



CITY COUNCIL REGULAR MEETING

Monday, April 12, 2021 at 6:30 PM
Electronically through Zoom

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/84203308401?pwd=TXF3aFFZNkhhYitJbmNlcG5TRjlrZz09>

Meeting ID: 842 0330 8401

Passcode: 301622

Dial by your location: +1 346 248 7799 US (Houston)

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. 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.*

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

- A. Minutes of March 08, 2021 Regular Meeting. Presenter is Mandy Grant
- B. Minutes of March 22, 2021 Special and Workshop. Presenter is Mandy Grant
- C. Payment of Invoices Exceeding \$1,500

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

- 1. Consider request from the Fire Department to declare City property as Surplus (the old washer extractor) and authorize donation of same to Texas A&M Forest Service Helping Hands Program, who in turn will donate it to the Magnolia Beach Volunteer Fire Department. Presenter is Joe Reyes
- 2. Consider First Reading of an Ordinance (G-4-21) of the City of Port Lavaca abandoning a portion of street Right-of-Ways within Port Lavaca Cemetery; and providing for an effective date. Presenter is Anne Marie Odefey
- 3. Consider Resolution No. R-041221-1 by the City of Port Lavaca, Texas suspending the May 3, 2021 effective date of the proposal by CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy Texas Gas – South Texas Division to Implement Interim Grip Rate Adjustments for Gas Utility Investment in 2020 and requiring delivery of this resolution to the Company and Legal Counsel. Presenter is Anne Marie Odefey
- 4. Consider Second and Final Reading of an Ordinance (G-2-21) of the City of Port Lavaca amending the ordinance codified and described in the City of Port Lavaca Code of Ordinances as Chapter 12, Buildings and Building Regulations, Article II, Building Trade Codes, Section 12.20, Building Trade Codes-Adopted; Providing for Severability; Providing a Repealing Clause; and Providing an Effective Date. Presenter is Jessica Carpenter
- 5. Consider Ratifying approval of Invoice from Diamond K Services, Inc. of Cuero, Texas for emergency repairs rendered to the rail spur at Harbor of Refuge on behalf of Port Commission. Presenter is Jody Weaver
- 6. Consider Resolution No. R-041221-2 to award an Administration Contract for the Texas Department of Housing and Community Affairs (TDHCA) 2021 HOME Program implementation. Presenter is Jessica Carpenter
- 7. Consider a Citizen Participation Plan for the City of Port Lavaca in connection with the Texas Community Development Block Grant Program (TxCDBG). Presenter is Jessica Carpenter
- 8. Consider award of construction contract for the Dredging of Smith Harbor. Presenter is Jim Rudellat
- 9. Consider First Reading of an Ordinance (G-3-21) amending the ordinance codified and described in the City of Port Lavaca Code of Ordinances as Part II, Appendix A – Fees, Rates and Charges (Chapter 32 - Parks and Recreation, Chapter 38 - Solid Waste, CH 54 – Waterways); and providing an effective date. Presenter is Jody Weaver
- 10. Consider Tariff Rates for Helena Chemicals Harbor of Refuge Lease. Presenter is Jerry Smith

- [11.](#) Consider selection of engineering consultant for upgrades to the Wastewater Treatment Plant (WWTP) and Water Supply Master Plan. Presenter is Wayne Shaffer
- [12.](#) Consider recommendation of the Planning Board for approval of a conceptual plan from Mr. Tony Magana for a medium-density residential triplex development with a potential variance request for zero side yard setbacks. Presenter is Jessica Carpenter
- [13.](#) Consider recommendation of the Planning Board for approval of a conceptual plan for Mr. Jimmy Shelton for a proposed medium-density residential townhome development with a variance request for zero side yard setbacks. Presenter is Jessica Carpenter
- [14.](#) Consider recommendation of the Port Commission regarding proposal from CRG Texas to conduct a Limit Phase II Environmental Site Assessment at Tracts 16, 17 and 17A (26.66 Acres) at the Harbor of Refuge. Presenter is Jody Weaver
- [15.](#) Receive update on city-wide brush cleanup operations and consideration of purchase of a S220 Air Burner. Presenter is Jody Weaver
- [16.](#) Consider Resolution R-041221-3 to extend condolences to Taiwan for the loss of people in the Taroko Express Railroad crash incident. Presenter is Mayor Whitlow
- [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
- [18.](#) Return to Open Session and take any action deemed necessary with regard to matters in closed session. Presenter is Mayor Whitlow

VII. ADJOURNMENT

CERTIFICATION OF POSTING NOTICE

This is to certify that the above notice of a regular meeting of The City Council of The City of Port Lavaca, scheduled for **Monday, April 12, 2021**, beginning at 6:30 p.m., was posted at city hall, easily accessible to the public, as of **5:00 p.m. Friday, April 09, 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.

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Minutes of March 08, 2021 Regular Meeting. Presenter is Mandy Grant

INFORMATION:



CITY COUNCIL REGULAR MEETING

Monday, March 08, 2021 at 6:30 PM
Electronically through Zoom

MINUTES

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.

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Join Zoom Meeting
<https://us02web.zoom.us/j/87671747347?pwd=aEtQVWhOQWlVWHphOGhhbUtGMVFPQT09>

Meeting ID: 876 7174 7347
Passcode: 251294

One Tap Mobile
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Dial by Your Location
+1 346 248 7799 US (Houston)

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

On this the 8th day of March, 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	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 6:35 p.m. and presided.

II. INVOCATION

- Councilman Ward gave the invocation.

III. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

IV. 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 February 08, 2021 Regular Meeting
- B. Minutes of February 22, 2021 Special and Workshop
- C. Payment of Invoices Exceeding \$1,500

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:

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 Tim) Padron, Councilman District 5 Ward, Councilman District 6 Barr

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

1. **Conduct Second Public Hearing on the need to continue a Juvenile Curfew Ordinance, Codified as Chapter 30, Offenses, Article II of the Code of Ordinances of the City of Port Lavaca, Texas.**

Mayor Whitlow announced that the public hearing was now open at 6:39 p.m.

Police Chief Rangnow advised Council he believed the juvenile curfew to be an effective tool that should be continued. He said renewal process requires two public hearings and two ordinance readings.

After calling for comments and receiving none, Mayor Whitlow announced the hearing was now closed at 6:42 p.m.

No action necessary and none taken.

2. **Consider Second and Final Reading of an Ordinance (G-1-21) of the City of Port Lavaca, Texas establishing a Juvenile Curfew within the corporate limits of the City of Port Lavaca; also described in the Code of Ordinances as Chapter 30, Offenses, Article II, Juvenile Curfew; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefore providing severability; and providing an effective date.**

Police Chief Rangnow advised Council he had consulted with City Attorney Odefey, Court Prosecutor Wall and Court Judge Perez and they had all reached a consensus that “Section VIII. Community Service” be removed in its entirety. He said there was no problem with the rest of the ordinance being left as written. Staff recommends approving this ordinance with the changes presented.

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

THAT, in accordance with recommendation of staff, Council approves Ordinance No. G-1-21 establishing a Juvenile Curfew within the city limits on this the second and final reading with the removal of “Section VIII. Community Service” in its entirety.

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

Voting Yea:

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

3. **Receive notification from Allied Waste Services of Texas/Republic Service of Corpus Christi (AW) regarding 3% annual rate increase per Third Amendment to the Solid Waste Collection and Disposal Contract with the City of Port Lavaca, effective March 1, 2021.**

Interim City Manager Weaver advised Council that Mike Reeves, Manager of Municipal Sales for Republic Services, was in attendance to speak about this item request. Mr. Reeves said that in accordance with Section 10 of the Solid Waste Collection and Disposal Contract between BFI Waste Services of Texas, LP d/b/a Republic Services of Corpus Christi and the City of Port Lavaca, Republic submitted a comparative statement reflecting a three percent (3%) increase in the Base Residential Rate. The current Base Residential Contract Rate is \$17.02 and applying the above fixed rate of three percent (3%) to the new Base Rate will be \$17.53 (.51¢ increase) effective March 01, 2021. Reeves said the commercial rates will also increase by the same percentage and is reflected in the Commercial Rate Matrix: a copy in its entirety, is on file in the office of the City Secretary.

No action necessary and none taken.

4. Review and Consider City of Port Lavaca's Annual Optional Homestead Tax Exemption within the Calhoun County Appraisal District for the 2021 Tax year.

Interim City Manager Weaver advised Council that Jesse Hubbell, Chief Appraiser for the Calhoun County Appraisal District, had sent a letter with a chart showing the exemptions that were approved for the 2020 tax year. She said the City must notify the Calhoun County Appraisal District of any proposed changes for the 2021 tax year by March 31, 2021.

To help decide whether to make any changes, the tax loss due to the existing exemptions are shown below. Note that the Homestead percentage and the over 65 Local Option \$10,000.00 are optional and decided by the City. The disabled veteran exemptions are state mandated.

Note: Value Loss – (VL)

Tax Loss due to 10% homestead exemption*:	\$26,674,598.00 (VL) x 0.7944=	\$211,903.01
<i>*or \$5,000, whichever is greater</i>		
Tax Loss due to \$10,000 deduct for 65/over:	\$8,688,932.00 (VL) x 0.7944=	\$69,024.88
Tax Loss for all Disabled Veterans:		\$35,239.27

TOTAL		<u>\$316,167.16</u>
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Weaver said the City has the option of changing the percentage of the homestead exemption anywhere from zero to 20%; however, it cannot go above 20%. She said if Council wishes to make a change, a new resolution must be adopted. She reminded Council that 2020 was the first year the City offered the 10% homestead exemption.

For additional information:

A 20% exemption would double the Tax loss to an estimated:	\$423,806.02
A 15% exemption would double the Tax loss to an estimated:	\$317,854.51

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

THAT, Council hereby approves a ten percent (10%) optional Homestead Tax Exemption in City of Port Lavaca for the 2021 tax year.

BE IT FURTHER RESOLVED that the Council hereby approves \$10,000 optional 65 and Over Tax Exemption in City of Port Lavaca for the 2021 tax year (the Disabled Veteran Tax Exemptions are State-mandated).

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

Voting Yea:

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

5. Consider certification of City Secretary that all candidates in the May 01, 2021 General Officers Election are unopposed.

The following was presented to City Council (English and Spanish):

I, Mandy Grant, certify that I am the City Secretary of the City of Port Lavaca, Texas and the authority responsible for preparing the ballot for the May 01, 2021 general city election.

(Yo, Mandy Grant, certifico que soy la secretaria de la ciudad de Port Lavaca, Texas y la autoridad responsable de preparar la balota para la elección general de la ciudad del 1 de mayo de 2021).

I further certify that no proposition is to appear on the ballot for the May 01, 2021 election, no person has made a declaration of write-in candidacy, and all of the following candidates are unopposed:

(Certifico más lejos que no hay asunto aparecer en la balota para la elección del 1 de mayo de 2021, ninguna persona he hecho una declaración de candidatura inscrita, y todos los candidatos siguientes son sin oposición):

OFFICE (CARGO)	CANDIDATE (CANDIDATO)
Council Member, District 2 <i>(Miembro de consejo, del distrito 2)</i>	Tim Dent
Council Member, District 6 <i>(Miembro de consejo, del distrito 6)</i>	Ken Barr

No action necessary and none taken.

6. Consider adopting an order cancelling the May 01, 2021 General Officers Election, specifically the Council Members, Single District #2 and #6 and further declaring the unopposed candidates duly elected.

The following was presented by City Secretary Grant (English and Spanish):

The City Council of the City of Port Lavaca, Texas hereby cancels the election scheduled to be held on May 01, 2021 in accordance with Section 2.053(a) of the Texas Election Code. The named candidates have been certified as unopposed and are hereby declared elected:

(El consejo de la ciudad de Port Lavaca, Texas cancela por este medio la elección programar para ser sostenido el 1 de mayo de 2021 de acuerdo con la sección 2.053 (a) del código de la elección de Texas. Han certificado como sin oposición y por este medio se declaran a los candidatos nombrados elegidos):

CANDIDATE (CANDIDATO)	OFFICE (OFICINA)	TERM (TÉRMINO)
Tim Dent	Council Member, District #2 <i>(Miembro de Consejo, distractor #2)</i>	3 years 3 Años
Ken Barr	Council Member, District #6 <i>(Mambo de cones, districts #6)</i>	3 years 3 años

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

(Una copia de esta orden será fijada el día de elección en cada lugar de la interrogación que habría sido utilizado en la elección).

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

THAT, the General Officers Election including any proposition scheduled to be held on May 01, 2021, is hereby cancelled, in accordance with Section 2.053(a) of the Texas Election Code. The named candidates have been certified as unopposed and are hereby elected as follows:

Tim Dent	Council Member, District #2	<i>(Miembro de consejo, distrito #2)</i>	3 yrs	3 años
Ken Barr	Council Member, District #6	<i>(Miembro de consejo, distrito #6)</i>	3 yrs	3 años

Motion made by Councilman District 1 Smith, 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

7. **Consider agreement between the City of Port Lavaca and the Calhoun County YMCA for operation of the Municipal Swimming Pool from April 01, 2021 to September 30, 2021.**

Interim City Manager Weaver advised Council that staff is proposing to enter a contract with the YMCA to manage the City Pool for the period of April 01, 2021 to September 30, 2021. Michele Morales, Executive Director of the Calhoun County YMCA was also in attendance. The proposed contract is the same language as has been used in the past few years.

By way of a brief report on the operations in 2020:

- 1) The agreement states that the YMCA will give Port Lavaca residents priority in hiring decisions for lifeguards. Typically, the Y hires 14-16 lifeguards, but due to COVID they hired just 7 in 2020. All were Port Lavaca residents.
- 2) The Y passed all health and safety inspections in 2020.
- 3) Due to COVID, operations and available activities at the pool was very different.
 - No parties.
 - They had family swim on Tuesday and Thursday nights with limited use of only 45 community participants. Normally those nights bring in about 60-80 people for a \$2.00 fee. This is a Family swim only - it is not a drop off for kids. Families must swim together.
 - They did not offer water aerobics classes last year due to COVID. In normal times, that class is usually all senior citizens and can have over 65 participants on Tuesday and Thursday Evenings.
 - They also cancelled water walking, which is a free event to the community aerobics class which will have about 15-20 participants.

- They did not offer swim lessons last year either. Normally swim lesson has 15 kids in each session, but due to face-to-face contact those were not allowed.
 - The YMCA wants to expand the use of the Pool but last year that was not feasible due to COVID. They will monitor the situation this year and follow guidance provided by the YMCA with regard to COVID-19.
- 4) The Parks Department spent time and funds last year to reroof the building and make other improvements to the facility.

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 entering a contract with the Calhoun County YMCA of the Golden Crescent for the operation of the City Municipal Pool, a copy of which is on file in the office of the City Secretary, to be in effect from April 01, 2021 to September 30, 2021.

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

Motion made by Councilman District 5 Ward, 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 recommendation of the Planning Board for approval of Final Plat of the Express Inn Subdivision.

Development Services Director Carpenter advised Council to consider a final plat of the Express Inn Subdivision, located north of SH 35 and east of Village Road. She said the property identification for this site is 29097. The legal description for the proposed subdivision is 3.079-acres (134,125 sq. ft.), being a portion of the remainder of a called 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. She said this Final Plat request is compliant and will meet the City Code of Ordinances, Chapter 42 – Subdivisions and Plats, as presented.

Recommended conditions of approval are as follows:

- 1) Represent the 30-Foot Fire Lane - Emergency Access Easement on the face of the plat for recordation of the easement.
- 2) The fire department access road will need to have a width of 30 feet and be marked “**Fire Lane No Parking**”.
- 3) Ensure the Fire Department receives copies of any plans pertaining to sprinkler systems, fire alarms, and commercial kitchen suppression equipment.
- 4) Water service lines shall have TCEQ approved backflow prevention devices. Lift station specification guidelines can be collected at public works.
- 5) Comply with building permit processes upon plat approval and recordation.

The property has 2 existing easements along Highway 35 N dedicated to CPL and another for a mutual access to Whataburger. The plat includes 2 additional easements dedicated to the Fire Department at the east property line. These easements will be paved with a 20-foot concrete road to accommodate Fire Department vehicles.

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

THAT, in accordance with recommendation of the Planning Board and staff, Council hereby approves the Final Plat of the Express Inn Subdivision, as presented with recommended conditions above.

Motion made by Councilman District 2 Dent, Seconded by Councilman District 6 Barr.

Voting Yea:

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

9. Consider recommendation of the Planning Board for approval of Replat of part of Block 10 in Lynnhaven Addition, located on the west side of Houston Street.

Development Services Director Carpenter advised Council to consider a replat of part of Block 10 in Lynnhaven Addition, located on the west side of Houston Street. The property identification for this site is 20065. The proposed legal description for the replat is, Part of Block 10 in Lynnhaven Addition to the city of Port Lavaca Recorded in Z/108 C.C.P.R Alejandro Esparza ½ League, Abstract No. 12 of Calhoun County, Texas. The total acreage for this replat is 0.78 acres. She said this Final Plat request is compliant and will meet the City Code of Ordinances, Chapter 42 – Subdivisions and Plats, as presented.

Recommended conditions of approval are as follows:

- 1) The sewer easement must be represented in the accurate location and dimensioned on the replat. Reference the recorded sewer easement information on the replat.
- 2) Comply with building permit processes upon replat approval and recordation.

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

THAT, in accordance with recommendation of the Planning Board and staff, Council hereby approves the Replat of part of Block 10 in Lynnhaven Addition, located on the west side of Houston Street, as presented with recommended conditions above.

Motion made by Councilman District 1 Smith, 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

10. Consider First Reading of an Ordinance (G-2-21) of the City of Port Lavaca amending the Ordinance Codified and Described in the City of Port Lavaca Code of Ordinances as Chapter 12, Buildings and Building Regulations, Article II, Building Trade Codes, Section 12.20, Building Trade Codes-Adopted; Providing for Severability; Providing a Repealing Clause; and Providing an Effective Date.

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

THAT, in accordance with recommendation of staff, Council hereby approves Ordinance No. G-2-21 on this the first reading.

Motion made by Councilman District 2 Dent, 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

11. Consider awarding a Street Striping project.

Public Works Director Shaffer advised Council that several city streets are in need of restriping and presented the following list:

Center Striping:

- | | |
|---|-----------|
| • Seadrift Street from Main St. to Jackson Street | 1,840 Ft. |
| • Tilley Street with Stop bars at Half League and Virginia Street | 2,933 Ft. |
| • Commerce Street from George Street to Newlin | 2,160 Ft. |
| • Calhoun Street from Broadway Street to Massanet Street | 710 Ft. |
| • Henry Barber Way with stop bars at Hwy 238 and Hwy 35 | 5,458 Ft. |
| • Ash Street with stop bar at Virginia Street | 1,131 Ft. |
| • Travis Street at Hwy 35 intersection on both sides with stop bars | 1,650 Ft. |
| • West Wilson Street between 100 and 200 block with stop bar at Virginia Street | 890 Ft. |

Crosswalks:

- Seadrift Street at Jackson Street
- Tangerine Street at Seadrift Street (Both entrances)
- Tilley Street at Half League
- Tilley Street at Trinity Street
- Tilley Street at Nueces Street
- 700 block North Nueces Street at Tilley Street
- 700 block North San Antonio Street at Tilley Street
- 700 block North Nueces Street at Tilley Street
- 700 block North Benavides Street at Tilley Street
- 700 block North Ann Street at Tilley Street
- Lighthouse Beach Road stop bar at Broadway Street
- Colorado Street on both sides of Virginia Street with stop bars at Virginia Street
- Guadalupe Street on both sides of Virginia Street with stop bars at Virginia Street

Turning Lanes with appropriate arrows and wording:

- Travis Street at Hwy 35 on both sides.
- West Wilson Street at Virginia Street
- Tiney Browning at Hwy 35
- Village Road at Hwy 35
- Half League at Hwy 35 on northbound side with stop bar

Shaffer said that the following quotes were obtained:

- Interstate Barricades Markings \$ 33,790.00 San Antonio, Texas
- Clyde Kazmir Construction, Inc. \$ 53,794.13 Edna, Texas

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

THAT, in accordance with recommendation of staff, Council hereby approves the Street Striping Project, as presented, to Interstate Barricades Markings (San Antonio, Texas) in the amount of \$33,790.00.

