



CITY COUNCIL SPECIAL/WORKSHOP MEETING

Monday, March 22, 2021 at 5:30 PM

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

PUBLIC NOTICE OF MEETING

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

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

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

AGENDA

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

COVID-19 MEETING PROCEDURE

Public notice is hereby given that due to covid-19 concerns and in accordance with the governor's orders and recommendations, the city of Port Lavaca, Texas, city council meeting is closed to the public. Instead, the city council will be utilizing "Zoom Meeting and Facebook live transmission" on The City of Port Lavaca's Facebook page beginning at the time listed above.

VIRTUAL MEETING INFORMATION

Click to Join

Meeting: <https://us02web.zoom.us/j/82589835987?pwd=Y05PNWR0RElrb3JBKzh1QnFaaEFqQT09>

Meeting ID: 825 8983 5987

Passcode: 215724

One Tap Mobile

+13462487799,,82589835987#,,, *215724# US (Houston)

Dial by your location

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CITY COUNCIL SPECIAL MEETING

- I. **CALL TO ORDER**
- II. **COMMENTS FROM THE PUBLIC** - *Comments will be limited to three (3) Minutes per individual unless permission to speak longer is received in advance*
- III. **ACTION ITEMS** - *Council will consider/discuss the following items and take any action deemed necessary*
1. Announcement by Mayor that City Council will retire into closed session:
 - For consultation with City Attorney concerning contemplated or pending Litigation in accordance with Title 5, Section 551.071(a) of the Texas Government Code. Presenter is Mayor Whitlow
 - For consultation with City Attorney on matters in which the duty of the Attorney to the Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of Title 5, Section 551.071(b) of the Texas Government Code. Presenter is Mayor Whitlow
 2. Return to Open Session and take any action deemed necessary with regard to matters in closed session. Presenter is Mayor Whitlow
 3. Discuss and take any action deemed necessary on delinquent and/or non-compliant tenants of the Port Commission. Presenter is Jody Weaver
- IV. **ADJOURN SPECIAL MEETING**

CITY COUNCIL WORKSHOP

- V. **CALL TO ORDER**
- VI. **COMMENTS FROM THE PUBLIC** - *Comments will be limited to three (3) Minutes per individual unless permission to speak longer is received in advance*
- VII. **ITEMS FOR DISCUSSION** - *Council will discuss the following items*
1. Discuss proposed docket for ordinance upgrades for 2021. Presenter is Jessica Carpenter
 2. Discuss fees/rates for the Lighthouse Beach RV Park. Presenter is Wayne Shaffer
- VIII. **ADJOURN WORKSHOP**

CERTIFICATION OF POSTING NOTICE

This is to certify that the above notice of a special meeting and workshop session of the City Council of the City of Port Lavaca, scheduled for **Monday, March 22, 2021**, beginning at 5:30 p.m., was posted at city hall, easily accessible to the public, as of **5:00 p.m. Thursday, March 18, 2021**.

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.

MAYOR AND COUNCIL COMMUNICATION

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

INFORMATION:

- For consultation with City Attorney concerning contemplated or pending Litigation in accordance with Title 5, Section 551.071(a) of the Texas Government Code. Presenter is Mayor Whitlow
- For consultation with City Attorney on matters in which the duty of the Attorney to the Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of Title 5, Section 551.071(b) of the Texas Government Code. Presenter is Mayor Whitlow

MAYOR AND COUNCIL COMMUNICATION

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

INFORMATION:

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Discuss and take any action deemed necessary on delinquent and/or non-compliant tenants of the Port Commission. Presenter is Jody Weaver

INFORMATION:

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Discuss proposed docket for ordinance upgrades for 2021. Presenter is Jessica Carpenter

INFORMATION:

CITY OF PORT LAVACA

MEETING: March 22, 2021 **AGENDA ITEM** _____

DATE: 03.18.2021

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JESSICA CARPENTER, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: Discuss proposed Long Range Planning docket for ordinance updates and revisions for 2021.

2021 Long Range Planning Docket

Ordinance updates and revisions are proposed on an annual basis as an annual Long-Range Planning Docket. December of 2021 staff will provide the timely docket for the 2022 planning year. However, this year staff is providing the 2021 annual Long-Range Planning docket in this work session in effort to implement this practice of updating policy, code and regulation under the newly organized department titled Development Services.

The objective is to research, review, revise and edit the ordinances and plans for both Current and Long-Range Planning to provide the most up-to-date clear guidelines and regulations for the public. The researching and vetting process is an investment. Therefore, consideration for what ordinances and/or plans to be updated is to be evaluated with considerations with staff accessibility and time dedicated to objectives.