Motion made by Councilman District 5 Ward, 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

12. Consider reviewing bids and consider award of construction contract for the New Parks Department Warehouse Building (Fire Insurance Proceeds).

Public Works Director Shaffer advised Council the old warehouse had been destroyed by fire and the city had received fire insurance proceeds to assist in replacing the building. He said bids had been received for the construction of the new Parks Department Warehouse Building and they are as follows:

	A&A Constructors, Inc.	BLS Construction, Inc.	Rexco, Inc.	WP Construction ***
Bid Amount	\$126,200.00	\$108,887.80	\$120,200.00	\$115,150.00 ***Amount minus \$22,750 = \$94,400
Calendar Days	90	120	90	180
Addendum No.	Yes / 1 & 2	Yes / 1 & 2	Yes / 1 & 2	Yes / 1 & 2
Bid Bond	\$7,500.00 5.94%	\$5,444.39 5%	\$10,000.00 8.32%	\$5,757.50 5%

*****WP Construction:**

Overhead DOOR: Deduct \$22,750.00 for changing rolling steel doors with openers to sectional overhead doors with chain hoist:

\$	115,150.00
\$	22,750.00
\$	<u>94,400.00</u>

NOTE: The intention of the bid documents was to specify a sectional roll-up door with chain hoist. There was some confusion on the plans, so WP Construction has clarified their bid to reflect the difference in price between the two types of doors. Their bid for the scope of the bid documents is \$94,400.00. The Apparent Low Bidder is WP Construction of Inez, Texas. G&W Engineers has worked with them on a couple projects and gave them a very favorable review.

Staff recommends awarding the construction contract to WP Construction of Inez, Texas.

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

THAT, in accordance with recommendation of staff, Council hereby approves award of construction contract for the New Parks Department Warehouse Building, as presented, to WP Construction (Inez, Texas), in the amount of \$94,400.00 and 180 calendar days to complete from receipt of Notice to Proceed.

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

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

13. Consider Resolution No. R-030821-3 relating to the Opposition of Texas State Legislature (2021, 87th Regular Session) Bills to-wit: Senate Bill (SB 234) and House Bill (HB 749), by the City Council of the City of Port Lavaca on behalf of its residents.

WHEREAS, SB 234 and HB 749 filed in the 87th Texas Legislature (2021) would prohibit local government funds from being used to join and support nonprofit associations that provide collective communication to state legislators; and

WHEREAS, most Texas local governments do not engage private lobbyists and only provide a minimal portion of membership dues to nonprofit associations for legislative communication; and

WHEREAS, "taxpayer-funded" lobbying by local governments account for less than 10 percent of total lobbying activity, while corporate and special interest lobbying interests make up 90 percent of total lobbying activity; and

WHEREAS, the State of Texas, the Texas Legislature, and state agencies actively employ large numbers of taxpayer-funded lobbyists to analyze and monitor the thousands of bills filed each legislative session and to advocate for its interests in Washington, yet these bills would deny local communities this same ability while continuing public support of state agency lobbying; and

WHEREAS, prohibiting Texas local governments from retaining experienced representation before federal and state legislative bodies and agencies would place our communities at a disadvantage in efforts to obtain and retain federal and state projects and military bases; and

WHEREAS, local government officials require the ability to express our positions and information through associations, form a unified voice on the issues important to our communities, and share the associated costs among all cities and other local governments; and

WHEREAS, it is a false claim that taxpayer-funded lobbying works against the interest of taxpayers. Indeed, a priority of local government and its "lobbying" effort is focused on ending the state and federal practice of passing unfunded mandates, which impose billions of dollars in increased taxes upon local property taxpayers annually; and

WHEREAS, smaller local governments especially need to be able to combine their resources through their associations to monitor the thousands of bills filed each legislative session and effectively present their unique issues to the state and federal government; and

WHEREAS, the prohibition in SB 234 and HB 749 would violate the basic principle of open and robust discussion and turn the halls of the Texas capitol into a one-sided conversation dominated by special interests.

NOW, THEREFORE, BE IT RESOLVED that the undersigned officials of the City of Port Lavaca do hereby express their opposition to SB 234 and HB 749 and its attempt to silence the combined voices of local government officials and local communities of this state.

Motion made by Councilman District 6 Barr, Seconded by Councilman District 1 Smith.

Voting Yea:

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

14. Consider Resolution No. R-030821-1 of the City of Port Lavaca, Calhoun County, Texas proclaiming the month of April as Fair Housing Month.

WHEREAS Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

WHEREAS The principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

WHEREAS The National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

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

THAT, WE, do proclaim April as Fair Housing Month in City of Port Lavaca and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.

Motion made by Councilman District 5 Ward, 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

15. **Consider Resolution No. R-030821-2 that authorizes submission of an application to the Texas Department of Agriculture for a 2021-2022 Texas Community Development Block Grant Program – Community Development Fund grant of up to \$350,000.00 and designates the City's authorized signatories for grant related activities.**

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

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

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

That a Texas Community Development Block Grant Program application for the 2021-2022 Community Development Fund is hereby authorized to be filed on behalf of the City of Port Lavaca with the Texas Department of Agriculture.

That the City's application be placed in competition for funding under the 2021-2022 Community Development Fund.

That the application be up to \$350,000.00 of grant funds to provide wastewater system improvements.

That the City Council directs and designates the following to act in all matters in connection with this application and the City's participation in the Texas Community Development Block Grant Program:

The Mayor shall serve as the City's Chief Executive Officers and Authorized Representatives to execute this application and any subsequent contractual documents;

The Mayor and City Manager are authorized to execute environmental review documents between the Texas Department of Agriculture and the City; and

If this application is funded, the Mayor, Mayor Pro-Tern, City Manager, City Secretary, and City Finance Director are authorized to execute the Request for Payment Form documents and/or other forms required for requesting funds to reimburse project costs.

That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.

That it further be stated that the City of Port Lavaca is committing up to \$70,000 from its Public Utility Fund as a cash contribution toward the construction activities of the wastewater system improvements project.

Motion made by Councilman District 2 Dent, 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

16. Consider approval of temporary Financial Policy to allow adjustments of water bills with high consumption and approve waiver of permit fees for home repairs due to damages caused by winter storm.

Interim City Manager Weaver advised Council of the following information:

GBRA pumped 6.1 Million gallons of water more to Port Lavaca in February than in the first 28 days of February last year. Looking at the pumping charts, nearly all this additional water can be attributed to the period of the freeze from Feb 15 thru Feb 21. We do not yet have the bill for February from GBRA, but we are estimating it will be \$10,000-\$15,000 more than what we would expect for a normal February.

I am proposing to establish a temporary financial policy whereby we will adjust any utility bill (residential or commercial) that results in a greater than Base Rate Bill due to excessive water use during the period from February 15 to February 21, 2021.

The proposed action plan is as follows:

Utility Billing will run an Abnormal Consumption Report (ACR) which will identify any water use above a customer's normal usage.

For each account identified in the ACR, Karen will look at their consumption during the period from February 15-February 21. Any identified excessive use during these days will not be included in the gallons billed.

This policy should result in no customer being billed for excessive water use caused by this extraordinary winter freeze disaster event. Beyond this proactive effort on the City's part, customer complaints about high or incorrect water bills will be handled as usual.

We recognize that the excessive water use resulting from this disaster event was not something generally in anyone's full control and therefore we do not wish to add any more financial burden to our water customers.

It is also recognized however, that adjusting these accounts will result in a loss of revenue to the Public Utility Fund, that would have been used to cover the cost to the City for this additional water. In order that the Public Utility Fund (PUF) is not negatively impacted by these actions, we are proposing to replace the lost revenue in the PUF by using funds from the available \$683,815 that the City received from the CARES ACT as reimbursement for eligible expenses. These reimbursement ~~dis~~ may now be used in any way as approved by Council. I am asking Council approval of this financial policy.

In addition, I am asking Council to waive all permit fees for residential repairs needed due to damage caused by this winter freeze disaster. As stated previously, minor repairs to residential water and sewer lines need only register their repair with the Permits Department, but this permit fee waiver would be in the event that a resident incurred damage to their home that required more extensive repairs.

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 temporary Financial Policy to allow adjustments of water bills with high consumption and approve waiver of permit fees for home repairs due to damages caused by winter storm.

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

Motion made by Councilman District 3 Tippit, 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

17. Consider extending parts of the Families First Coronavirus Response Act (FFCRA) related to COVID-19 Compensation Policy.

Interim City Manager Weaver advised Council that until December 31, 2020, the Families First Coronavirus Response Act (FFCRA) required the City to provide paid sick leave for up to two weeks (80 hours) for employees that were unable to work because the employee was quarantined per Centers for Disease Control and Prevention (CDC) guidelines and/or experiencing COVID-19 symptoms. Weaver said that since the expiration of the FFCRA, there have been employees that have had COVID-19, it's symptoms or have had to quarantine for one reason or another to comply with CDC guidelines.

In all these cases, I am asking Council to consider all COVID related sick time given in 2020 over 80 hours and all that has occurred since January 1, 2021, as regular sick leave up until the point that the employee would have less than 48 hours of regular sick leave remaining available. This is one (1) work-week for most departments and four (4) twelve-hour (12-Hr) days for Police and Fire. Weaver requested Council to approve this policy and continue it through June 30, 2021.

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 extending parts of the Families First Coronavirus Response Act (FFCRA) related to COVID-19 Compensation Policy through June 30, 2021.

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

Motion made by Councilman District 3 Tippit, 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

18. 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).**

Mayor Whitlow announced that Council would retire into closed session at 7:55 p.m.

19. Return to Open Session and take any action deemed necessary with regard to matters in closed session.

Mayor Whitlow announced that Council was back in open session at 8:13 p.m. and there would be no action necessary with regard to matters in closed session.

VII. 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 8:19 p.m.

ATTEST:

/s/Jack Whitlow, Mayor

/s/ Mandy Grant, City Secretary

CERTIFICATION OF POSTING NOTICE

This is to Certify that the above foregoing notice of a Regular Meeting of the City Council of the City of Port Lavaca, Texas, to be held Monday, March 08, 2021 beginning at 6:30 p.m., was posted at City Hall, easily accessible to the Public, as of 5:00 p.m., Thursday, March 04, 2021.

/s/Mandy Grant, City Secretary

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 City Council 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: Minutes of March 22, 2021 Special and Workshop. Presenter is Mandy Grant

INFORMATION:



CITY COUNCIL SPECIAL - WORKSHOP MEETING

Monday, March 22, 2021 at 5:30 PM
Electronically through Zoom

MINUTES

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

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

Meeting ID: 825 8983 5987
Passcode: 215724

One Tap Mobile
+13462487799,,82438373082#,,,0#,,699521# US (Houston)
Dial by Your Location
+1 346 248 7799 US (Houston)

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

On this the 22nd day of March, 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:

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

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 5:38 P.M. and presided.

II. COMMENTS FROM THE PUBLIC

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

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

Mayor Whitlow announced that Council would retire into closed session at 5:40 p.m.

2. 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 7:16 p.m. and that there would be no action necessary with regard to matters in closed session.

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

No action necessary and none taken.

IV. ADJOURN SPECIAL MEETING

Mayor asked for motion to adjourn.

Motion made by Councilman District 6 Barr, Seconded by Councilman District 1 Smith.

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

Special Meeting adjourned at 7:22 P.M.

WORKSHOP AGENDA:**V. CALL TO ORDER**

- Mayor Whitlow called the meeting to order at 7:22 P.M. and presided.

VI. COMMENTS FROM THE PUBLIC - (Limited to 3 minutes per individual unless permission to speak longer is received in advance)

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

VII. ITEMS FOR DISCUSSION - *(Council will discuss the following items)***1. Discuss proposed docket for ordinance upgrades for 2021. Presenter is Jessica Carpenter**

Council discussed this workshop item.

No action was taken.

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

Council discussed this workshop item.

No action was taken.

VIII. ADJOURN WORKSHOP

Mayor asked for motion to adjourn.

Motion made by Councilman District 2 Dent, Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron.

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

Workshop adjourned at 8:14 P.M.

ATTEST:

/s/Jack Whitlow, Mayor

/s/ Mandy Grant, City Secretary

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 **5:30 p.m. Central Time on Monday, March 22, 2021.**

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.

Below is the information to log onto the Zoom meeting:

Topic: City of Port Lavaca City Council Special Meeting and a Workshop Session

Date: Monday, March 22, 2021 at 5:30 p.m. Central Time (US and Canada)

Join Zoom Meeting:

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

Meeting ID: 825 8983 5987

Passcode: 215724

One Tap Mobile

+13462487799,,82438373082#,,,0#,,699521# US (Houston)

Dial by your location

+1 346 248 7799 US (Houston)

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.)

CITY COUNCIL SPECIAL MEETING**I. CALL TO ORDER****II. COMMENTS FROM THE PUBLIC**

(Limited to 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)

4. 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
5. Return to Open Session and take any action deemed necessary with regard to matters in closed session. Presenter is Mayor Whitlow
6. 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

/s/Jack Whitlow, Mayor

CITY COUNCIL WORKSHOP**V. CALL TO ORDER****VI. COMMENTS FROM THE PUBLIC**

(Limited to 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

/s/Jack Whitlow, Mayor

CERTIFICATION OF POSTING NOTICE

This is to Certify that the above foregoing notice of a Special Meeting and a Workshop Session of the City Council of the City of Port Lavaca, Texas, to be held 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.

/s/Mandy Grant, City Secretary

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 City Council 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: Payment of Invoices Exceeding \$1,500

INFORMATION:

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-101855 THIRKETTLE CORPORATION					
INV INV0081459	3/3/2021 3/31/2021	3/31/2021 56994	METER SUPPLIES	UTILITY MAINTENANCE	\$7,394.75
01-103058 BAREFOOT CONSTRUCTION					
INV 001863	3/17/2021 3/24/2021	3/25/2021 56979	REPAIR SANITARY PUMP	PORT REVENUE FUND	\$4,260.00
01-103266 BLS CONSTRUCTION INC.					
INV 001	2/2/2021 3/3/2021	3/4/2021 56804	LH BEACH DOCK IMPROVMENTS	LIGHTHOUSE BEACH	\$21,428.62
01-102150 BRANNAN PAVING CO. LTD					
INV 009515	1/31/2021 3/3/2021	3/4/2021 56805	GEORGE STREET CIP PROJECT 2019-2020	UTILITY MAINTENANCE	\$12,635.00
INV 009515-1	1/31/2021 3/3/2021	3/4/2021 56805	GEORGE STREET CIP PROJECT 2019-2020	STREETS	\$158,011.08
01-102917 BUREAU VERITAS NORTH AMERICA					
INV 1571123	2/28/2021 3/3/2021	3/4/2021 56806	BACKUP INSPECTIONS	CODE ENFORCEMENT	\$1,596.12

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-100096 CAL CNTY APPRAISAL DISTRICT					
INV 2021-2	2/23/2021 3/3/2021	3/4/2021 56808	2ND QUARTER CCAD FEES	NON DEPARTMENTAL	\$21,786.27
01-101569 CALHOUN COUNTY YMCA					
INV 01/2021	3/4/2021 3/17/2021	3/17/2021 56893	MEMBERSHIP DUES JANUARY 2021	ALL DEPARTMENTS	\$2,058.95
INV 02/2021	3/4/2021 3/17/2021	3/17/2021 56894	MEMBERSHIP DUES FEBRUARY 2021	ALL DEPARTMENTS	\$2,068.60
01-102565 CARD SERVICE CENTER					
INV 0305/022021	3/8/2021 3/17/2021	3/17/2021 56896	CREDIT CARD CHARGES	ALL DEPARTMENTS	\$4,086.99
01-101260 C.C.I.S.D.					
INV 21-019	3/2/2021 3/17/2021	3/17/2021 56897	SIDEWALK REPLACEMENT JACKSON FROM 3RD TO SEADRIFT	STREETS	\$8,225.00
01-101233 CIVILCORP, LLC					
INV 160016	2/11/2021 3/3/2021	3/4/2021 56815	ENGINEERING - EZZELL ST 2020-2021 CIP	STREETS	\$7,600.00

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-101233 CIVILCORP, LLC					
INV 160017	2/11/2021 3/3/2021	3/4/2021 56816	ENGINEERING - EAST GEORGE ST 2020-2021 CIP	STREETS	\$5,600.00
INV 160024	2/11/2021 3/3/2021	3/4/2021 56817	CAPITAL IMPROVEMENT JACKSON STREET ENGINEERING	STREETS	\$2,415.00
INV 160025	2/11/2021 3/3/2021	3/4/2021 56818	CAPITAL IMPROVEMENT GEORGE STREET RECONSTRUCTION	STREETS	\$4,272.12
01-103174 DANA SAFETY SUPPLY INC					
INV 703157	2/12/2021 3/17/2021	3/17/2021 56903	TRANSPORT SEAT	POLICE DEPARTMENT	\$2,617.50
01-102609 DATAPROSE, LLC					
INV DP2100639	2/28/2021 3/17/2021	3/17/2021 56904	UTILITY BILLING FEBRUARY 2021	UTILITY BILLING	\$2,565.44
01-102555 DIAMOND K SERVICES, INC.					
INV 5185	3/15/2021 3/31/2021	3/31/2021 57017	EMERGENCY REPAIRS TO HELENA RAIL REPLACE 50 RAIL TIES	PORT REVENUE FUND	\$41,276.97

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-103813 TURNOUT TOPCO DBA BACK DRAFT					
INV INV2101318	3/1/2021 3/3/2021	3/4/2021 56828	BASIC PLUS STATION PLAN 2021	FIRE DEPARTMENT	\$2,500.00
01-102882 FRONTIER SOUTHWEST INC					
INV 18830907065/022021	2/10/2021 3/3/2021	3/4/2021 56831	PHONE CHARGES FEBRAURY 2021	ALL DEPARTMENTS	\$2,425.73
INV 18830907065/032021	3/10/2021 3/17/2021	3/17/2021 56916	PHONE CHARGES MARCH 2021	ALL DEPARTMENTS	\$2,125.39
01-102490 U.S. BANK NATIONAL ASSOCIATION					
INV 02/2021	2/24/2021 3/3/2021	3/4/2021 56832	FUEL FEBRUARY 2021	ALL DEPARTMENTS	\$4,924.16
INV 03/2021	3/24/2021 3/31/2021	3/31/2021 57022	FUEL MARCH 2021	ALL DEPARTMENTS	\$6,009.96
01-102645 GEXA ENERGY, LP					
INV 32515316-4	2/25/2021 3/3/2021	3/4/2021 56834	ELECTRICITY SERVICES FEBRUARY 2021	ALL DEPARTMENTS	\$26,858.76
INV 32554317-4	3/25/2021 3/31/2021	3/31/2021 57023	ELECTRICITY SERVICES MARCH 2021	ALL DEPARTMENTS	\$26,798.45

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-103896 GLOBAL INDUSTRIAL					
INV 117251165	2/11/2021 3/31/2021	3/31/2021 57024	DRINKING FOUNTAIN	LIGHTHOUSE BEACH	\$2,695.00
01-100186 GUADALUPE BLANCO RIVER					
INV SI010933	3/8/2021 3/17/2021	3/17/2021 56919	WATER PURCHASED FEBRUARY 2021	NON DEPARTMENTAL	\$100,388.05
01-100187 GUADALUPE BLANCO RIVER					
INV SI010906	3/4/2021 3/17/2021	3/17/2021 56920	STORED WATER IN CANYON LAKE	NON DEPARTMENTAL	\$28,186.67
01-103905 GUNS 4 ROSES LLC					
INV 202103299478	3/26/2021 3/31/2021	3/31/2021 57026	PARTY IN THE PARK 2021	HOTEL OCCUPANCY TAX	\$2,000.00
01-103901 HCH ROOFING & SHEETMETAL					
INV APP 1	12/8/2020 3/3/2021	3/4/2021 56837	ROOF REPAIRS TO FAYE BAUER PARK	FAYE BAUER STERLING PARK	\$48,600.00
01-103108 HEADTURNERS 3, LLC					
INV 202103269474	3/26/2021 3/31/2021	3/31/2021 57029	ELITE REDFISH SERIES -07/24/21	HOTEL OCCUPANCY TAX	\$5,000.00

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-102141 INDUSTRIAL DISPOSAL SUPPLY					
INV 465054	11/25/2020 3/31/2021	3/31/2021 57031	MISC STREET SWEEPER PARTS	STREETS	\$1,755.94
01-102578 J & S CONTRACTORS, INC					
INV EST 1	2/24/2021 3/3/2021	3/4/2021 56839	LOW DOCK REPAIRS	PORT REVENUE FUND	\$65,703.47
INV EST. 1	2/24/2021 3/3/2021	3/4/2021 56839	LOW DOCK REPAIRS	CITY HARBOR	\$48,027.68
01-100253 KRAFTSMAN, LP					
INV 36909	3/22/2021 3/31/2021	3/31/2021 57034	SPLASH PAD PART TRIANGULAR SHADE STRUCTURE	LIGHTHOUSE BEACH	\$42,584.01
01-103903 KSBRL LLC					
INV PL001	11/30/2020 3/31/2021	3/31/2021 57035	CDBG-MIT APPLICATIONS LIVING SHORELINE GRANT	HELENA BULKHEAD	\$30,000.00
01-100260 LESTER CONTRACTING, INC.					
INV 2005709	1/31/2021 3/3/2021	3/4/2021 56842	UTILITY IMPROVEMENTS JACKSON ST 2019-2020 CIP PROJECT	UTLITY MAINTENANCE	\$50,691.28
INV EST 6	2/24/2021 3/3/2021	3/4/2021 56843	FIRE HYDRANT ON BROADWAY	UTILITY MAINTENANCE	\$13,130.90

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-102904 JESSE JAMES LLC					
INV 1643	2/17/2021 3/3/2021	3/4/2021 56844	IT SERVICES 02/17/21-03/16/21	TECHNOLOGY (ALL DEPARTMENTS)	\$2,500.00
INV 1653	3/7/2021 3/17/2021	3/17/2021 56929	IT SERVICES 3/7/2021-4/6/2021	TECHNOLOGY (POLICE DEPARTMENT)	\$1,810.00
INV 1655	3/17/2021 3/31/2021	3/31/2021 57039	IT SERVICES 03/17/21-04/16/21	TECHNOLOGY (ALL DEPARTMENTS)	\$2,500.00
INV 1656	3/15/2021 3/31/2021	3/31/2021 57039	DELL VOSTRO - COMPUTERS	TECHNOLOGY (ALL DEPARTMENTS)	\$3,500.00
INV 1657	3/15/2021 3/31/2021	3/31/2021 57039	ALIENWARE M17 - COMPUTER	TECHNOLOGY (ALL DEPARTMENTS)	\$3,050.00
INV 1659	3/15/2021 3/31/2021	3/31/2021 57039	DELL LAPTOP	TECHNOLOGY (POLICE DEPARTMENT)	\$1,700.00
01-102016 MARVELOUS GARDENS INC.					
INV 4958	2/15/2021 3/3/2021	3/4/2021 56845	HIGHWAY MEDIAN CONTRACTED SERVICE	STREETS	\$4,996.66

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-102016 MARVELOUS GARDENS INC.					
INV 5075	3/15/2021 3/17/2021	3/17/2021 56930	HIGHWAY MEDIAN CONTRACTED SERVICE	STREETS	\$4,096.66
01-100267 MCCREARY, VESELKA,					
INV 01/2021	2/26/2021 3/3/2021	3/4/2021 56846	COLLECTION DELINQUENT TAX FEES	NON DEPARTMENTAL	\$2,951.99
01-101830 MUNICIPAL CODE CORPORATIONS					
INV 00355643	3/19/2021 3/31/2021	3/31/2021 57044	MUNICODE MEETINGS SUBSCRIPTION	TECHNOLOGY (CITY SECRETARY)	\$2,400.00
01-103883 NEWLINE SKATEPARKS FL, INC.					
INV 431	2/25/2021 3/3/2021	3/4/2021 56852	ENGINEERING- SKATE PARK	PARKS & RECREATION	\$4,500.00
INV 443	3/25/2021 3/31/2021	3/31/2021 57046	ENGINEERING- SKATE PARK	PARKS & RECREATION	\$3,000.00
01-101629 NEWMAN REGENCY GROUP INC.					
INV 10238	2/22/2021 3/17/2021	3/17/2021 56940	ANNUAL MAINTENANCE 2020-2021	WWTP	\$1,895.00

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-100335 PORT LAVACA, CITY OF					
INV 02/2021	2/21/2021 3/3/2021	3/4/2021 56856	WATER/SEWER FEBRUARY 2021	ALL DEPARTMENTS	\$6,403.67
INV 03/2021	3/21/2021 3/31/2021	3/31/2021 57052	WATER/SEWER MARCH 2021	ALL DEPARTMENTS	\$4,684.83
01-100372 QUALITY HOT-MIX, INC.					
INV 26465	2/23/2021 3/17/2021	3/17/2021 56949	LIMESTONE	STREETS	\$4,446.54
01-103192 RAWLEY MCCOY & ASSOCIATES					
INV 876-015	3/16/2021 3/31/2021	3/31/2021 57054	BAUER STERLING PARK CONTRACTED SERVICE	FAYE BAUER	\$5,378.72
INV 931-001	3/18/2021 3/31/2021	3/31/2021 57054	CITY HALL ARCHITECTURAL WORK MASTER PLAN PHASE 1	CITY HALL	\$5,557.50
01-102309 REPUBLIC SERVICES #847					
INV 0847-001135901	2/28/2021 3/10/2021	3/9/2021 56875	GARBAGE COLLECTION	NON DEPARTMENTAL	\$64,390.81
01-103816 RICHARD N MORTON JR					
INV 202103049453	2/20/2021 3/3/2021	3/4/2021 56859	CITY MANAGER CONSULTATION	CITY MANAGER	\$1,535.38

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-100840 ROBERTS, ODEFY, WITTE					
INV 1608-000M/62	2/24/2021 3/3/2021	3/4/2021 56860	MISC LEGAL SERVICES SEPTEMBER 2020-JANUARY 2021	NON DEPARTMENTAL	\$3,174.00
INV 1608-001M/54	2/24/2021 3/3/2021	3/4/2021 56860	CONTRACTS SEPTEMBER 2020-JANUARY 2021	NON DEPARTMENTAL	\$1,554.00
INV 1608-003M/84	2/4/2021 3/3/2021	3/4/2021 56860	MUNICIPAL COURT JANUARY 2021	NON DEPARTMENTAL	\$1,894.05
INV 1608-003M/85	3/2/2021 3/3/2021	3/4/2021 56860	MUNICIPAL COURT FEBRUARY 2021	NON DEPARTMENTAL	\$2,976.35
INV 1608-004M/47	2/24/2021 3/3/2021	3/4/2021 56860	PORT COMMISSION SEPTEMBER 2020-JANUARY 2021	NON DEPARTMENTAL	\$3,372.00
INV 1608-005M/57	2/24/2021 3/3/2021	3/4/2021 56860	COUNCIL MEETING SEPTEMBER 2020-JANUARY 2021	NON DEPARTMENTAL	\$6,750.00
INV 1608-008M/54	2/24/2021 3/3/2021	3/4/2021 56860	PERSONNEL OCTOBER 2020 - JANUARY 2021	NON DEPARTMENTAL	\$1,500.00

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-102045 LAW OFFICE OF ROLANDO					
INV 202103229465	3/22/2021 3/31/2021	3/31/2021 57057	REDISTRICTING LEGAL SERVICES	CITY SECRETARY	\$3,000.00
01-102145 STAR W EQUIPMENT REPAIRS					
INV 4935	3/17/2021 3/31/2021	3/31/2021 57060	REPAIRS TO DUMP TRUCK	STREETS	\$1,854.82
01-103064 STARGAZER PRODUCTIONS LLC					
INV 202103269476	3/26/2021 3/31/2021	3/31/2021 57061	SPACE ROCKERS - PARTY IN PARK	HOTEL OCCUPANCY TAX	\$3,000.00
01-102872 SYLVA CONSTRUCTION, LLC					
INV 2021 MAR-01	3/3/2021 3/17/2021	3/17/2021 56958	PARK IMPROVEMENTS BAYFRONT PENINSULA	PARKS AND RECREATION	\$167,382.27
01-100419 TML - IEBP					
INV 03/2021	3/2/2021 3/3/2021	3/4/2021 56862	HEALTH/DENTAL INSURANCE	ALL DEPARTMENTS	\$59,073.11
INV 04/2021	3/24/2021 3/31/2021	3/31/2021 57064	HEALTH/DENTAL INSURANCE	ALL DEPARTMENTS	\$61,621.87

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-100822 TYLER TECHNOLOGIES INC					
INV 025-306864	9/1/2020 3/3/2021	3/4/2021 56863	ANNUAL MAINTENANCE 10/01/20-09/30/21	TECHNOLOGY	\$8,653.88
INV 025-308280	8/31/2020 3/3/2021	3/4/2021 56863	ANNUAL MAINTENANCE 10/01/20-09/30/21	TECHNOLOGY	\$80,503.00
INV 130-118817	1/21/2021 3/3/2021	3/4/2021 56863	ZEBRA PRINTER	TECHNOLOGY (POLICE DEPARTMENT)	\$1,833.00
01-102134 VICTORIA ENGINEERING					
INV 16542	2/23/2021 3/3/2021	3/4/2021 56865	CITY HARBOR DOCK REPAIRS	CITY HARBOR	\$2,425.14
INV 16544	3/4/2021 3/17/2021	3/17/2021 56965	BAYFRONT PARK PHASE 1	PARKS AND RECREATION	\$4,854.00
INV 16549	3/10/2021 3/17/2021	3/17/2021 56965	ENGINEERING PROJECT LYNNHAVEN LIFT STATION	WWTP	\$4,275.00
INV 16552	3/10/2021 3/17/2021	3/17/2021 56965	ENGINEERING CONTRACT - DREDGING SMITH HARBOR	PORT REVENUE FUND	\$13,750.00

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-102134 VICTORIA ENGINEERING					
INV 16553	3/10/2021 3/17/2021	3/17/2021 56965	HARBOR OF REFUGE RESTORATION	PORT REVENUE FUND	\$4,865.20
01-100446 USA BLUE BOOK					
INV 533530	3/16/2021 3/31/2021	3/31/2021 57068	POLYMER BLEND SYSTEM	WWTP	\$2,758.40
TOTAL INVOICES PAID OVER \$1500.00					\$1,392,671.71

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Consider request from the Fire Department to declare City property as Surplus (the old washer extractor) and authorize donation of same to Texas A&M Forest Service Helping Hands Program, who in turn will donate it to the Magnolia Beach Volunteer Fire Department. _
Presenter is Joe Reyes

INFORMATION:

CC MEETING: APRIL 12, 2021

AGENDA ITEM # _____

DATE: 03/9/21

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

FROM: JOE REYES, FIRE CHIEF

SUBJECT: DECLARE CITY PROPERTY SURPLUS AND AUTHORIZE THE
DONATION OF SAME

BACKGROUND:

Port Lavaca Fire Department has purchased a new personal protective equipment extractor. We would like to donate the old extractor to the Texas A&M Forestry Service Helping Hands Program. The Forestry Service would then donate the extractor to the Magnolia Beach Volunteer Fire Department.

FINANCIAL IMPLICATIONS:

IMPACT ON COMMUNITY SUSTAINABILITY:

RECOMMENDATION:

Approve item as surplus and authorize donation of same.

ATTACHMENTS:

Letter from Helping Hands Program.
Letter from Magnolia Beach Volunteer Fire Department.



MAGNOLIA BEACH VOLUNTEER FIRE DEPARTMENT

PO BOX 318
Port Lavaca, Texas 77979

February 5, 2021

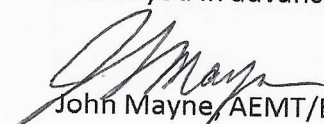
Port Lavaca Fire Department
1501 W. Austin Street
Port Lavaca, Texas 77979

ATTN: JOE REYES, FIRE CHIEF

Dear Chief Reyes,

With this letter I am requesting that you consider donating your surplus fire gear washer/extractor to the Magnolia Beach Volunteer Fire Department. As a 100% volunteer fire department with very limited funding, we don't have assets available to purchase one ourselves. Your surplus washer/extractor would be put to good use and would allow us to properly clean our turn out gear to help protect our firefighter members from carcinogen exposure from contaminated equipment.

Thank you in advance for your consideration.


John Mayne, AEMT/EMSI
Fire/EMS Chief
Magnolia Beach VFD

EMERGENCY
DIAL 911
FIRE
POLICE
MEDICAL

Non-emergency call only - (361) 920-6228
873 Margie Tewmeyer Road - Magnolia Beach
Email - magbeachvfd@gmail.com

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Consider First Reading of an Ordinance (G-4-21) of the City of Port Lavaca abandoning a portion of street Right-of-Ways within Port Lavaca Cemetery; and providing for an effective date. Presenter is Anne Marie Odefey

INFORMATION:

ORDINANCE NO. _G-4-21

AN ORDINANCE ABANDONING A PORTION OF JUANITA,
MULBERRY, ALICE WILKINS, NUECES, CHESTNUT, STREETS; AND
PROVIDING FOR AN EFFECTIVE DATE

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

WHEREAS, the Port Lavaca Cemetery Association, Inc., hereinafter “Cemetery”, requested the City of Port Lavaca, Texas, hereinafter “CITY”, to close the portions of Juanita, Mulberry, Alice Wilkins, and Nueces Streets located within the boundaries of the Port Lavaca Cemetery; and,

WHEREAS, Cemetery owns the real property abutting both sides of the portion of Juanita, Mulberry, Alice Wilkins, and Nueces Streets located within the boundaries of the Port Lavaca Cemetery that are sought to be closed; and,

WHEREAS, Texas Local Government Code §272.001 provides that the CITY may sell streets, or alleys, owned in fee or used by easement by CITY without the notice or bidding requirements of Texas Local Government Code §272.001(a) when the same is sold to abutting property owners in proportion to their abutting ownership;

WHEREAS, the some of the streets that are sought to be abandoned have never been constructed by the CITY;

WHEREAS, the CITY does not have any future plans regarding these streets, nor does it have any future development plans regarding this property;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY

OF PORT LAVACA, TEXAS:

SECTION 1: All that portion of Juanita, Mulberry, Alice Wilkins, and Nueces Streets located within the boundaries of the Port Lavaca Cemetery shall be abandoned and all rights, title and interest into said portion of Juanita, Mulberry, Alice Wilkins and Nueces Streets shall vest in Cemetery upon final passage of this Ordinance.

SECTION 2: Upon final passage, the Mayor of the CITY is authorized to sign a Special Warranty Deed and any other necessary documents in order to convey said property Cemetery.

SECTION 3: This ordinance shall become effective upon the date of its final reading.
FIRST READING this the 12th day of April, 2021.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

SECOND READING this the _____ day of _____, 2021.

PASSED AND APPROVED this the _____ day of _____, 2021.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey, City Attorney

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Consider Resolution No. R-041221-1 by the City of Port Lavaca, Texas suspending the May 3, 2021 effective date of the proposal by CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy Texas Gas – South Texas Division to Implement Interim Gas Rate Adjustments for Gas Utility Investment in 2020 and requiring delivery of this resolution to the Company and Legal Counsel. Presenter is Anne Marie Odefey

INFORMATION:

RESOLUTION NO. R-041221-1

A RESOLUTION BY THE CITY OF PORT LAVACA, TEXAS SUSPENDING THE MAY 3, 2021 EFFECTIVE DATE OF THE PROPOSAL BY CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS – SOUTH TEXAS DIVISION TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2020 AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Port Lavaca, Texas (“City”) is a gas utility customer of CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy South Texas Division, (“CenterPoint” or “the Company”) and a regulatory authority with an interest in the rates and charges of CenterPoint; and

WHEREAS, CenterPoint made filings with the City and the Railroad Commission of Texas (“Railroad Commission”) in March 2021, proposing to implement interim rate adjustments (“GRIP Rate Increases”) pursuant to Texas Utilities Code § 104.301 on all customers served by CenterPoint, effective May 3, 2021; and

WHEREAS, it is incumbent upon the City, as a regulatory authority, to examine the GRIP Rate Increases to determine its compliance with the Texas Utilities Code.

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

1. The May 3, 2021, effective date of the GRIP Rate Increases proposed by CenterPoint is hereby suspended for the maximum period allowed by Texas Utilities Code § 104.301(a) to permit adequate time to review the proposed increases, analyze all necessary information, and take appropriate action related to the proposed increases.

2. A copy of this Resolution shall be sent to CenterPoint, care of Keith L. Wall. at 1111 Louisiana Street, CNP Tower 19th Floor, Houston, Texas 77002 and to Thomas Brocato, legal counsel to the City, at Lloyd Gosselink, 816 Congress Ave., Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this 12th day of April, 2021.

Mayor Jack Whitlow

ATTEST:

City Secretary Mandy Grant

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Consider Second and Final Reading of an Ordinance (G-2-21) of the City of Port Lavaca amending the ordinance codified and described in the City of Port Lavaca Code of Ordinances as Chapter 12, Buildings and Building Regulations, Article II, Building Trade Codes, Section 12.20, Building Trade Codes-Adopted; Providing for Severability; Providing a Repealing Clause; and Providing an Effective Date. Presenter is Jessica Carpenter

INFORMATION:

ORDINANCE #G-2-21

AN ORDINANCE OF THE CITY OF PORT LAVACA AMENDING THE ORDINANCE CODIFIED AND DESCRIBED IN THE CITY OF PORT LAVACA CODE OF ORDINANCES AS CHAPTER 12, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, BUILDING TRADE CODES, SECTION 12.20, BUILDING TRADE CODES-ADOPTED; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the International Building Code have been revised and updated to Series 2015, as amended with appendixes, 2015 International Residential Code, as amended with appendixes; 2015 International Mechanical Code, as amended; 2015 International Plumbing Code, as amended; 2015 International Fuel Gas Code, as amended; 2015 International Energy Conservation Code, as amended; 2015 International Fire Code, as amended with appendixes; 2015 International Code Council Performance Code, as amended; 2015 International Property Maintenance Code, as amended; 2017 National Electrical Code, as amended; and the Wind Provisions of the 2018 Edition of the International Building Codes.

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

Section 1. Purpose

The purpose of this ordinance is the practical safeguarding of persons and property. The requirements of this ordinance and of the codes adopted herein are to be considered the minimum requirements for all types of construction and maintenance in the City of Port Lavaca and outside the City of Port Lavaca where property is or may be connected City of Port Lavaca water and/or sewer system. The Chief Building Official is assigned the responsibility for the licensing, permitting, interpretation and enforcement required by the codes.

Sec. 12-20. Building trade codes—Adopted.

To establish uniform rules, regulations and provisions for the placement, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings, signs and structures, there is hereby adopted by the city the following building trade codes:

- (1) 2015 International Building Code, as amended with appendixes.
- (2) 2015 International Residential Code, as amended with appendixes.
- (3) 2015 International Mechanical Code, as amended with appendixes.
- (4) 2015 International Plumbing Code, as amended with appendixes.
- (4) 2015 International Fuel Gas Code, as amended with appendixes.
- (5) 2015 International Energy Conservation Code, as amended with appendixes.

- (6) 2015 International Fire Code, as amended with appendixes.
- (7) 2015 International Code Council Performance Code, as amended with appendixes.
- (8) 2015 International Property Maintenance Code, as amended with appendixes.
- (9) 2017 National Electrical Code, as amended.
- (10) Wind Provisions of the 2018 International Building Codes.

Section 2. Severability

It is specifically declared to be the intention of the City Council that sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any unconstitutional or invalid phrase, clause, sentence, paragraph or sections.

Section 3. Ordinances in Conflict

THAT All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Effective Date

THAT this ordinance shall become effective on the date of its passage.

First Reading this the 8th day of March, 2021.

Jack Whitlow, Mayor

Second Reading this the 12th day of April, 2021.

Jack Whitlow, Mayor

PASSED AND APPROVED this the 12th day of April, 2021.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

APPROVED AS TO FORM AND CONTENT:

Anne Marie Odefey, City Attorney

RECORD OF VOTE

	First Reading	Second Reading	Approved/ Adopted
Councilman Smith	Aye		
Councilman Dent	Aye		
Councilman Tippet	Aye		
Councilwoman Padron	Aye		
Councilman Ward	Aye		
Councilman Barr	Aye		

Record of approval by City Council: City Council Minute Records, Volume 3G, Page ____.