Staff is seeking input and direction from Council for prioritization of ordinance and plan objectives for planning year 2021 and beyond.

The proposed 2021 Long Range Planning Docket for consideration is as follows:

Chapter 26 - MANUFACTURED HOUSING

https://library.municode.com/tx/port_lavaca/codes/code_of_ordinances?nodeId=PTIICOOR_CH26MAHO

State Law reference

Texas Manufactured Housing Standards Act, V.T.C.A., Occupations Code Ch. 1201.

Texas Department of Housing and Community Affairs - Manufactured Housing Division

<https://www.tdhca.state.tx.us/mh/laws-rules.htm>

Occupations Code Chapter 1201. Manufactured Housing

[Occ. Code Chapter 1201, Manufactured Housing Standards Act](#)

Chapter 42 - SUBDIVISIONS AND PLATS

https://library.municode.com/tx/port_lavaca/codes/code_of_ordinances?nodeId=PTIICOOR_CH42S_UPL

State Law reference

Texas Constitution and Statutes

<https://statutes.capitol.texas.gov/?link=LG>

Municipal Boundaries and Annexations

<https://statutes.capitol.texas.gov/Docs/LG/htm/LG.41.htm>

Extraterritorial jurisdiction of municipalities, V.T.C.A.,

<https://statutes.capitol.texas.gov/Docs/LG/htm/LG.42.htm>

Local Government Code ch. 42; municipal regulation of subdivisions, V.T.C.A.,

<https://statutes.capitol.texas.gov/Docs/LG/htm/LG.212.htm>

Local Government Code ch. 212; extraterritorial jurisdiction of municipalities in counties that regulate subdivisions, V.T.C.A.,

<https://statutes.capitol.texas.gov/Docs/LG/htm/LG.212.htm>

Local Government Code ch. 242; recording of plats, V.T.C.A.,

Property Code § 212.002; extension of subdivision rules to extraterritorial jurisdiction, V.T.C.A.,

<https://statutes.capitol.texas.gov/Docs/LG/htm/LG.242.htm>

Local Government Code § 212.003.

<https://statutes.capitol.texas.gov/Docs/LG/htm/LG.212.htm>

Chapter 52 - Vehicle For Hire

https://library.municode.com/tx/port_lavaca/codes/code_of_ordinances?nodeId=PTIICOOR_CH52VE_HI

State Law reference

Municipal regulation of taxicabs, V.T.C.A.,

CITY OF PORT LAVACA

<https://statutes.capitol.texas.gov/Docs/LG/htm/LG.215.htm>

Local Government Code § 215.004; municipal regulation of vehicles carrying passengers or freight for compensation, V.T.C.A.,

Sec. 215.004. TAXICABS AND LIMOUSINES. (a) To protect the public health, safety, and welfare, a municipality by ordinance:

- (1) shall license, control, and otherwise regulate each private passenger vehicle, regardless of how it is propelled, that provides passenger taxicab transportation services for compensation and is designed for carrying no more than eight passengers; and
- (2) may license, control, and otherwise regulate each private passenger vehicle, regardless of how it is propelled, that provides passenger limousine transportation services for compensation and is designed for carrying no more than 15 passengers.

(a-1) Subsection (a) applies to a taxicab or limousine service that is operated:

- (1) within the jurisdiction of the municipality;
- (2) on property owned by the municipality, singly or jointly with one or more other municipalities or public agencies;
- (3) on property in which the municipality possesses an ownership interest; or
- (4) by transporting from the municipality, municipal property, or property in which the municipality has an interest and returning to it.

(b) The ordinance may include:

- (1) regulation of the entry into the business of providing passenger taxicab or limousine transportation services, including controls, limits, or other restrictions on the total number of persons providing the services;
- (2) regulation of the rates charged for the provision of the services;
- (3) establishment of safety and insurance requirements; and
- (4) any other requirement adopted to ensure safe and reliable passenger transportation service.

(c) In regulating passenger taxicab or limousine transportation services under this section, a municipality is performing a governmental function. A municipality may carry out the provisions of this section to the extent the governing body of the municipality considers it necessary or appropriate.

(d) The provisions of this section relating to the regulation of limousine transportation services apply only to a municipality with a population of more than 1.9 million

Added by Acts 1989, 71st Leg., ch. 1, Sec. 50(a), eff. Aug. 28, 1989.

Amended by: Acts 2007, 80th Leg., R.S., Ch. 476 (H.B. 2338), Sec. 1, eff. September 1, 2007.