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Consider Ratifying approval of Invoice from Diamond K Services, Inc. of Cuero, Texas for emergency repairs rendered to the rail spur at Harbor of Refuge on behalf of Port Commission. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: APRIL 12, 2021

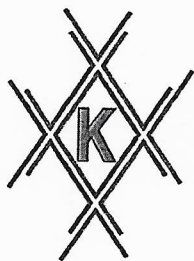
DATE: 4.08.2021
TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: JODY WEAVER, INTERIM CITY MANAGER/ JIM RUDELLAT, HARBOR MASTER
SUBJECT: Ratification of \$38,815.00 expenditure for emergency repairs to the rail spur at Harbor of Refuge

In early March, Jeff Holley with Helena Chemical was called by Union Pacific and told that if repairs were not made to the rail-spur that belongs to the City at the Harbor of Refuge, they would no longer be able to deliver railcars to the facility at the Harbor of Refuge. Mr. Holley call Jim Rudellat, to let him know what was going on. Jim Rudellat then solicited cost proposals from two vendors he was able to find: Diamond K Services, Inc. and Lonestar Railroad Contractors, Inc. to perform needed repairs to the rail spur. Diamond K submitted the lowest bid for repairs at a Base Bid cost of \$30,773.00 (bare minimum required before additional rail cars could be delivered) and an alternate add of \$8,042.00 to remove/replace an additional 50 rail ties (also needed to provide a safe track for the rail cars).

Jody approved the expenditure as an emergency item needed to protect health and safety and keep Helena Chemicals in operation.

At the April 6 Port Commission meeting, the Port Commission expressed appreciation of the City Manager for moving forward with these emergency repairs and recommended to City Council that they ratify the City Manager's expenditure of this \$38,815.00.

The Base Bid repairs were completed on March 5, 2021 and the additional repairs were completed on March 12, 2021. We have contracted with Diamond K to perform a quarterly inspection with a written report for a cost of \$350.00 per inspection.



Diamond K SERVICES, INC.

Section VI. Item #5.

REMIT TO ADDRESS: 154 Cottonwood Lane Cuero, Texas 77954					
Bill To: City of Port Lavaca Attn: Mr Jim Rudellat 202 North Street Port Lavaca, Texas 77979		Invoice Date: March 15, 2021 Location of Work: Port Lavaca, Texas			
		Our Job #: 21066 Date(s) work performed: March 2021 2021 Terms for Payment: Net 10 days 1 1/2% per month on unpaid balance			
Invoice number: 5185					
Description of Work	Quantity	Unit	Unit Price	Amount	Total
Description of work: Bid C-921 Revised					
Track repairs per track evaluation performed on February 5, 2021					
* Provide & replace 1-9', 4-10', 3-11', 1-12', 1-13', 1-14', 1-15', and 2-16' switch ties in Switch #1 ties in Switch #2					
* Provide new spikes for replaced ties.					
* Clean up & dispose of old ties removed from the track by Diamond K					
* Provide a welder & necessary welding accessories to weld up severely battered frog in Switch #1					
* Provide an on-track tamping machine to raise & tamp the track between Switch #1 and Switch #2 to correct cross-level & adjust switch #1 to correct gapped RH switch point.					
* Provide welder to weld chipped RH switch point in					
* Provide welder to weld chipped RH switch point in gapped RH switch point.					
Cost of Materials Only.				\$6,003.00	
Cost of Labor, Equipment and Other Charges.				\$24,770.00	
Total Cost of the above repairs.					\$30,773.00
Alternate: Provide & replace an additional 50 - 6"x8"x6'8" crossties. Dispose of old ties removed from the track.					
Cost of Materials Only.				\$2,970.00	
Cost of Labor, Equipment and Other Charges.				\$5,072.00	
Total Cost of the above repairs.					\$8,042.00
Total Amount Due for this Invoice.					\$38,815.00
THANK YOU FOR YOUR BUSINESS!!					

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Consider Resolution No. R-041221-2 to award an Administration Contract for the Texas Department of Housing and Community Affairs (TDHCA) 2021 HOME Program implementation. Presenter is Jessica Carpenter

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: APRIL 12, 2021

DATE: 3/31/2021

TO: JODY WEAVER, INTERIM CITY MANAGER

CC: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JESSICA CARPENTER, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: Recommendation to renew the administrative contract agreement with Grantworks, Inc., for the 2021 HOME Investment Partnerships Program grant cycle.

The City currently has a HOME Investment Partnership Program grant agreement with the Texas Department of Housing and Community Affairs. The City has been working to qualify applicants under this HOME Investment Partnership Program grant and there are current applicants that are ready to be assisted. The City used the existing administrative contract with Grantworks Inc. for this current grant cycle of the HOME Investment Partnership Program grant. The Grantworks Inc. administrative contract agreement is for four (4) years, and it is time to renew this administrative contract with Grantworks Inc. to continue the positive work under the HOME Investment Partnership Program.

The Grantworks, Inc., fee is capped by the program at 4% of construction hard costs and \$12k for the soft cost. All of these fees are paid using grant funds. The City has a 12% match requirement per house. This has historically been met by the City through a combination of waived fees, title, appraisal, survey costs, and donations or in-kind.

The HOME Investment Partnership Program assists residents who own and occupy their home, and their home is in substandard condition. This provides safe, decent affordable housing to the applicant and improves the housing stock in your community as well as increasing the tax base.

Resolution that Grantworks, Inc., be awarded a new administrative contract to provide the city of Port Lavaca with the opportunity to serve its community with the benefits of the HOME Investment Partnership Program. Grantworks Inc. provides administrative services and soft cost project management services for the HOME Investment Partnership Program. The resolution is enclosed.

RESOLUTION NO. R-041221-2

**A RESOLUTION BY THE CITY OF PORT LAVACA, TEXAS,
AUTHORIZING THE AWARD OF CONTRACT FOR
ADMINISTRATION SERVICES AND SOFT COST PROJECT
MANAGEMENT SERVICES FOR THE HOME OWNER
REHABILITATION ASSISTANCE PROGRAM.**

WHEREAS, it is necessary and prudent to initiate the implementation process at the earliest possible date;

WHEREAS, a significant amount of time can be saved by completing the procedures for hiring professional services for the HOME Investment Partnership Program at the earliest possible time; and

WHEREAS, the Request for Proposal procedures for administrative and soft cost management services are valid for the HOME Investment Partnership Program contract term.

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

- Section 1.** That Grantworks, Inc. be awarded a contract to provide HOME Investment Partnership Program related administration services and soft cost project management services for the HOME Reservation and Contract Program.
- Section 2.** That any and all contracts or commitments made with the above-named service provider are dependent on the successful negotiation of a contract with the service provider.

PASSED AND APPROVED THIS 12TH DAY OF APRIL, 2021.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Consider a Citizen Participation Plan for the City of Port Lavaca in connection with the Texas Community Development Block Grant Program (TxCDBG). Presenter is Jessica Carpenter

INFORMATION:

**THE CITY OF PORT LAVACA
CITIZEN PARTICIPATION PLAN
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Note to Grant Recipients regarding Limited English Proficiency (LEP) requirements:

In accordance with federal law, if there is a significant number of the population who are non-English speaking residents and are affected by the TxCDBG project, such citizens should have 'meaningful access' to all aspects of the TxCDBG project. To provide 'meaningful access', Grant Recipients may need to provide interpreter services at public hearings or provide non-English written materials that are routinely provided in English. Examples of such vital documents may include Citizen Participation notices (e.g., complaint procedures, hearings notices), civil rights notices, and any other published notice that may allow an eligible person with limited English proficiency to participate in discussing proposed CDBG activities.

For more information, see LEP.gov

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Texas Department of Agriculture's Texas Community Development Block Grant (TxCDBG) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of Port Lavaca, 202 N. Virginia, Port Lavaca, TX 77979, 361-552-9793, during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the TxCDBG project.

1. A person who has a complaint or grievance about any services or activities with respect to the TxCDBG project, whether it is a proposed, ongoing, or completed TxCDBG project, may during regular business hours submit such complaint or grievance, in writing to the City Manager, at 202 N. Virginia, Port Lavaca, TX 77979, or may call 361-552-9793.
2. A copy of the complaint or grievance shall be transmitted by the City Manager to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The City Manager shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3 above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the TxCDBG for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

TECHNICAL ASSISTANCE

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of TxCDBG funds. The City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by the City, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
2. When a significant number of non-English speaking residents are a part of the potential service area of the TxCDBG project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and the City must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.
4. A public hearing held prior to the submission of a TxCDBG application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City shall comply with the following citizen participation requirements for the preparation and submission of an application for a TxCDBG project:

1. At a minimum, the City shall hold at least one (1) public hearing to prior to submitting the application to the Texas Department of Agriculture.
2. The City shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

3. The public hearing shall include a discussion with citizens as outlined in the application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the TxCDBG program, and the use of past TxCDBG contract funds, if applicable. Citizens, with particular emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.
4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City must comply with the following citizen participation requirements in the event that the City receives funds from the TxCDBG program:

1. The City shall also hold a public hearing concerning any substantial change, as determined by TxCDBG, proposed to be made in the use of TxCDBG funds from one eligible activity to another again using the preceding notice requirements.
2. Upon completion of the TxCDBG project, the City shall hold a public hearing and review its program performance including the actual use of the TxCDBG funds.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the TxCDBG project or for the closeout of the TxCDBG project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.
4. The City shall retain documentation of the TxCDBG project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

Jack Whitlow, Mayor

Date

LA CIUDAD DE PORT LAVACA
PLAN DE PARTICIPACIÓN CIUDADANA
PROGRAMA DE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Section VI. Item #7.

Nota a los receptores de subvención en relación a requisitos de Dominio Limitado del Inglés:

De acuerdo con la ley federal hay un número significativo de población que son residentes y que no hablan inglés y son afectados por el proyecto TxCDBG, estos ciudadanos deben tener "acceso significativo" a todos los aspectos del proyecto TxCDBG. Para proporcionar "acceso significativo", receptores de la subvención pueden ser utilizados para proporcionar servicios de interpretación en las audiencias públicas o proporcionar materiales no escritos en inglés que se proporcionan de manera rutinaria en Inglés. Para obtener más información, consulte LEP.gov.

PROCEDIMIENTOS DE QUEJA

Estos procedimientos de queja cumplen con los requisitos del Departamento de Programa de Agricultura de Texas Community Development Block Grant (TxCDBG) y los requisitos del gobierno local de Texas se encuentran en 24 CFR §570.486 (Código de Regulaciones Federales). Los ciudadanos pueden obtener una copia de estos procedimientos en la Ciudad de Port Lavaca, 202 N. Virginia, Port Lavaca, TX 77979, 361-552-9793 en horario de oficina.

A continuación se presentan los procedimientos formales de quejas y quejas relativas a los servicios prestados en el marco del proyecto TxCDBG.

1. Una persona que tiene una queja o reclamación sobre cualquiera de los servicios o actividades en relación con el proyecto TxCDBG, o si se trata de una propuesta, en curso o determinado proyecto TxCDBG, pueden durante las horas regulares presentar dicha queja o reclamo, por escrito a la Ciudad de Port Lavaca, 202 N. Virginia, Port Lavaca, TX 77979, o puede llamar a 361-552-9793.
2. Una copia de la queja o reclamación se transmitirá por el Administrador de la ciudad a la entidad que es encargada de la queja o reclamación y al Abogado de la Ciudad dentro de los cinco (5) días hábiles siguientes a la fecha de la queja o día que la reclamación fue recibida.
3. El Administrador de la ciudad deberá cumplir una investigación de la queja o reclamación, si es posible, y dará una respuesta oportuna por escrito a la persona que hizo la denuncia o queja dentro de los diez (10) días.
4. Si la investigación no puede ser completada dentro de los diez (10) días hábiles anteriormente, la persona que hizo la queja o denuncia será notificada, por escrito, dentro de los quince (15) días cuando sea posible después de la entrega de la queja original o quejas y detallará cuando se deba completar la investigación.
5. Si es necesario, la queja y una copia escrita de la investigación posterior se remitirán a la TxCDBG para su posterior revisión y comentarios.
6. Se proporcionará copias de los procedimientos de queja y las respuestas a las quejas, tanto en Inglés y Español, u otro lenguaje apropiado.

Cuando lo solicite, la Ciudad proporcionará asistencia técnica a los grupos que son representantes de las personas de bajos y moderados ingresos en el desarrollo de propuestas para el uso de los fondos TxCDBG. La Ciudad, en base a las necesidades específicas de los residentes de la comunidad en el momento de la solicitud, deberá determinar el nivel y tipo de asistencia.

DISPOSICIONES AUDIENCIA PÚBLICA

Para cada audiencia pública programada y llevada a cabo por la Ciudad, se observarán las disposiciones siguientes de audiencias públicas:

1. Aviso público de todas las audiencias deberá publicarse al menos setenta y dos (72) horas antes de la audiencia programada. El aviso público deberá publicarse en un periódico local. Cada aviso público debe incluir la fecha, hora, lugar y temas a considerar en la audiencia pública. Un artículo periodístico publicado también puede utilizarse para cumplir con este requisito, siempre y cuando cumpla con todos los requisitos de contenido y temporización. Los avisos también deben ser un lugar prominente en los edificios públicos y se distribuyen a las autoridades locales de vivienda pública y otros grupos interesados de la comunidad.
2. Cuando se tenga un número significativo de residentes que no hablan inglés serán una parte de la zona de servicio potencial del proyecto TxCDBG, documentos vitales Port Lavaca las comunicaciones deben ser publicados en el idioma predominante de estos ciudadanos que no hablan inglés.
3. Cada audiencia pública se llevará a cabo en un momento y lugar conveniente para los beneficiarios potenciales o reales e incluirá alojamiento para personas con discapacidad. Las personas con discapacidad deben poder asistir a las audiencias y la Ciudad debe hacer los arreglos para las personas que requieren ayudas o servicios auxiliares en caso de necesitarlo por lo menos dos días antes de la audiencia será pública.
4. Una audiencia pública celebrada antes de la presentación de una solicitud TxCDBG debe hacerse después de las 5:00 pm en un día de semana o en un momento conveniente en sábado o domingo.
5. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

La Ciudad deberá cumplir con los siguientes requisitos de participación ciudadana para la elaboración y presentación de una solicitud para un proyecto TxCDBG:

1. Port Lavaca mínimo, la Ciudad deberá tener por lo menos un (1) audiencia pública antes de presentar la solicitud al Departamento de Agricultura de Texas.
2. La Ciudad conservará la documentación de la convocatoria(s) audiencia, un listado de las personas que asistieron a la audiencia(s), acta de la vista(s), y cualquier otra documentación relativa a la propuesta de utilizar los fondos para tres (3) años a partir de la liquidación de la subvención para el Estado. Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de Texas.

3. La audiencia pública deberá incluir una discusión con los ciudadanos Port Lavaca manual correspondiente de aplicación TxCDBG, pero no se limita a, el desarrollo de las necesidades de vivienda y desarrollo comunitario, la cantidad de fondos disponibles, todas las actividades elegibles bajo el programa TxCDBG y el uso de fondos últimos contratos TxCDBG, en su caso. Los ciudadanos, con especial énfasis en las personas de bajos y moderados ingresos que son residentes de las zonas de tugurios y tizón, se fomentará a presentar sus opiniones y propuestas sobre el desarrollo de la comunidad y las necesidades de vivienda. Los ciudadanos deben ser conscientes de la ubicación en la que podrán presentar sus puntos de vista y propuestas en caso de que no pueda asistir a la audiencia pública.
4. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

La Ciudad debe cumplir con los siguientes requisitos de participación ciudadana en el caso de que la Ciudad recibe fondos del programa TxCDBG:

1. La Ciudad celebrará una audiencia pública sobre cualquier cambio sustancial, según lo determinado por TxCDBG, se propuso que se hará con el uso de fondos TxCDBG de una actividad elegible a otro utilizando de nuevo los requisitos de notificación
2. Una vez finalizado el proyecto TxCDBG, la Ciudad celebrará una audiencia pública y revisará el desempeño del programa incluyendo el uso real de los fondos TxCDBG.
3. Cuando un número significativo de residentes que no hablan inglés se puede registra para participar en una audiencia pública, ya sea para una audiencia pública sobre el cambio sustancial del proyecto TxCDBG o para la liquidación del proyecto TxCDBG, publicará un aviso en Inglés y Español u otro idioma apropiado y se proporcionará un intérprete en la audiencia para dar cabida a las necesidades de los residentes.
4. La Ciudad conservará la documentación del proyecto TxCDBG, incluyendo aviso de audiencia(s), un listado de las personas que asistieron a la audiencia(s), acta de la vista(s), y cualquier otro registro concerniente al uso real de los fondos por un período de a tres (3) años a partir de la liquidación del proyecto al estado.

Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de Texas.

Jack Whitlow, Alcalde

Fecha

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Consider award of construction contract for the Dredging of Smith Harbor. _
Presenter is Jim Rudellat

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: APRIL 12, 2021

DATE: 4.07.2021
TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: JODY WEAVER, INTERIM CITY MANAGER/ JIM RUDELLAT, HARBOR MASTER
SUBJECT: RECOMMENDATION OF AWARD FOR DREDGING OF SMITH HARBOR

The 2020-21 Capital Improvement plan has \$450,000 budgeted to dredge Smith Harbor. At the September 18, 2020 Council meeting, a Task Order was awarded to Urban Engineering in the amount of \$37,650.00 to prepare bid documents for this dredging project. This left \$412,350.00 for construction.

Recently the Port Commission advertised for bids for this project. The scope of the project consists of mechanically dredging approximately 9,300 CY of material from Smith Harbor and the removal of an existing boat house, piers, and other debris from Smith Harbor. Approximately 2/3rds of the dredged material is expected to be placed onsite as shown on the site plan and the remainder will be taken to the Harbor of Refuge. A total of 11 potential bidders picked up plans and 4 bids were received on March 25. A Bid Tabulation is attached.

The Low Bidder is Derrick Construction Company, Inc. with a bid of \$307,850.00. I will note that the engineer's cost estimate for this scope was \$295,000. Derrick Construction is the contractor that reconstructed the Bayfront Peninsula Park Fishing Pier.

Attached also is a recommendation to award letter from Urban Engineering.

RECOMMENDATION:

As you recall there was some conversation at budget time last year regarding whether or not to perform a Master Plan Study prior to dredging the harbor. \$50,000 has been budgeted to fund a new Master Plan Study of the waterfront, but RFQ's have not been completed yet. The Port Commission has discussed this with Urban Engineers and regardless of the final determined use of the harbor, this work to dredge and cleanup the harbor must be done. In addition, there is no real concern about the channel silting up quickly, especially with the small traffic of the 2 to 3 shrimp boats coming in and out of the harbor.

Port Commission is recommending award of a construction contract to Derrick Construction for this dredging and demolition work in the amount of \$307,850.00.

Attachments:

- Recommendation to Award
- Bid Tabulation
- Plan Holders List
- Demolition Plan
- Site Plan



March 26, 2021

Ms. Jody Weaver, P.E.
City Manager/City Engineer/Community & Economic Development
City of Port Lavaca
202 N. Virginia Street
Port Lavaca, TX 77979

RE: Recommendation of Award
U.E. Job No. E23799.00
Smith Harbor Dredging
Port Lavaca, Texas

Dear Ms. Weaver:

On March 25, 2021 at 2:00 p.m., public bids were opened for the Smith Harbor Dredging. The following bids were received:

Bidder	Total Bid	Calendar Days to Substantial Completion
Derrick Construction Company, Inc.	\$307,850.00	90
Peninsula Marine, Inc.	\$391,950.00	45
Shirley & Sons Construction Co., Inc.	\$424,400.00	90
Rexco, Inc.	\$490,303.30	200

Derrick Construction Company, Inc. submitted the lowest Bid and stated a completion time of 90 calendar days. I recommend that the contract for the aforementioned project be awarded to Derrick Construction Company, Inc.

If you have any questions, please do not hesitate to contact me at (361) 578-9836 or by email at mglaze@urbanvictoria.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt A. Glaze", is written over a light blue horizontal line.

Matt A. Glaze, P.E.
Senior Engineer

MAG/dmf

BID TABULATION													
CITY OF PORT LAVACA													
SMITH HARBOR DREDGING													
BID DATE: MARCH 25, 2021													
				Derrick Construction Company, Inc.		Peninsula Marine, Inc.		Shirley & Sons Construction Co., Inc.		Rexco, Inc.			
ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
BASE BID													
GENERAL													
1.	Mobilization, Insurance and Bonds (Maximum 5% of Base Bid)	1	LS	\$ 18,000.00	\$ 18,000.00	\$ 39,000.00	\$ 39,000.00	\$ 21,000.00	\$ 21,000.00	\$ 30,383.30	\$ 30,383.30	\$ 30,383.30	\$ 30,383.30
2.	Remove & Dispose of Existing Timber Piling, Boat House, Piers, & Miscellaneous Debris	1	LS	\$ 66,750.00	\$ 66,750.00	\$ 72,000.00	\$ 72,000.00	\$ 60,000.00	\$ 60,000.00	\$ 32,000.00	\$ 32,000.00	\$ 32,000.00	\$ 32,000.00
3.	Project Sign	1	EA	\$ 800.00	\$ 800.00	\$0.00	\$0.00	\$ 2,000.00	\$ 2,000.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
4.	Excavate & Stockpile Material (Onsite Placement Areas)	6,300	CY	\$ 21.00	\$ 132,300.00	\$ 26.50	\$ 166,950.00	\$ 28.00	\$ 176,400.00	\$ 62.00	\$ 390,600.00	\$ 390,600.00	\$ 390,600.00
5.	Excavate & Stockpile Material (Offsite Disposal)	3,000	CY	\$ 30.00	\$ 90,000.00	\$ 38.00	\$ 114,000.00	\$ 55.00	\$ 165,000.00	\$ 11.94	\$ 35,820.00	\$ 35,820.00	\$ 35,820.00
TOTAL BASE BID					\$ 307,850.00		\$ 391,950.00		\$ 424,400.00		\$ 490,303.30	\$ 490,303.30	\$ 490,303.30
CALENDAR DAYS - SUBSTANTIAL COMPLETION					90		45		90		200		200

PLAN HOLDERS LIST
CITY OF PORT LAVACA
SMITH HARBOR DREDGING
PORT LAVACA, CALHOUN COUNTY, TEXAS
(U.E. JOB NO. E23799.00)

Pre-Bid – Thursday, March 18, 2021 (2:00 p.m.)

Bid - Thursday, March 25, 2021 (2:00 p.m.)

Date/ Designation	Name, Company, Address, Phone, Fax, Email
Engineer 03/10/2021	Matt A. Glaze, P.E. Urban Engineering 2004 N. Commerce Victoria, TX 77901-5510 Ph: 361-578-9836 Email: mglaze@urbanvictoria.com
Owner 03/10/2021	City of Port Lavaca Attn: Jody Weaver, P.E./City Engineer 202 N. Virginia Street Port Lavaca, TX 77979 Ph: 361-552-9793 Fax: 361-552-6062 Email: jweaver@portlavaca.org
Contractor 03/11/2021	Shirley & Sons Construction Co., Inc. Attn: Ronald Shirley II 15705 FM 787 West Cleveland, TX 77327 Ph: 713-222-7881 Fax: 281-592-9543 Email: ssconstruction@earthlink.net
Contractor 03/11/2021	Derrick Construction Company, Inc. Attn: Derrick Johnson P.O. Box 1046 Rockport, TX 78381 Ph: 361-729-2423 Email: derrick@derrickconstruction.net
Contractor 03/11/2021	J & S Contractors, Inc. Attn: Johnnie Glick 212 N. Main St. Sweeny, TX 77480 Ph: 979-265-1810 Email: js_contractors@hotmail.com
Contractor 03/11/2021	Lester Contracting, Inc. Attn: Trent Tagliabue P. O. Box 986 Port Lavaca, TX 77979 Ph: 361-552-3024 Fax: 361-552-4049 Email: trent@lestercontracting.com
Contractor 03/11/2021	Orion Marine Group Attn: Robert W. Lewis, Senior VP 4440 Highway 225 #180 Deer Park, TX 77536 Ph: 713-852-6557 Email: rlewis@orionmarinegroup.com

PLAN HOLDERS LIST
CITY OF PORT LAVACA
SMITH HARBOR DREDGING
PORT LAVACA, CALHOUN COUNTY, TEXAS
(U.E. JOB NO. E23799.00)

Contractor 03/11/2021	Rexco, Inc. Attn: Blake Stancik 1104 Mildred Drive Port Lavaca, TX 77979 Ph: 361-552-5371 Fax: 361-552-2308 Email: blake@rexcoinc.com
Consultant 03/11/2021	Gulf Hydrographic & Coastal Consulting LLC Attn: Eddie R. Fisher 531 E. Bernard St. West Columbia, TX 77486 Ph: 512-773-4324 Email: eddie@gulphydrographic.com
Contractor 03/11/2021	Magellan Dredging, Inc. Attn: Rusi Patel, General Manager P.O. Box 1173 Richmond, TX 77406 Ph: 832-453-9891 Email: patel@magellandredging.com
Contractor 03/11/2021	Dredgit Corporation Attn: Keith Hendrick 701 N. Post Oak Rd., Suite 350 Houston, TX 77024 Ph: 713-979-4885 Fax: 713-787-0703 Email: keith@dredgit.com
Contractor 03/12/2021	USA Colombia Dredging & Marine Construction Co. Attn: Jhon J. Vasquez 511 N. Commerce St. Port Lavaca, TX 77979 Ph: 361-563-0344 Email: jhonjvasquez@yahoo.com
Contractor 03/17/2021	Harbor Dredging, LLC Attn: Roland Maturin 101 Calco Blvd. Lafayette, LA 70503 Ph: 337-298-1210 Email: roland@harbordredging.com
Contractor 03/24/2021	Peninsula Marine, Inc. Attn: Wayne Mouton 707 Eagle Rd. Anahuac, TX 77514 Ph: 409-252-3210 Fax: 409-252-4165 Email: wayne@peninsulamarine.com



MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Consider First Reading of an Ordinance (G-3-21) amending the ordinance codified and described in the City of Port Lavaca Code of Ordinances as Part II, Appendix A – Fees, Rates and Charges (Chapter 32 - Parks and Recreation, Chapter 38 - Solid Waste, CH 54 – Waterways); and providing an effective date. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: APRIL 12, 2021

DATE: 4.07.2021

TO:  HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JODY WEAVER, INTERIM CITY MANAGER/ JIM RUDELLAT, HARBOR MASTER

SUBJECT: RV park Rates (Chapter 32) and Solid Waste Fees (Chapter 38) and Waterways (Chapter 54)

Chapter 32:

As was discussed at the March workshop, the Parks Board is recommending an increase in the rental rates for the Lighthouse Beach RV Park as indicated in proposed Ordinance G-3-21.

Chapter 38:

With the 3% increase in Republic's contract going into effect in March, we performed a review of the Solid Waste fees being charged to the customers. As of March 1, Republic will be charging the City \$17.53 per residential customer and the fee ordinance provides for a residential rate of \$17.88. Looking at the utility bills, we see that the rate is actually split into two categories: Garbage and "Spring Cleanup."

Reviewing past Council minutes, we see

- effective Feb 1, 2016 the residential garbage rate was \$16.04 and "Spring Cleanup" was \$0.96, for a total \$17.00.
- There was a scheduled rate increase to become effective Feb 1, 2018, but it was waived by Republic with Council's approval of a 3% annual increase beginning Feb 1, 2019.
- So effective Feb 1, 2019 Republic's rate charged to the City was \$16.52. The utility bills still charged \$16.04, but the Spring Cleanup increased to \$1.32 for a total of \$17.36.

We find no subsequent specific Council action on these rates, so it must have been handled during the budget process. However, the fee charged for garbage on the utility bill (\$16.04) has not changed since 2016, but the overall rate to the customer has increased from \$17.00 in 2016 to \$17.88 currently. The increases have been applied to the "Spring Cleanup" fee, not the garbage fee. From a budgeting perspective, the funds collected under the garbage rate are put in a revenue account from which the Republic bill is paid. The "Spring Cleanup" is going in a separate revenue account where we pay for rolls offs used in the bulk/construction debris pickups that the City Crews do monthly, which results in each area of the City being picked up 3 times each year.

In order for the water bills and the fee ordinance to match and accurately reflect the fees, I am proposing the following change to the fee ordinance in Chapter 38.

Residential Rate

Garbage/Brush \$17.53 - to match what Republic is currently charging the City

City-wide Cleanup \$ 0.35 - so the total of \$17.88 equals what the customers are currently paying and the category "City-wide cleanup" more accurately reflects what these funds are for. The term "Spring Cleanup" is left over from years ago when the City did this bulk/construction debris cleanup only once a year in the Spring.

Note: over the course of a year, this \$0.35 will generate approximately \$16,000. Our annual cost for the roll-offs run \$25,000-\$30,000 but this also includes the trash that is collected from the parks on a daily basis.

Bottom line, I wanted to get the ordinance to match up with the utility bills and correctly reflect what the fees are for on the bill. During budget this year, we can discuss whether we want to increase this \$0.35 rate in order

to generate additional revenue to fully fund the Solid Waste expenditures or have funds to pay for additional trash cleanups such as tires, etc.

Attachments: RV Park Rate Study

Chapter 54 – Waterways

At a Special Port Commission meeting on July 27, 2020, the Port Commission proposed new Tariff rates which were presented to Council at a workshop on July 29 and later incorporated into the revised Fee Ordinance. A recent review revealed that one of the recommendations of the Port Commission regarding the Dockage space at the Harbor of Refuge was left off of the table. The minutes reflect a recommendation to raise the linear foot dockage rates to \$3.30. This affects dockage rates being charged at the Harbor of Refuge since October 1, 2020.

Recommendation: Approve the linear foot dockage rate of \$3.30/LF as recommended by the Port Commission, making it effective October 1, 2020.

See attached Port Commission minutes dated 7/27/2020 and the memo to Council discussed at the July 29 Workshop.

PORT LAVACA RV PARK RATE STUDY

		Daily		Weekly		Monthly	
		Low	High	Low	High	Low	High
Lavaca Bay RV Park	Broadway, PL - bay view					\$380	
Lone star RV Park	Broadway, PL - bayview					\$380	
Sand dollar RV Park	Broadway, PL					\$380	
Country Club RV Park	Near Hatchbend CC					\$380	
Keller Bay RV Park	Olivia - bay view	\$50		\$200		\$500	
Port Lavaca/Mat Bay KOA	Weedhaven - bay view	\$65	\$85	\$455	\$595	\$680	\$1,000
5 Sons RV Park	Ave D - PL					\$525	
Texas Lakeside RV Park	SH 238/Henry Barber Way - PL	\$61	\$76	\$325	\$410	\$600	\$735
Beacon 44 RV Park	Port O'Connor - Harrison	\$40	\$60	\$200	\$300	\$350	\$450
Coastal Bay RV Park	Port Alto (not on Bay)	\$45		\$225		\$395	
Waterfront RV Park	Matagorda - bay view			\$210		\$400	
Average		\$52	\$74	\$269	\$435	\$452	\$728
		Hill sites	Waterfront	Hill sites	Waterfront	Hill sites	Waterfront
Current LHB RV park rates		\$35	\$40	\$200	\$250	\$400	\$600
Parks Board proposal		\$50	\$55	\$250	\$325	\$500	***

*** - We are not offering the waterfront sites for Monthly rental

☐ = Bayview Park

OTHER REGIONAL RV PARKS

Copano Bay RV Resort	Rockport - Bayview	\$48		\$190		395 + elect	
Coastal Breeze RV Resort	Rockport - Bayview	\$70	\$90	\$255	\$295	\$510 + elect	\$ 595 + elect.
Matagorda Bay Nature Park	Matagorda, TX - Bayview	\$40	\$225				
Serendipity RV Park	Palacios, TX - Bayview	\$48	\$60	\$265 + elect	\$330 + elect	\$475 + elect.	\$600 + elect



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

MINUTES OF 7/27/2020 PORT COMMISSION WORKSHOP

The Agenda having been properly posted, Chairman Davila called the meeting to order at 10:05 AM on Monday, July 27, 2020. Members attending were Commissioner David Roberts, Commissioner Mike McGuire, Commissioner Raymond Butler and Commissioner Sue Traylor. City Staff that were attending were Interim City Manager Jody Weaver, Harbor Master Jim Rudellat, and Rachel Garza.

1. DISCUSS PASS THROUGH TARIFF RATES.

Motion was made by Commissioner Mike McGuire to present the new proposed tariff rates to the City Council as follows:

OYSTERS	\$ 0.90	per barrel
OYSTERS	\$ 0.30	per sack
SHRIMP	\$ 8.00	per ton
CRUDE	\$ 0.10	per barrel
BULK FERTILIZER	\$ 0.65	per ton

Motion was Seconded by Commissioner Sue Traylor.
Motion carries.

Motion was made to present to City Council to add / modify Helena Chemical's current tariff lease from \$2.25 to \$3.30 per linear foot for 591.25 linear feet and to update their tariff tonnage charge from 0.45 cents to 0.65 cents per ton, if it hasn't been done already.

Motion was made by Commissioner Raymond Butler and Seconded by Commissioner David Roberts.

Motion carries.

Motion to adjust T. W. LaQay's current tariff lease to \$3.30 per linear foot.

Motion was made by Commissioner Mike McGuire and Seconded by Commissioner Sue Traylor.
Motion carries.

Motion was made to implement a tariff for barge dockage at the public dock bulkhead at \$200.00 dollars per day, per barge between 200 to 250 feet long.

Motion was made by Commissioner Raymond Butler and Seconded by Commissioner Sue Traylor.
Motion carries.

Motion was made to initiate a per foot charge of \$3.30 per linear foot, per month for the southwest end of the Harbor of Refuge totaling 422 linear feet now currently leased by Prestige Oyster.

Motion was made by Commissioner Raymond Butler and Seconded by Commissioner Mike McGuire.

Motion carries.

Motion was made to adjust Nautical Landings Marina Slip Rates by 5% for the annual cost increase.

Motion was made by Commissioner Mike McGuire and Seconded by Commissioner Raymond Butler.

Motion carries.

Motion was made to implement a railroad tariff of \$75.00 dollars, per day, per railcar at the Harbor of Refuge, City of Port Lavaca railroad spur track.

Motion was made by Commissioner Mike McGuire and Seconded by Commissioner David Roberts.

Motion carries.

2. REVIEW STANDARD LEASE AND MAKE NECESSARY CHANGES.

Commissioners discussed agenda item.

No action taken.

3. REVIEW CURRENT LEASES AND RENEWALS.

Motion was made to charge Poor Boy's Bait Shop \$800.00 dollars for the ground lease and \$500.00 dollars for dockage.

Motion was made by Commissioner Raymond Butler and Seconded by Commissioner Sue Traylor.

4. REVIEW CAPITAL IMPROVEMENT PLAN.

Commissioners discussed this agenda item.

No action taken.

ADJOURN

The meeting was adjourned by Chairman Davila at 1:04 PM.

DATE: 07.28.2020

Section VI. Item #9.

TO: MAYOR & COUNCIL

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: PORT COMMISSION FEES, RATES & CHARGES

The Port Commission is proposing the following changes to their Tariffs and other fees, rates and charges:

TARRIF	PER UNIT	CURRENT	PROPOSED
OYSTERS	BARREL	\$0.30	\$0.90
OYSTERS	SACK	\$0.10	\$0.30
SHRIMP	TON	\$8.00	NO CHANGE
CRUDE	BARREL	\$0.095	\$0.10
BULK	TON	\$0.65	NO CHANGE
RAILCARS	RAILCAR/DAY	NONE	\$75.00
PUBLIC DOCK SPACE	PER DAY FOR 200-250' BARGES	NONE	\$200.00

MARINA RATES	PER UNIT	CURRENT	PROPOSED
Dock space	LF/MONTH	\$6.00	\$6.30
110 v.30 amp connection	MONTH	\$50.00	\$52.50
220 v 50 amp connection	MONTH	\$100.00	\$105.00
Water and trash included in all rentals			
If paid annually, will discount one month's rental			
Transient Rate <35 ft	DAY	\$15.00	\$15.75
Transient Rate > 35 ft	DAY	\$20.00	\$21.00

ORDINANCE #G-3-21

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 32: Parks and Recreation
 - Sec. 32-71(e) LHB RV Park Rates (Hill Sites and Waterfront Sites)
- Chapter 38: Solid Waste (Garbage/Brush Collection)
 - Sec. 38-29 Residential Rate
- 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 12th day of April, 2021.

Jack Whitlow, Mayor

SECOND AND FINAL READING this 10th day of May, 2021.

Jack Whitlow, Mayor

APPROVED AND ADOPTED this 10th day of May, 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			
Councilman Dent			
Councilman Tippet			
Councilwoman Padron			
Councilman Ward			
Councilman Barr			

Record of approval by City Council: City Council Minute Records, Volume 3G, Page ____.

Section Number	Subject	Fee Amount
CHAPTER 32—PARKS AND RECREATION		
32-71(d)	Minor and special event permit	No charge
32-71(e)	Lighthouse Beach and RV Park	
	Hill sites:	
	Daily rates:	\$35.00
		\$50.00
	With senior discount	
	With Good Sam discount	
	Weekly rates:	\$200.00
		\$250.00
	With senior discount	
	With Good Sam discount	
	Monthly Rate:	\$400.00
		\$500.00
	Waterfront Sites:	
	Daily rates:	\$40.00
		\$55.00
	Weekly rates:	\$250.00
		\$325.00
	Day use cabanas:	\$50.00
	Monthly rate:	\$600.00
	<i>Lighthouse Beach and RV Park other fees:</i>	

Appendix A - FEES, RATES AND CHARGES

Section VI. Item #9.

	<i>Tent sites</i>	\$20.00
	<i>Miscellaneous rates:</i>	
32-71(d)	Annual day pass	\$25.00
32-71(d)	Annual senior day pass	\$20.00
	Day pass	\$5.00
	Day Pass Bus non-school	\$45.00
	Dump station	\$40.00
	<i>Pavilion rentals: per day</i>	
	Lighthouse Beach pavilion includes 20 day passes	\$200.00
	Bayfront Peninsula Pavilion Area 1	\$150.00
	Bayfront Peninsula Pavilion Area 2	\$500.00
	Bayfront Peninsula Pavilion Area 3	\$2,000.00
	<i>Pavilion deposits: per event</i>	
	Bayfront Peninsula Pavilion Area 1	\$150.00
	Bayfront Peninsula Pavilion Area 2	\$500.00
	Bayfront Peninsula Pavilion Area 3	\$2,000.00
32-73(b)	Alcohol-in-the-park permit	\$50.00 (No waiver or exceptions)
(Ord. No. G-4-05, § III, 6-13-2005; Ord. No. G-1-12, § II, 3-12-2012; Ord. No. G-3-13, § II, 9-9-2013; Ord. No. G-8-15, 9-14-2015; Ord. No. G-1-18, § II, 1-8-2018; Ord. No. G-2-20, § II, 4-13-20)		
Note— The dump station is only for RV Black Water waste disposal. No drums or other types of containers permitted.		

CHAPTER 38—SOLID WASTE		
38-29	Residential Rate	\$17.88
	Garbage / Brush Collection	\$17.53
	City-wide Cleanups	\$0.35
38-30	Commercial Rate	Per Contract
	Prices are per contract through the solid waste provider	
(Ord. No. G-5-93, §§ 12, 13, 9-30-1993; Ord. F-1-10 (New Solid Waste Ordinance); Ord. No. G-1-12, art. II, 3-12-2012; Ord. No. G-3-13, art. II, 9-9-2013; Ord. No. G-10-16, art. II, 9-12-2016;) Ord. No. G-2-20, § II, 4-13-2020)		
—		

CHAPTER 54—WATERWAYS		
	Tariffs:	
	Oysters per sack	\$0.30
	Oysters per barrel	\$0.90
	Shrimp per ton	\$8.00
	Crude/condensate per barrel	\$0.10
	Crude/condensate per ton of bulk	\$0.65
	Railcars	
	Railcar / per day	\$75.00

Appendix A - FEES, RATES AND CHARGES

Section VI. Item #9.

	Public Dock Space	
	Per day for 200 – 250 Ft. Barges	\$200.00
	Harbor of Refuge	
	Dockage Space (LF/Month)	\$3.30
	Marina	
	Dock 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)		

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Consider Tariff Rates for Helena Chemicals Harbor of Refuge Lease. Presenter is Jerry Smith

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

MINUTES OF 7/27/2020 PORT COMMISSION WORKSHOP

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2. REVIEW STANDARD LEASE AND MAKE NECESSARY CHANGES.