Local Government Code § 215.073.

Sec. 215.073. VEHICLES FOR HIRE. The municipality may license, fix the charges or fares made by, or otherwise regulate any person who owns, operates, or controls any type of vehicle used on the public streets or alleys of the municipality for carrying passengers or freight for compensation.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Lyft

<https://help.lyft.com/hc/enus/articles/115013083628-Texas-Driver-Information>

Texas Driver Information

This page provides information about vehicle, driver, and document requirements, state regulations, insurance coverage, and city-specific requirements, needed to drive with Lyft in the state of Texas.

Uber

www.uber.com

www.uber.com > [vehicle-requirements](#)

Additional **requirements**. 4-door **vehicle** with independently opening passenger doors. Have 5 factory-installed seats and seat belts. Working windows and air conditioning. No vans, box trucks, or similar **vehicles**. No taxi cabs, government cars, or other marked **vehicles**. No salvaged or rebuilt **vehicles**.

[Vehicle Requirements | Uber Dallas-Fort Worth](#)

[Vehicle Requirements | Uber Austin](#)

[Vehicle Requirements | Uber San Antonio](#)

Consideration for Discussion of Large Long Range Planning Projects

Comprehensive Plan

ARTICLE 11. - MUNICIPAL PLANNING AND ZONING

CITY OF PORT LAVACA

https://library.municode.com/tx/port_lavaca/codes/code_of_ordinances?nodeId=PTIHORUCH_ART11MUPLZO

Sec. 11.05. - The Comprehensive Plan.

https://library.municode.com/tx/port_lavaca/codes/code_of_ordinances?nodeId=PTIHORUCH_ART11MUPLZO_S11.06ADCOPL

The Comprehensive Plan, with the accompanying maps, plats, charts, descriptive and explanatory matter shall show the long term proposed development of said territory and may include, among other things, the proposed zoning and uses of property, general location, character and extent of streets, bridges, parks, waterways and other public ways, grounds, places and spaces, the general location and extent of public utilities, whether publicly or privately owned, for water, light, sanitation, transportation, communication, power, heat, fuel, and other purposes, also, the removal, relocation, widening, extension, narrowing, vacating, abandonment or change of use of such existing or future public ways, grounds, places, spaces, buildings, property or utilities. It may also include a zoning plan.

Sec. 11.06. - Adoption of Comprehensive Plan.

The procedure for adopting and amending the Comprehensive Plan shall be established by ordinance approved by Council.

State Law reference

Regulation of land use, structures, businesses and related activities, V.T.C.A., Local Government Code ch. 211 et seq.

<https://statutes.capitol.texas.gov/Docs/LG/htm/LG.211.htm>

Planning and development, V.T.C.A., Local Government Code ch. 371 et seq.

<https://statutes.capitol.texas.gov/Docs/LG/htm/LG.371.htm>

Regulations of Land use, Structures, Businesses and Related Activities, V.T.C.A., Local Government Code ch. 213. Municipal Comprehensive Plans

<https://statutes.capitol.texas.gov/Docs/LG/htm/LG.213.htm>

Appendix A - FEES, RATES AND CHARGES

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

Texas Constitution and Statutes

<https://statutes.capitol.texas.gov/SearchResults.aspx?CP=1&Code=LG&Phrase=fees>

- LOCAL GOVERNMENT CODE CHAPTER 22. ALDERMANIC FORM OF GOVERNMENT IN TYPE A GENERAL-LAW MUNICIPALITY
- LOCAL GOVERNMENT CODE CHAPTER 42. EXTRATERRITORIAL JURISDICTION OF MUNICIPALITIES
- LOCAL GOVERNMENT CODE CHAPTER 43. MUNICIPAL ANNEXATION
- LOCAL GOVERNMENT CODE CHAPTER 54. ENFORCEMENT OF MUNICIPAL ORDINANCES
- LOCAL GOVERNMENT CODE CHAPTER 72. COUNTY BOUNDARIES
- LOCAL GOVERNMENT CODE CHAPTER 192. INSTRUMENTS TO BE RECORDED BY COUNTIES
- LOCAL GOVERNMENT CODE CHAPTER 195. ELECTRONIC FILING OF RECORDS WITH AND RECORDING BY COUNTY CLERK
- LOCAL GOVERNMENT CODE CHAPTER 203. MANAGEMENT AND PRESERVATION OF RECORDS
- LOCAL GOVERNMENT CODE CHAPTER 204. MICROFILMING OF RECORDS
- LOCAL GOVERNMENT CODE CHAPTER 212. MUNICIPAL REGULATION OF SUBDIVISIONS AND PROPERTY DEVELOPMENT
- LOCAL GOVERNMENT CODE CHAPTER 214. MUNICIPAL REGULATION OF HOUSING AND OTHER STRUCTURES
- LOCAL GOVERNMENT CODE CHAPTER 215. MUNICIPAL REGULATION OF BUSINESSES AND OCCUPATIONS
- LOCAL GOVERNMENT CODE CHAPTER 229. MISCELLANEOUS REGULATORY AUTHORITY OF MUNICIPALITIES
- LOCAL GOVERNMENT CODE CHAPTER 231. COUNTY ZONING AUTHORITY
- LOCAL GOVERNMENT CODE CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS

Zoning Ordinance

ARTICLE 11. - MUNICIPAL PLANNING AND ZONING

https://library.municode.com/tx/port_lavaca/codes/code_of_ordinances?nodeId=PTIHORUCH_ART11MUPLZO_S11.09ZO

CITY OF PORT LAVACA

Sec. 11.09. - Zoning.

https://library.municode.com/tx/port_lavaca/codes/code_of_ordinances?nodeId=PTIHORUCH_ART11MUPLZO_S11.09ZO

The Council is empowered under state law, after receipt of a final report from the Planning and Zoning Commission, to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the bulk of buildings, the location and use of buildings, structures, and land for trade, industry, residence or other purposes, and in the case of designated places and areas of historical, cultural or architectural importance and significance, may regulate the construction, reconstruction, alteration or razing of buildings or other structures.

Zoning regulations shall be adopted by ordinance in accordance with a comprehensive plan, and designed to lessen congestion in the streets, secure safety from fire, panic, and other dangers, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements, or any other purpose allowed by law.

State Law reference

Regulation of land use, structures, businesses and related activities, V.T.C.A., Local Government Code ch. 211 et seq.

<https://statutes.capitol.texas.gov/Docs/LG/htm/LG.211.htm>

Planning and development, V.T.C.A., Local Government Code ch. 371 et seq.

<https://statutes.capitol.texas.gov/Docs/LG/htm/LG.371.htm>

Regulations of Land use, Structures, Businesses and Related Activities, V.T.C.A., Local Government Code ch. 211. Municipal zoning Authority

<https://statutes.capitol.texas.gov/DocViewer.aspx?DocKey=LG%2fLG.211&Phrases=zoning&HighlightType=1&ExactPhrase=False&QueryText=zoning>



Department: Development Services

Division: Long Range Planning

2021 Planning Docket

Jessica Carpenter – Development Services Director jcarpeneter@portlavaca.org

1. March 2021 City Council Workshop - Long Range Project Docket
2. March 2021 City Council - Update Ch. 12 Building and Building Regulations -Ordinance update to adopt the 2015 Building Code and the 2018 Wind Code - **COMPLETED**
3. June 2021 City Council - Chapter 52 - Vehicle for Hire - Ordinance update
4. October 2021 City Council - Chapter 26 Manufactured Housing - Ordinance Update
5. November 2021 City Council – Chapter 42 Subdivision and Plats
6. December 2021 City Council Workshop - 2022 Department Long Range Project Docket

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Discuss fees/rates for the Lighthouse Beach RV Park. Presenter is Wayne Shaffer

INFORMATION:

PORT LAVACA RV PARK RATE SURVEY

PARK NAME	DAYLY RATE		WEEKLY RATE		MONTHLY RATE	
	LOW	HIGH	LOW	HIGH	LOW	HIGH
LAVACA BAY RV PARK					\$380	
LONESTAR RV PARK					\$380	
SANDDOLLAR RV PARK					\$380	
COUNTRY CLUB RV PARK					\$350	\$400
KELLER BAY RV PARK	\$50		\$200		\$500	
PORT LAVACA BAY RV PARK					\$475	
5 SONS RV PARK					\$525	
TEXAS LAKESIDE RV RESORT	\$61	\$76	\$325	\$410	\$600	\$735
BEACON 44 RV PRK	\$40	\$60	\$200	\$300	\$350	\$450
COASTAL BAY RV	\$45		\$225		\$395	
WATERFRONT			\$210		\$400	
AVERAGE	\$49	\$68	\$232	\$355	\$430	\$528
CURRENT LIGHT HOUSE BEACH RATE	\$35	\$40	\$200	\$250	\$400	\$600
PARKS BOARD PROPOSED RATE	\$50	\$55	\$250	\$325	\$500	*Not applicable