Commissioners discussed agenda item.

No action taken.

3. REVIEW CURRENT LEASES AND RENEWALS.

Motion was made to charge Poor Boy's Bait Shop \$800.00 dollars for the ground lease and \$500.00 dollars for dockage.

Motion was made by Commissioner Raymond Butler and Seconded by Commissioner Sue Traylor.

4. REVIEW CAPITAL IMPROVEMENT PLAN.

Commissioners discussed this agenda item.

No action taken.

ADJOURN

The meeting was adjourned by Chairman Davila at 1:04 PM.

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Consider selection of engineering consultant for upgrades to the Wastewater Treatment Plant (WWTP) and Water Supply Master Plan. Presenter is Wayne Shaffer

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: APRIL 12, 2021

DATE: 4.08.2021

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JODY WEAVER, INTERIM CITY MANAGER/ WAYNE SHAFFER, PWD

SUBJECT: CONSIDER SELECTION OF ENGINEERING CONSULTANT FOR UPGRADES TO
WWTP AND WATER SUPPLY MASTER PLAN

In December of last year, we solicited Requests for Qualifications (RFQ's) from Engineering Firms to assist in the assessment of the existing water supply and distribution systems, the expansion of the Wastewater Treatment Plant, and planning for future upgrades and expansion of the water and wastewater systems to handle future growth. RFQ's were sent to the following firms:

Schaumburg & Polk
KSA Engineering
G&W Engineering
Urban Engineering
EHT
AECOM
BGE (Brown & Gay Engineering)
CivilCorp

We received 5 SOQ's, which were due on January 15. I recently sent the received SOQ's to the selection committee selected by the mayor comprised of myself, Wayne Shaffer, Tim Dent and Allen Tippit. The committee members independently scored the submittals and we met as a group last week to review the submittals together, sharing any particular comments or impressions that other committee members may have missed in their initial review and to then confirm that the results of the collective scoring align with the recommendation of the committee as a whole. I've attached a copy of the RFQ document.

For the Water Planning project, we are looking for a firm with extensive knowledge and expertise in the area of public water distribution and specifically water supply systems (surface, groundwater, and blending).

For the WWTP project, we are looking for a firm with extensive knowledge and expertise in working with TCEQ and designing WWTP's, with experience in upgrading/expanding existing plants (as opposed to only new plants) as a plus.

Please find attached the score sheets showing the individual scores and the averages. On both projects, AECOM had the highest ranking. Mott McDonald was #2 in Water and EHT was #2 in wastewater.

The Selection Committee recommends selecting AECOM to begin cost proposals and contract negotiations with. The initial scopes will be:

- Assess our current water supply and evaluate options for additional sources of water for future growth and a secondary source.
- Assess the condition of the existing WWTP and develop a plan for engineering study/design to expand the plant for future growth per TCEQ requirements.

The expense for these contracts are not budgeted, so once a cost proposal and contract is negotiated, we will bring the contracts back to Council for approval.

Request for Qualifications (RFQ) for Professional Engineering Services
for
WATER SYSTEMS PLANNING
and
LYNN'S BAYOU WASTEWATER TREATMENT PLANT EXPANSION
(RN101612893) TPDES PERMIT NO. WQ0010251001
in the City of Port Lavaca
RFQ 2020-12.30

The City of Port Lavaca is seeking the services of one or more experienced professional engineering consultants to assist in the assessment of the existing water supply and distribution systems, the expansion of the Lynns Bayou Wastewater Treatment Plant, and planning for future upgrades and expansion of the water and wastewater systems to handle future growth. Anticipated Task Orders include 1) a feasibility study for the development of a water well field and associated infrastructure to provide a supplemental water supply for the City of Port Lavaca; 2) a Preliminary Engineering Study for expansion and/or upgrading of the Lynns Bayou WWTP, triggered by the annual average flow exceeding 75% of the permitted flow for three consecutive months; and 3) other Task Orders may include: conducting studies, preparing recommendations, assisting the City with TCEQ compliance, developing construction plans, specifications, cost estimates, bid documents, construction management; and performing other related services pertaining to the City's water and wastewater systems. At the sole discretion of the City, more than one respondent may be selected and awarded a contract as a result of this Request for Qualifications.

The City will receive Statements of Qualifications from interested firms until **2:30 pm, Friday, January 15, 2021**, at the location stated below. Submittals received after this deadline will not be considered. The complete submittal consisting of **1 original, 3 copies and 1 color pdf (cd or thumb drive)** must be delivered to City Hall in a sealed package, clearly marked on the outside **RFQ 2020-12.30** and addressed to:

City of Port Lavaca
Attn: City Engineer
RFQ 2020-12.30 – WATER SYSTEMS PLANNING
AND LYNN'S BAYOU WWTP EXPANSION
202 N. Virginia Street
Port Lavaca, Texas 77979

To receive a copy of this Request for Qualifications (RFQ) or for information concerning this RFQ, including specific requirements and evaluation criteria, please visit www.portlavaca.org or contact Jody Weaver, the City Engineer, at 361-827-3601 or jweaver@portlavaca.org. The CITY OF PORT LAVACA reserves the rights to negotiate with any or all firms submitting qualifications, as per the Texas Professional Services Procurement Act. Small and Minority businesses, Women's business enterprises, and labor surplus area firms are encouraged to submit qualifications. The CITY OF PORT LAVACA is an equal opportunity employer without regard to race, color, sex, age, religion, national origin, persons with disabilities, or limited English proficiency.

General Scope of Work

The City of Port Lavaca seeks to obtain statements of qualifications from experienced engineering firms to assist in the assessment of existing water supply and distribution systems, the expansion of the Lynns Bayou Wastewater Treatment Plant, and planning for future upgrades and expansion of the water and wastewater systems to handle future growth. Anticipated Task Orders include 1) a feasibility study for the development of a water well field and associated infrastructure to provide a supplemental water supply for the City of Port Lavaca; 2) a Preliminary Engineering Study for expansion and/or upgrading of the Lynns Bayou WWTP, triggered by the annual average flow exceeding 75% of the permitted flow for three consecutive months; and 3) other Task Orders may include: conducting studies, preparing recommendations, assisting the City with TCEQ compliance, developing construction plans, specifications, cost estimates, bid documents, construction management; and performing other related services pertaining to the City's water and wastewater systems. At the sole discretion of the City, more than one respondent may be selected and awarded a contract as a result of this Request for Qualifications.

Technical Expertise

It is anticipated that the successful firm(s) will have extensive knowledge and expertise in the technical areas of public water distribution and water supply systems (surface, groundwater, and blending), the assessment and design of Domestic Wastewater Treatment Facilities and the rules of the Texas Commission on Environmental Quality pertaining to water and wastewater systems design and operation.

Selection Process

This RFQ provides information necessary to prepare and submit a **Statement of Qualifications (SOQ)** for consideration and ranking by the City of Port Lavaca using the point system described below. The evaluation committee will rank the firms in order of the most qualified, based on demonstrated competence and qualifications to perform the services and then make a determination as to whether or not an informal meeting will be required of the top-ranking firms. Upon authorization, the highest ranked firm will be asked to submit a fee proposal to begin contract negotiations for a fair and reasonable price. As stated above, at the sole discretion of the City, more than one respondent may be selected and awarded a contract as a result of this Request for Qualifications.

By submitting its SOQ in response to this RFQ, respondent accepts the evaluation process as outlined in the SOQ Requirements and Evaluation section which follows.

Statement of Qualifications Requirements and Evaluation

Respondents shall carefully read the information in the following evaluation criteria and submit a complete SOQ to all questions in this RFQ as formatted below:

Item 1: General Qualifications and Availability

15 pts

- a. Provide the following information:
 - Legal name of firm and the TBPE Firm number
 - Location of Office that will be conducting the work
 - Contact Persons
 - Date of firm formation
 - Legal business description (Individual, Partnership, Corporation, Joint Venture, etc.)

- Provide a summary of any litigation, claim(s), or contract disputes filed by or against the firm in the past five (5) years which is related to the services that the firm provides in the regular course of business.
- b. Provide a statement on the availability and commitment of the firm, its principal(s) and assigned professionals to undertake the project, reporting responsibilities and how the firm will interface with the City of Port Lavaca's staff. Regular weekly, biweekly or monthly project meetings will be required, depending upon the project.
- c. Provide a statement of interest for the project including a narrative describing the benefits that the City will realize in selecting the Respondent's firm, including the firm's specific expertise and unique qualifications, capabilities, specialized experience, best practices or other factors that distinguish the Respondent from other Respondents.

Item 2: Proposed Staff**25 pts**

- a. Organizational chart for personnel (including sub-consultants) who are to work on this project including licensure information.
- b. Names and roles of key personnel proposed to work on this project and their office locations.
- c. Include resumes for all key personnel and indicate any individuals who have had previous experience on similar projects.
- d. Indicate the specific persons who will be assigned to develop the Hardy Cross computer model and their experience.
- e. Provide staffing size by areas of expertise.
- f. Provide current workload of prime firm.
- g. Provide staff availability to perform services.
- h. Provide the Project Managers experience with similar size/type projects.
- i. Provide the sub-consultants experience with similar size/type projects.

Item 3: Project Experience**40 pts**

- a. Provide an overview and brief history of the firm and sub-consultants.
- b. Provide verifiable examples of projects where the respondent has developed a comprehensive Water Systems Master Plan and/or groundwater supply feasibility study for a municipality or water district including:
 - A brief description of the scope of services provided
 - Population served by the water system
 - Date of completion or project status
 - Client name and contact person
- c. Provide verifiable examples of projects where the respondent has assessed the performance and capacity of an existing WWTP and prepared design plans for the expansion and/or upgrade to a WWTP similar or greater in size to the Lynn's Bayou WWTP.

Item 4: Project Approach**20 pts**

- Explain how the firm will assess and approach the project(s).
- Briefly describe anticipated roles and responsibilities of the City and the firm in these projects.
- Provide an example of a typical project schedule.

Responsiveness to Request for Qualifications:

SOQs shall be prepared simply and economically, providing a straightforward, concise description of the respondent's ability to meet the requirements of this RFQ. Emphasis shall be on quality, completeness, clarity of content, responsiveness to the requirements, and understanding of the City of Port Lavaca's needs. One (1) original and Three (3) hard copies and one digital PDF of the SOQ are required. The RFQ must be signed by a person having authority to bind the firm in a contract.

The SOQ must indicate "City of Port Lavaca - RFQ 2020-12.30 – WATER SYSTEMS PLANNING AND LYNNS BAYOU WWTP EXPANSION" on the coversheet.

Compliance with HB 1295

Prior to entering into an agreement, the successful firm(s) shall be required to complete Form 1295 in accordance with Texas HB 1295. The required form is completed online at www.ethics.state.tx.us/file.

Due Date and Contact

Statement of Qualifications Due: Friday, January 15, 2021 at 2:30 p.m. Central Standard Time.

City of Port Lavaca
Attn: City Engineer – RFQ 2020-12.30
202 N. Virginia Street
Port Lavaca, Texas 77979
(361) 552-9793 ext 224

Any questions about this RFQ may be directed to the City Engineer at the number above or emailed to jweaver@portlavaca.org. Any Addenda to this RFQ will be posted on the City's website and emailed to those firms which have notified the City Engineer of their intention to submit a SOQ.

PERSONS OR FIRMS PRACTICING ENGINEERING SERVICES IN THE STATE OF TEXAS MUST POSSESS PROPER REGISTRATION IN ACCORDANCE WITH TEXAS LAWS.

The City of Port Lavaca will not provide compensation or defray any costs incurred by any firm related to the response to this request; reserves the right to negotiate with any and all persons or firms; and reserves the right to reject any or all SOQ(s), or to accept any SOQ deemed most advantageous, based on demonstrated competence and qualifications to perform the services, or to waive any irregularities or informalities in the SOQ received, and to revise the process schedule as circumstances arise. At the sole discretion of the City, more than one respondent may be selected and awarded a contract as a result of this Request for Qualifications.

SOQ -WATER SYSTEMS PLANNING
SCORE SHEET SUMMARY

3.29.2021

	General Qualifications/ Availability	Proposed Staff	Experience	Project Approach	TOTAL
W. SHAFFER	15	25	40	20	100
	AECOM	14	24	19	97
	URBAN ENGINEERING	14	24	19	96
	EHT	12	23	18	92
	MOTT MCDONALD	14	25	18	95
TIM DENT	BGE	13	24	19	94
	AECOM	12	23	18	93
	URBAN ENGINEERING	10	17	15	72
	EHT	10	20	15	80
	MOTT MCDONALD	12	21	17	90
ALLEN TIPPI	BGE	12	22	18	90
	AECOM	13	17	17	79
	URBAN ENGINEERING	9	18	14	69
	EHT	14	23	17	89
	MOTT MCDONALD	10	22	16	83
JODY WEAVER	BGE	11	19	15	81
	AECOM	15	23	20	98
	URBAN ENGINEERING	11	15	15	66
	EHT	13	18	18	79
	MOTT MCDONALD	14	24	19	95
Average Scores:	BGE	15	18	19	90
	AECOM	91.8			
	URBAN ENGINEERING	75.8			
	EHT	85.0			
	MOTT MCDONALD	90.8			
	BGE	88.8			

SOQ -WWTP
SCORE SHEET SUMMARY
3.29.2021

	General Qualifications/ Availability	Proposed Staff	Experience	Project Approach	TOTAL
W. SHAFFER	15	25	40	20	100
	AECOM	14	24	40	19
	URBAN ENGINEERING	14	23	39	19
	EHT	12	23	39	18
	MOTT MCDONALD	14	24	38	18
TIM DENT	BGE	14	24	39	19
	AECOM	12	23	40	17
	URBAN ENGINEERING	10	18	30	15
	EHT	10	20	30	15
	MOTT MCDONALD	12	21	40	17
ALLEN TIPPIT	BGE	12	22	30	18
	AECOM	13	19	35	17
	URBAN ENGINEERING	9	18	30	16
	EHT	14	23	38	18
	MOTT MCDONALD	10	20	30	14
JODY WEAVER	BGE	11	19	32	14
	AECOM	15	25	38	20
	URBAN ENGINEERING	11	18	30	15
	EHT	13	23	35	18
	MOTT MCDONALD	14	20	32	19
Average Scores:					19
AVERAGE	AECOM	15	25	38	20
	URBAN ENGINEERING	11	18	30	15
	EHT	13	23	35	18
	MOTT MCDONALD	14	20	32	19
	BGE	15	20	32	19

AVERAGE	92.8
URBAN ENGINEERING	78.8
EHT	87.3
MOTT MCDONALD	85.8
BGE	85.0

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Consider recommendation of the Planning Board for approval of a conceptual plan from Mr. Tony Magana for a medium-density residential triplex development with a potential variance request for zero side yard setbacks. Presenter is Jessica Carpenter

INFORMATION:

CITY OF PORT LAVACA

MEETING: April 12, 2021 **AGENDA ITEM** _____

DATE: 04.06.2021

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JESSICA CARPENTER, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: Consider recommendation of the Planning Board for approval of a conceptual plan from Mr. Tony Magana for a medium-density residential triplex development located in Claret Crossing subdivision lots 53-58.

ARTICLE VI. - DESIGN STANDARDS**Sec. 42-131. - Lots.**

(b) Minimum building setbacks.

(3) Side setback line. Minimum side setback lines shall be five feet, except for corner lots that require a 25-foot side setback.

Mr. Tony Magana is proposing a medium-density residential triplex development with a potential variance request for zero side yard setbacks. The applicant will reconfigure existing lots to meet the design layout for the development via a replat. There are considerations to do one lot or replat to two lots and record a shared open space document with either of these replat options or create individual lots for each unit. Mr. Magana is proposing to build 3 individual triplexes for a total of nine (9) residential units on lots 53-58 of Claret Crossing subdivision.

As cited below Sec. 42-160. - Minimum design standards. (3) Patio homes.

d. Setback requirements. 1. ...when reduced setbacks will not, in the opinion of the planning commission, detrimentally affect existing or proposed development adjacent to and across the street and within 200 feet on each side of the area proposed for reduction of setback within the project. 2. All zero side lot lines shall be designated on the subdivision plat, and each lot shall have only one zero lot line. No windows, doors, or other dwelling openings shall be allowed on the zero-lot line. 3. A minimum of six feet shall be maintained between each patio home, and the six-foot building line shall be indicated on the patio home subdivision plat.

Zero side yard setbacks are consistent with this type of proposed triplex development or patio development. This type of row houses is referred to as "Patio Homes" in the city ordinance. The zero-side yard setback variance request is contingent on the final design layout of the development. The applicant may not require this side yard variance after plat lot design is completed. However, the applicant is seeking Board approval to have favorable lot design options in the plat layout process.

CITY OF PORT LAVACA

Staff has provided definitions of “patio home “as follows:

Patio home means a dwelling unit that does not have party walls but has one or more walls built on the side property line and does not have windows, doors or other openings in these walls.

Port Lavaca Code of Ordinances:

https://library.municode.com/tx/port_lavaca/codes/code_of_ordinances?nodeId=PTIICOOR_CH42S_UPL_ARTIINGE_S42-1DE

A **patio home** or **cluster home** is an American house in a suburban setting. It can be a small, freestanding structure very close to the neighbor or part of a unit of several houses attached to each other, typically with shared walls between units, and with exterior maintenance and landscaping provided through an association fee. Not all of these elements are present in all buildings called patio homes, as the term is used somewhat generically by the real estate industry.

Wikipedia: https://en.wikipedia.org/wiki/Patio_home

ARTICLE VII. - GROUP HOUSING AND COMMERCIAL DEVELOPMENT

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...

Sec. 42-160. - Minimum design standards.

(3) *Patio homes.*

a. *Area requirements.* The area requirements for patio homes shall be the same as for townhouses.

b. *Coverage requirements.* The coverage requirements for patio homes shall be the same as for townhouses.

c. *Yard requirements.*

1. Each lot shall contain a private yard with not less than 300 square feet of area. Not more than one-half of the private yard may be occupied by a driveway, but parking areas shall not be included in the computation of the required private yard area.

2. A private yard may have a patio cover or roof that does not cover more than 25 percent of the private yard.

CITY OF PORT LAVACA

3. A wall or solid fence not less than five feet in height shall be required on side lot lines where the required private yard adjoins such lot lines, and on rear lot lines where the patio home lots are backing a public street.

d. Setback requirements.

1. The planning commission may approve a lesser front setback than what is specified in article VI of this chapter when rear access is provided and when reduced setbacks will not, in the opinion of the planning commission, detrimentally affect existing or proposed development adjacent to and across the street and within 200 feet on each side of the area proposed for reduction of setback within the project. A pictorial representation or drawing of the proposed project, including location of buildings, off-street parking, rear access and any other proposed improvements, shall be provided to the planning commission before the commission may act upon a request for a reduced building setback line.

2. All zero side lot lines shall be designated on the subdivision plat, and each lot shall have only one zero lot line. No windows, doors, or other dwelling openings shall be allowed on the zero-lot line.

3. A minimum of six feet shall be maintained between each patio home, and the six-foot building line shall be indicated on the patio home subdivision plat.

e. Utility meters. There shall be separate utility meters for each patio home.

f. Parking and driveway requirements. These requirements shall be the same as for townhouses.

g. Subdivision plat. All patio home subdivision plats must contain the following statement: "This (development, section, lot, etc.) shall be restricted to patio homes only."

Department Comments:

Engineering: If approval is granted for this location to be developed as a triplex residential development, a pre-development meeting should be scheduled to discuss the comprehensive site design and development standards, including but not limited to, the city road and drainage design and development standards.

Fire: Consideration of requirements upon formal project submittal will be anything more than a duplex has to be sprinkled in accordance with the International Fire Code Sec 903 – Automatic Sprinkler Systems. Upon further consideration for review at formal submittal of plans there may be additional comments of a required secondary ingress/egress access point. Fire apparatus road may be required.

Public Works: If approval is granted for this location to be developed as a triplex residential development, a pre-development meeting should be scheduled to discuss the comprehensive site design and development standards, including but not limited to, the municipal utilities regulations.

CITY OF PORT LAVACA

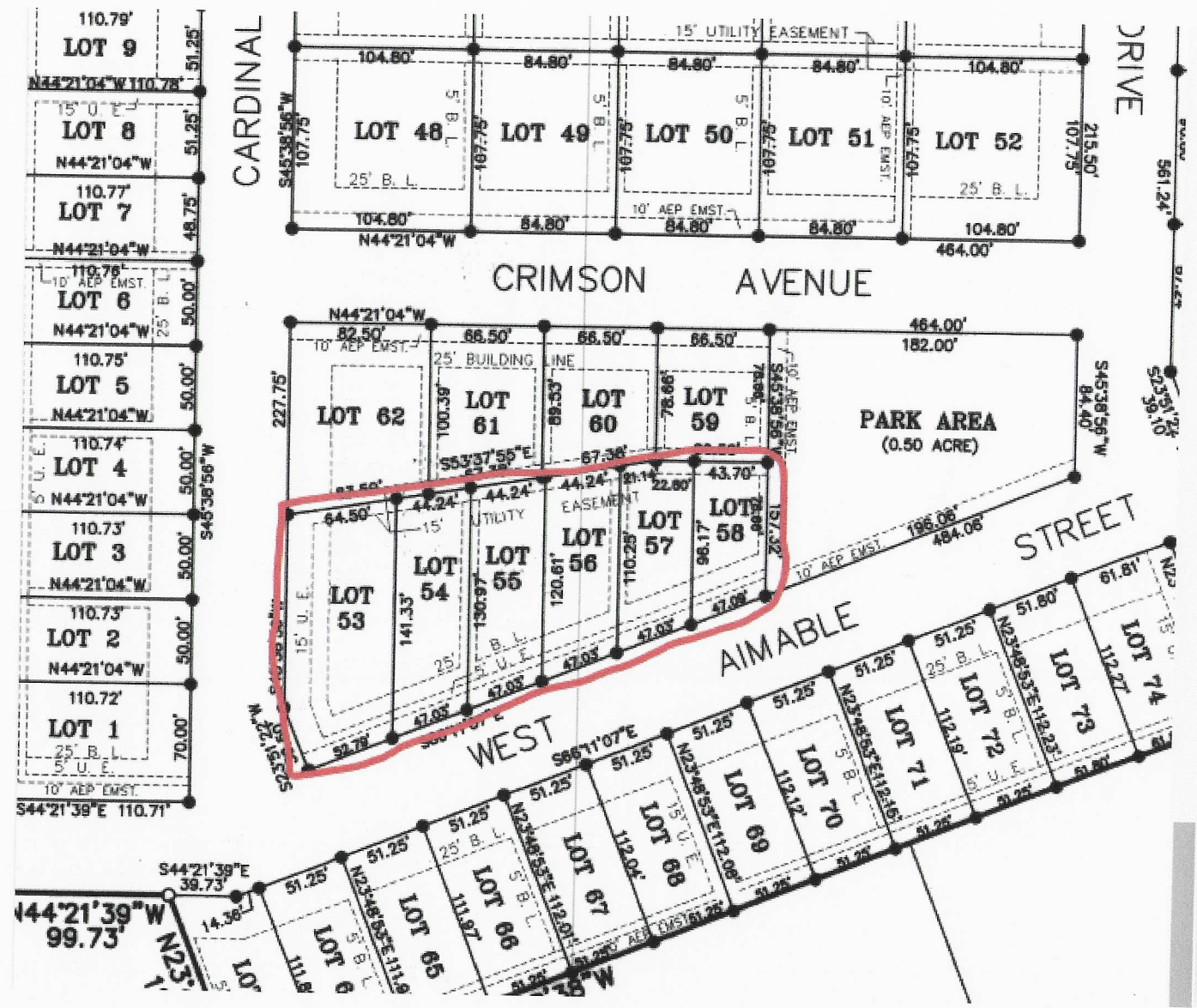
Development Services: If approval is granted for this location to be developed as a triplex development, a pre-development meeting should be scheduled to discuss the comprehensive site design and development standards in addition to the replat process.

Planning Commission: APPROVED

Planning Commission approves the conceptual plan from Mr. Tony Magana for a medium-density residential triplex development located in Claret Crossing subdivision lots 53-58.

Attachments:

- Mr. Magana – Triplex lots
- Triplex 2 Units
- Triplex renderings





Camera 1

REVISION TABLE	
NO.	DATE

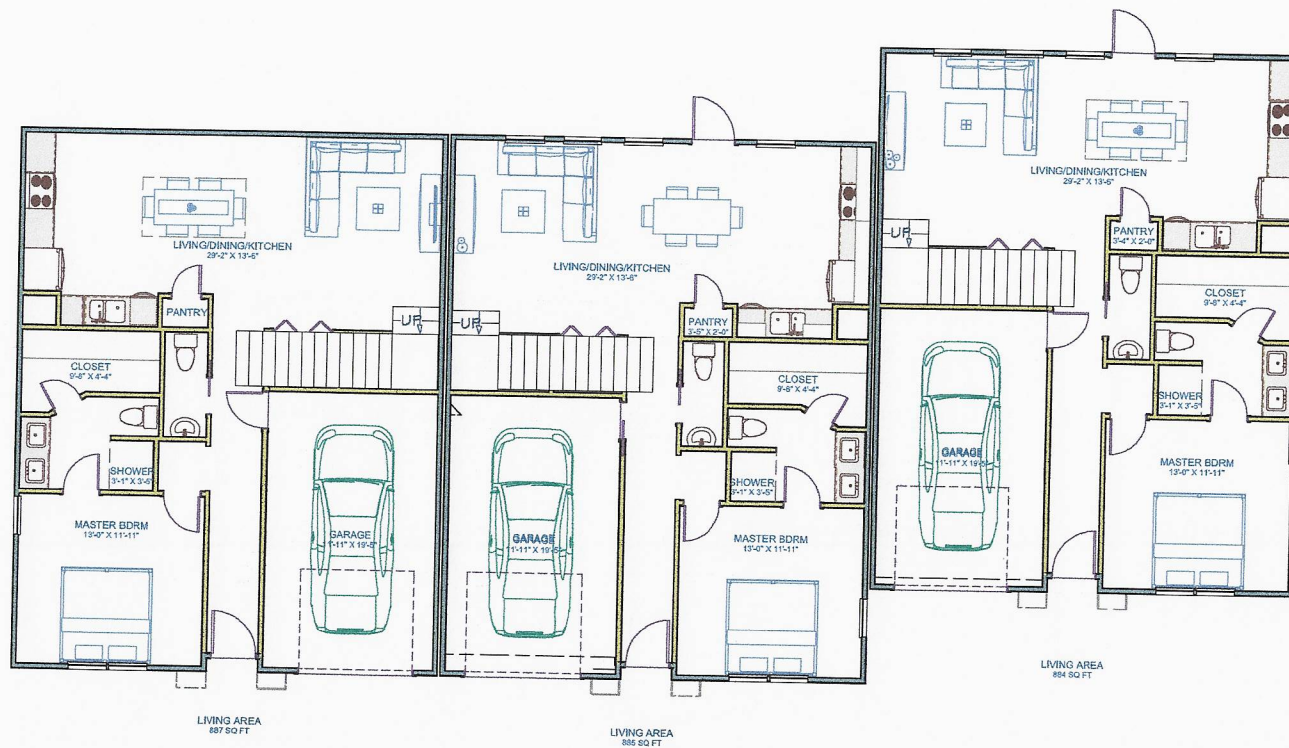
3D Elevation

DRAWINGS PROVIDED BY:

DATE:
3/4/21

SCALE:
1/4" = 1'

SHEET:



1st Floor

REVISION TABLE	
NUMBER	DATE

Plan View

DRAWINGS PROVIDED BY:

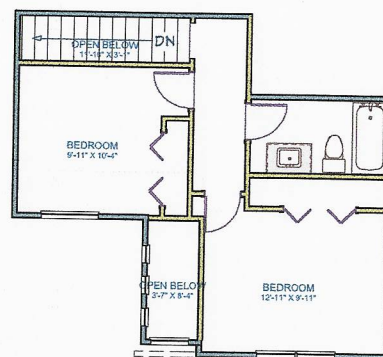
DATE:
3/4/21

SCALE:
1/4" = 2'

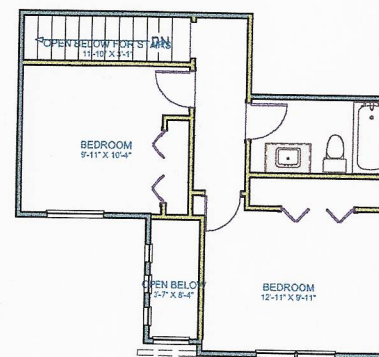
SHEET:
1



LIVING AREA
417 SQ FT



LIVING AREA
417 SQ FT



LIVING AREA
417 SQ FT

2nd Floor

REVISION TABLE
NUMBER DATE REVISION DESCRIPTION

Plan View
2nd Story

DRAWINGS PROVIDED BY:

DATE:

3/4/21

SCALE:

1/4" = 1'

SHEET:

2



MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Consider recommendation of the Planning Board for approval of a conceptual plan for Mr. Jimmy Shelton for a proposed medium-density residential townhome development with a variance request for zero side yard setbacks. Presenter is Jessica Carpenter

INFORMATION:

CITY OF PORT LAVACA

MEETING: April 12, 2021

DATE: 04.06.2021

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JESSICA CARPENTER, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: Consider recommendation of the Planning Board for approval of a conceptual plan for Mr. Jimmy Shelton for a proposed medium-density residential townhome development with a variance request for zero side yard setbacks. Mr. Shelton is proposing the townhomes to be built on 40 x70' lots with zero side yard setbacks. Legal description is A0035 MAXIMO SANCHEZ, TRACT PT 26, ACRES 5.00. Property identification number is 90774.

ARTICLE VI. - DESIGN STANDARDS

Sec. 42-131. - Lots.

(b) Minimum building setbacks.

(3) Side setback line. Minimum side setback lines shall be five feet, except for corner lots that require a 25-foot side setback.

Mr. Jimmy Shelton is proposing for a medium-density residential townhome development with a variance request for zero side yard setbacks. Mr. Shelton is proposing the townhomes to be built on minimum lot dimensions of 40' x70' with zero side yard setbacks. The proposed development is 5 acres and will have approximately 46 units equating approximately to 9.2 units per acre. This is contingent on final design layout of the development, but that is the target number of units. Also, contingent on the design layout is an open space/park that will serve as the drainage for this development. The variance request is similar to the applicant's prior development, The Enclave Townhomes.

As cited below Sec. 42-160. - Minimum design standards. (2) Townhouses.

- a. Area requirements. 5. Each lot 20 feet or more in width shall contain not less than 1,600 square feet, and each lot less than 20 feet shall contain not less than 1,280 square feet. 6. Each townhouse shall be located on an individual lot.

The applicant's proposed design for the lots meets this lot width standard and the square footage of the townhomes are compliant to this regulation as well.

- e. Setback requirements. The planning commission may approve a lesser setback from the setback that was specified in article VI of this chapter when rear access is provided and when reduced setbacks will not, in the opinion of the planning commission, detrimentally affect existing or proposed development adjacent to and across the street and within 200 feet on each side of the area proposed for reduction of setback within the project.

CITY OF PORT LAVACA

The applicant developed The Enclave Townhomes in proximity to this proposed Enclave Terrace Townhome development and received the zero-side yard setback for the original Enclave Townhome development.

Mr. Shelton's townhome development will be comparable in aesthetic design to the one located in Sugarland, TX shown in the link provided:

[enclave terrace sugarland texas - Bing](#)

ARTICLE VII. - GROUP HOUSING AND COMMERCIAL DEVELOPMENT

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...

Sec. 42-160. - Minimum design standards.

(2) Townhouses.

a. Area requirements.

1. There shall be at least four connected units in each project.
2. There shall be no more than 18 dwelling units per acre.
3. The townhouse project lot size shall average at least 2,500 square feet per unit, including the common area, if any. Individual lot sizes shall be governed by subsection (2) a.5. of this section.
4. Not less than 80 percent of the townhouse lots in a project shall be a minimum 20 feet wide, provided that the remaining lots in a project shall be at least 16 feet in width.
5. Each lot 20 feet or more in width shall contain not less than 1,600 square feet, and each lot less than 20 feet shall contain not less than 1,280 square feet.
6. Each townhouse shall be located on an individual lot.

b. Coverage requirements.

1. The coverage of a project shall not exceed 55 percent of the total site area. The term "coverage" includes all buildings, structures and required parking spaces. The remaining 45 percent can include driveways, sidewalks, patios, and grass/landscaped areas.
2. The coverage of the common area, if any, shall not exceed 40 percent of such common area.

c. Yard requirements.

1. Each lot shall contain a private yard with not less than 300 square feet of area. Not more than one-half of the private yard may be occupied by a driveway, but parking areas shall not be included in the computation of the required private yard area.

CITY OF PORT LAVACA

2. A private yard may have a patio cover or roof that does not cover more than 25 percent of the private yard.
3. A wall or solid fence not less than five feet in height shall be required on side lot lines where the required private yard adjoins such lot lines, and on rear lot lines where the townhouse lots are backing a public street.
4. At least 7.5 feet of side yard shall be provided at the side property line of any townhouse project.
5. No side yard shall be required between connected townhouses or units.

d. *Minimum space between townhouse groups.* Within a townhouse project there shall be at least 15 feet of separation between each townhouse group.

e. *Setback requirements.* The planning commission may approve a lesser setback from the setback that was specified in article VI of this chapter when rear access is provided and when reduced setbacks will not, in the opinion of the planning commission, detrimentally affect existing or proposed development adjacent to and across the street and within 200 feet on each side of the area proposed for reduction of setback within the project. A pictorial representation or drawing of the proposed project, including location of buildings, off-street parking, rear access and any other proposed improvements, shall be provided to the planning commission before the commission may act upon a request for a reduced building setback line.

f. *Length requirement.* No townhouse group shall exceed 200 feet in length.

g. *Utility meters.* There shall be separate utility meters for each townhouse building.

h. *Parking and driveway requirements.* In addition to the requirements of [chapter 48](#), article II, division 3, off-street parking and loading, the following requirements shall be complied with:

1. A required parking space not located on the individual lot shall be located within 200 feet of the lot.
2. No driveway located in the front yard of a townhouse lot shall exceed a 20-foot width.
3. Individual driveways may not open onto a collector street or larger. When townhouse units are located on a collector street, the driveway entrances/exits will be limited to providing access to a common interior driveway located at the rear of the property, and shall have a centerline offset, when present, of a minimum 125 feet with any public street or other similar group housing or commercial development driveway, unless a variance is issued in an exceptional case.

i. *Subdivision plat.* All townhouse subdivision plats must contain the following statement:
"This (development, section, lot, etc.) shall be restricted to townhouses only."

CITY OF PORT LAVACA

Department Comments:

Fire: Consideration of requirements upon formal project submittal will be anything more than a duplex has to be sprinkled in accordance with the International Fire Code Sec 903 – Automatic Sprinkler Systems. Upon further consideration for review at formal submittal of plans there may be additional comments of a required secondary ingress/egress access point. Fire apparatus road may be required.

Engineering: If approval is granted for this location to be developed as a townhome residential development, a pre-development meeting should be scheduled to discuss the comprehensive site design and development standards, including but not limited to, the city road and drainage design and development standards.

Public Works: If approval is granted for this location to be developed as a townhome residential development, a pre-development meeting should be scheduled to discuss the comprehensive site design and development standards, including but not limited to, the municipal utilities regulations.

Development Services: If approval is granted for this location to be developed as a triplex development, a pre-development meeting should be scheduled to discuss the comprehensive site design and development standards in addition to the plat process.

Planning Commission: APPROVED

Planning Commission approves the conceptual plan for Mr. Jimmy Shelton for a proposed medium-density residential townhome development with a variance request for zero side yard setbacks. Mr. Shelton is proposing the townhomes to be built on 40 x70' lots with zero side yard setbacks. Legal description is A0035 MAXIMO SANCHEZ, TRACT PT 26, ACRES 5.00. Property identification number 90774.

Attachments:

- Shelton Proposed Townhome Pre-Plat
- Mr. Shelton CAD
- Mr. Shelton-Townhome images



SHELTON
PROPERTIES

Section VI. Item #13.

ENCLAVE TERRACE SUDIVISION

Z

Enclave on Independence

Detention Pond or Park

Enclave Townhomes

INDEPENDENCE DRI

120

Property Identification #: 90774

Geo ID: A0035-00000-0101-A0
Situs Address: Null
Property Type: Real
State Code: C1

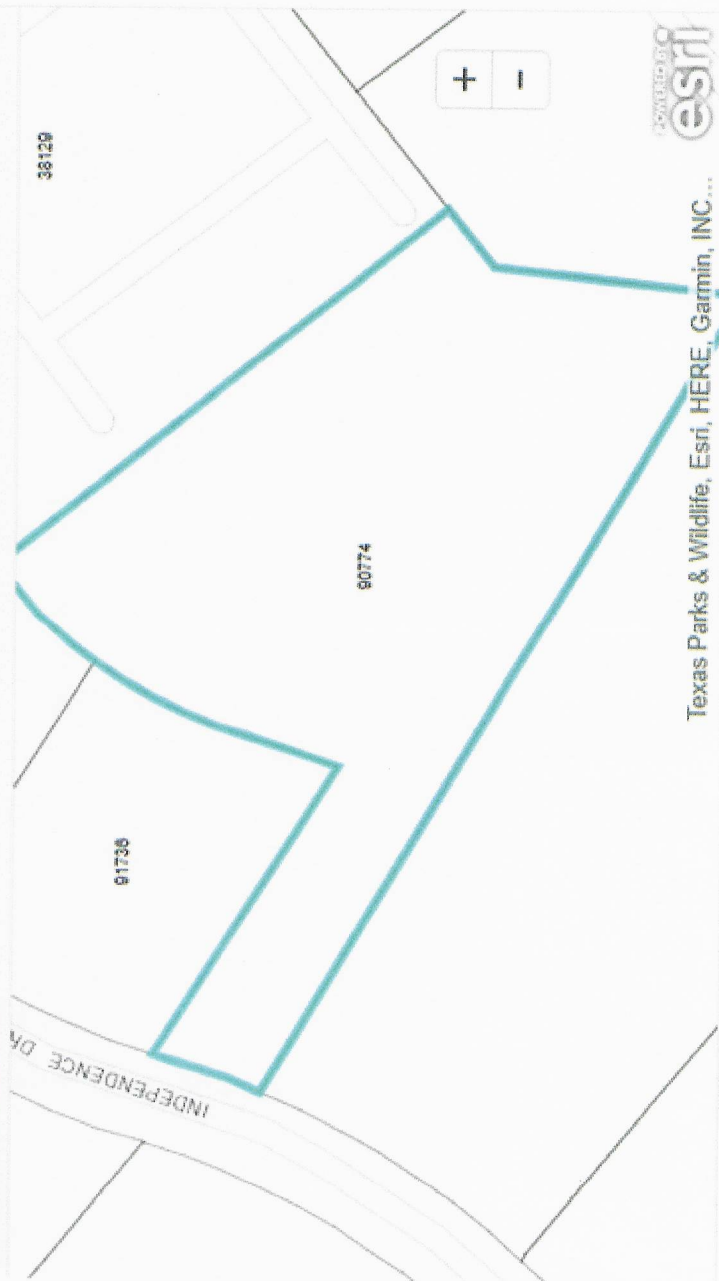
Property Information: 2021

Legal: A0035 MAXIMO SANCHEZ,
Description: TRACT PT 26, ACRES 5.00
Abstract: A0035
Neighborhood: PORT LAVACA
COMMERCIAL
Appraised Value: N/A
Jurisdictions: G05, NV6, S01, C04, FML,
CAD, GWD

Owner Identification #: 112761

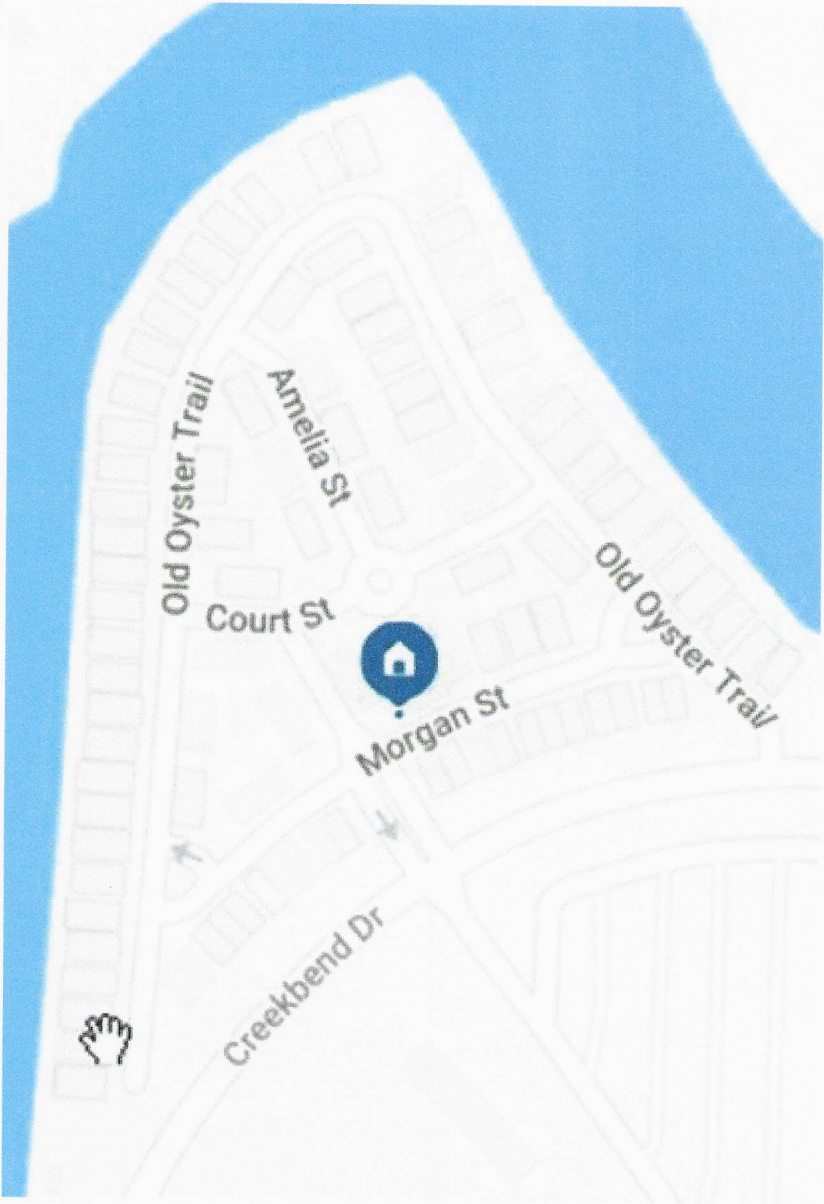
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Exemptions:
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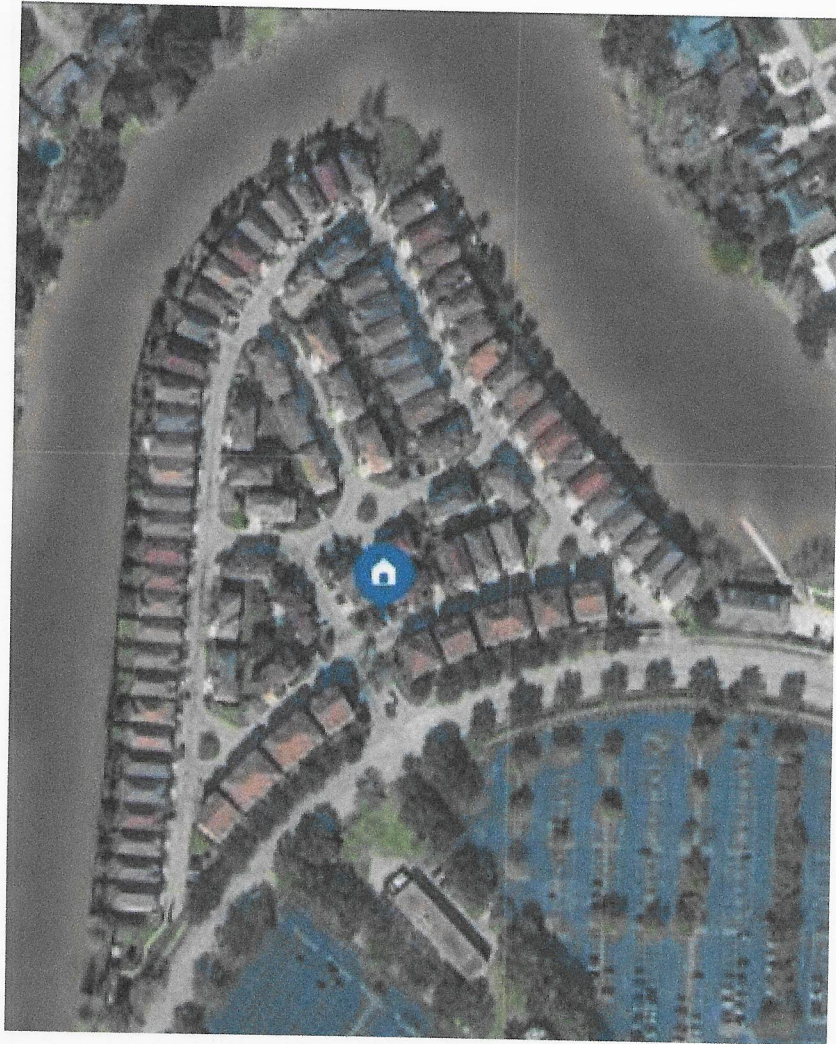
Re-Center Map



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.













MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Consider recommendation of the Port Commission regarding proposal from CRG Texas to conduct a Limit Phase II Environmental Site Assessment at Tracts 16, 17 and 17A (26.66 Acres) at the Harbor of Refuge. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: APRIL 12, 2021

DATE: 4.9.2021

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: MODIFIED PHASE 1 ESA AND CONSIDERATION OF LIMITED PHASE II ESA AT TRACTS 16, 17, AND 17A HOR

As you recall, the Port Commission contracted with CRG Texas Environmental Services to perform a Modified Phase I Environmental Site Assessment on Tracts 16, 17, and 17A at the Harbor of Refuge. Of key interest in the report is the results of 5 shallow soil samples tested as part of the ESA. Attached is a copy of the Site Map showing the location of those soil samples as well as Table 1 showing the Analytical Results of the testing done.

Elevated levels of Arsenic and Barium were found in samples 1 and 4 (although not significantly elevated) and elevated levels of Lead were found in samples 1, 3, and 4. Sample 2 indicated elevated levels of petroleum products like diesel or lubricating oils.

John Hogue with CRG offered this additional explanation:

There are two protective concentration levels (PCLs) that one compares soil sample data against when screening sites for potential releases and impacts.

- 1) The **Total Soil Combined PCL** is a risk-based concentration for exposure pathways **associated with surface soil** (ingestion, inhalation, leachability, direct contact). It's typically a higher standard. None of the values observed in the samples we collected exceed the compound specific total soil combined PCLs.
- 2) The **Soil-to-Groundwater transfer PCL**, also risk-based, focuses on the **potential for contaminants in soil to transfer (leach) into groundwater** (and that groundwater is then consumed). This is where we had minor exceedances.
- 3) Sometimes for select metals, one can use the medium specific background (MSB) concentrations (i.e., naturally occurring concentrations) as the comparative standard (you use the higher of the soil to groundwater transfer or the MSB concentration).
- 4) **Arsenic, lead and barium all had minor exceedances of the this PCL. No big surprise...lead is common at concentrations higher than the state background (often originates from vehicle leaded gas); arsenic is a common component in agricultural formulations; barium...drilling muds.**

John Hogue further explained that although the area is an old landfill whose permit was revoked in the late 70's, the presence of elevated potential chemicals of concern (that above TCEQ's protective concentration levels), **does trigger the "Texas Risk Reduction Program Rule" (TRRP)**. I have clarified with John that we are **required** to somehow address these finding within 180 days. I have attached a proposal from CRG Texas for their "next steps" recommendation to address these findings:

- To spend a day with a direct push rig and do 4 borings to groundwater (which is expected to be around 15 ft deep) and collect 2 soil samples per boring. One at 5 ft depth and one just above the groundwater.
- Analyze those samples for ONLY the analytes in question (arsenic, barium, lead, and TPH)
- Convert one location into a temporary monitoring well to collect a groundwater sample to see if the groundwater is impacted at all.
- All this will determine if there are any potential or active impacts to groundwater.

Note: To further clarify, all of the identified concentrations in the Phase I are barely over the acceptable were concentrated exceedances of the groundwater protection standard and generally not representative of an immediate health risk issue. If all goes well, CRG can prepare a report to TCEQ and solicit their agreement to keep the site out of TRRP and therefore no further action would be needed.

In conjunction with this we want to also move forward with additional research and bores to try and identify the footprint of the trash cells. Of specific interest is the proposed location of the Air Burner. We already have a proposal through Urban Engineering from TSI Laboratories to do this boring. If we move forward with this partial Phase II, CRG will assist in getting TCEQ approval for these bores to help identify the footprint while getting approval for the 4 bores they will be taking.

The best-case scenario is the one described above where we spend \$30,000+/- and end up with a resolution with TCEQ and no additional work needed. Medium case might involve some minor issues with some additional limited remediation required. Worst case would be if someone had dumped toxic waste into the landfill and it turns into a Superfund site, which is thought to be unlikely.

The Port Commission discussed this at their April 6 meeting and RECOMMEND TO COUNCIL TO MOVE FORWARD with the Limited Phase II Environmental Site Assessment of these tracts per the proposal of CRG Texas in the amount of \$28,164.00. This is not a budgeted expense. The Port Commission further recommends that the funds come from General Fund Reserves since this involves the site in its use as an old landfill.

April 1, 2021

JoAnna P. "Jody" Weaver, P.E.
City Engineer/Community and Economic Development
City of Port Lavaca
202 N. Virginia St.
Port Lavaca, Texas 77979



Subject: Limited Phase II Environmental Site Assessment
Harbor of Refuge
Port Lavaca, Texas

Dear Ms. Weaver;

CRG Texas Environmental Services, Inc. (CRG Texas) is pleased to present this work plan and cost proposal to perform a limited Phase II Environmental Site Assessment (ESA). The limited Phase II will include the installation of several surface soil borings and one temporary groundwater monitoring well (TMWs), collection of soil and groundwater samples for laboratory chemical analysis, and preparation of a Phase II ESA report at the above referenced property (the site). This effort should be sufficient to further evaluate the PCLs exceedances discovered during the Phase I ESA conducted on the property. This proposal summarizes the project understanding, proposed scope of work, schedule, estimated costs, and contractual conditions.

SCOPE OF WORK

Soil Boring Installation

Prior to Mobilization, a 48-hour utility locate notification will be submitted to Lonestar Locators, One Call, or Digg Tess as required by law. A total of four (4) soil borings will be installed using a direct-push drilling rig at locations identified from the Phase I recognized environmental conditions. It is expected that the initial soil borings will be advanced to a depth of no more than 15 feet. The boring selected for the temporary monitoring well may be advanced to a depth of up to 30 feet. A Texas-Licensed Water Well Driller will perform all boring related activities under our direct supervision.

Soil and Groundwater Sampling

Soil samples recovered from each soil boring will be continuously screened for odors and staining, and vapor concentrations will be measured using an organic vapor monitor (OVM). Soil and groundwater (where encountered) samples will be collected from each soil boring for laboratory chemical analyses as follows.

- Soil samples will be collected at an approximate depth of 5 ft below grade, and from the interval representing the apparent capillary fringe just above the soil-groundwater interface.
- All soil and groundwater wastes generated during drilling should be properly stored and characterized prior to onsite reuse or offsite disposal. If any are found to be in exceedance of

CRG Texas Environmental Services, Inc.
2504 Avenue I, Rosenberg, Texas 77471

Phone: 713-474-1570
Facsimile: 713-481-1861

- regulatory thresholds, they should be manifested and taken offsite for proper disposal. The current property owner will be responsible for signing all waste manifests and/or bills of lading.
- Up to two borings will be advanced at least five (5) feet into the saturated zone, if possible, and a temporary monitoring well will be installed from which a groundwater sample will be collected.

The temporary well(s) will be constructed in the boring using one-inch diameter PVC well casing materials and screen. Groundwater will be purged from the well until relatively free of sediment to allow for the collection of a groundwater sample. The boring will be properly plugged following collection of the samples. The samples will be placed into containers provided by the laboratory. Investigation-derived wastes will be returned to each boring of origin.

Laboratory Chemical Analysis

Soil and groundwater samples will be analyzed as indicted below:

- Total petroleum hydrocarbons (TPH) by Texas Method 1005;
- If TPH is detected in the soil or groundwater samples, the soil and/or groundwater sample with the highest TPH concentration will be analyzed for poly-aromatic hydrocarbons (PAHs) by EPA Method 8270C or TPH speciation by Method TX 1006;
- Arsenic, barium and lead by EPA Method 6010/6020/7471 as appropriate for the specific sample locations; and,
- Depending on the initial metals results, the samples may be further analyzed for by Synthetic Precipitation Leaching Procedures to determine the potential for soil-to-groundwater transfer of specific analytes;

Schedule

The 48 hour Lonestar Locators utility locate will be submitted and work will be scheduled upon written notice to proceed, and mobilization will occur to the site as soon as practical. The field work will be completed in one day on-site; barring no unanticipated field conditions are encountered. Laboratory chemical analysis will be performed on a standard 7 day turnaround time. The report will be delivered in approximately 14-21 days from receipt of validated analytical results.

Reporting

Upon receipt of the analytical results, the report will be completed and submitted electronically to the Client. The analytical results will be compared to regulatory standards established by the Texas Commission on Environmental Quality (TCEQ) to include Tier 1 protective concentration levels (PCLs) or calculated Tier 2 or 3 PCLs as may be appropriate for the specific analytes.

A Limited Phase II Report will be provided that summarizes the findings and conclusions of the investigation, and which will include the following information:

- Site Map
- Soil Data and Analytical Summary

- Groundwater Monitoring Well Analytical Summary
- Chain of Custody and Field Reports
- Laboratory Analytical Results
- Tier 2 Metals / TPH PCL Calculations

These results would be reported to the TCEQ in the form of a Request for No Further Action (NFA) in accordance with the requirements detailed in the TCEQ publication entitled "Determining Which Releases are Subject to TRRP (November 19, 2010)" which may be obtained using the following link:

<https://www.tceq.texas.gov/assets/public/remediation/trrp/releasesTRRPrev.pdf>

The proposed submittal to TCEQ would include the NFA request, copies all the assessment reports prepared for the Site, a completed Tier 1 Exclusion Criteria Checklist (30 TAC 350.77(b)), a Core Data Form (TCEQ-10400) and Correspondence Identification Sheet (TCEQ-20428). Be advised, the TCEQ will likely require a clean-up of the surface waste sources before they will entertain a TRRP exclusion request.

If the site is determined to be impacted and a no further action designation is not appropriate at this time, we would provide recommendations for the appropriate next steps. One option to consider if the stakeholders are interested, the Site could be enrolled in the Texas Voluntary Cleanup Program (VCP). The Texas VCP provides administrative, technical, and legal incentives to encourage the cleanup of contaminated sites in Texas. Once completed, in addition to the NFA Letter, the TCEQ would issue a Certificate of Completion under the VCP which is an agreement between the TCEQ, and the Parties listed on the VCP application. Additional information may be obtained using the following link:

<https://www.tceq.texas.gov/remediation/vcp>

Cost and Payment Terms

CRG will perform the Phase II ESA on a **lump sum basis**. Total estimated cost for the project is **\$28,200** and is valid for 60 days from the date of this proposal. If requested, then each GBC hard bound copy of the report would be invoiced at **\$120.00 per copy additionally**.

Limitations

The proposed work is limited to the scope of work listed herein. Unless accurate as built drawings for all underground utilities and fuel system underground piping are provided, then CRG Texas shall be held harmless against damages to any such subsurface utilities at the subject site should they be encountered while drilling. No Phase II ESA can eliminate all uncertainty. Furthermore, any sample, either surface or subsurface, taken for chemical analysis may or may not be representative of a larger population. Professional judgment and interpretation are inherent in the process and uncertainty is inevitable. Additional assessment may be able to reduce the uncertainty. Even when Phase II ESA work is executed with an appropriate site-specific standard of care, certain conditions present especially difficult detection problems. Such conditions may include, but are not limited to, complex geological settings, the fate and

transport characteristics of certain hazardous substances and petroleum products, the distribution of previous and existing contamination, physical limitations imposed by the location of utilities and other man-made objects, and the limitations of assessment technologies. Phase II ESAs do not generally require an exhaustive assessment of environmental conditions on a property and are intended as a screening exercise. If hazardous substance or petroleum releases are confirmed on a parcel of property, the extent of further assessment is related to the degree of uncertainty that is acceptable to the user with respect to the real estate transaction budget, schedule, and other factors beyond the control of the environmental consultant. Measurements and sampling data only represent the site conditions at the time of data collection. Therefore, the usability of data collected as part of this LESA may have a finite lifetime (usually up to 180 days from the date of the field work or if site and surrounding property conditions change) depending on the application and use being made of the data. An environmental professional should evaluate whether the generated data are appropriate for any subsequent use beyond the original purpose for which it was collected.

Client Authorization

If you are in agreement with the estimated costs, terms, conditions, and schedule listed above please sign, date, and return this document as acknowledgement of Notice to Proceed with the project. We will coordinate directly with you as needed and begin work as soon as the 48 hour utility locate is completed and the driller is scheduled.

Printed Name: _____

Title: _____

Client Signature: _____

Date: _____

We appreciate the opportunity to provide Environmental Services to you.

Cordially,


Kevin C. Casler
Vice President
CRG Texas Environmental Services, Inc.

Attachments:
Cost Estimate



Cost Worksheet PH II ESA
City of Port Lavaca Landfill

Site Research and TCEQ Coordination / PM				
Project Manager	8	hours	\$152	\$1,216.00
Staff Geoscientist	12	hours	\$125	\$1,500.00
				\$2,716.00
Phase II Soil and Groundwater Sampling				
Driller	1	ls	\$4,235	\$4,235.00
Project Manager	8	hours	\$152	\$1,216.00
Staff Geoscientist	12	hours	\$125	\$1,500.00
Field Technician	12	hours	\$85	\$1,020.00
Field Vehicle with Hand Tools	1	day	\$350	\$350.00
Organic Vapor Meter	1	day	\$100	\$100.00
Oil-Water Interface Probe	1	day	\$35	\$35.00
				\$13,888.00
Laboratory Chemical Analysis				
Surface Soil (6), Subsurface Soil (8)				
VOCs Soil	8	each	\$140	\$1,120.00
TPH Soil	8	each	\$110	\$880.00
SVOCs Soil	8	each	\$160	\$1,280.00
Metals (TX12) Soil	8	each	\$220	\$1,760.00
SPLP Metals Analyses / TX 1006 TPH	2	each	\$350	\$700.00
VOCs Water	2	each	\$140	\$280.00
TPH Water	2	each	\$110	\$220.00
SVOCs Water	2	each	\$160	\$320.00
Metals (TX12) Water	2	each	\$220	\$440.00
				\$6,560.00
Phase II ESA Report / TRRP Exclusion	1	LS	\$5,000	\$5,000.00
Total Phase II ESA				\$28,164.00

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Receive update on city-wide brush cleanup operations and consideration of purchase of a S220 Air Burner. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: APRIL 12, 2021**DATE:** 4.09.2021**TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS**FROM:**  JODY WEAVER, INTERIM CITY MANAGER**SUBJECT:** STATUS OF BRUSH DISPOSAL AT THE HARBOR OR REFUGE

At the Port Commission meeting on Monday, the Port Commission voted to recommend to City Council to move forward with the purchase of the proposed Air Burner to burn the brush at the Harbor of Refuge.

I spoke again with the vendor and he confirmed that the lead time for delivery once the unit is ordered in 12-14 weeks. The vendor was able to give me someone to contact at TCEQ to get preliminary information on what (if any) improvements we would need to make to a site at the Harbor of Refuge to locate the burner there for at least the first year or so. I am waiting to hear back.

Wayne is meeting with Vern Lyssy today actually to start a serious dialogue on the potential of establishing a recycle center along with the brush staging and Air burning out at the County's recycle center site on Rosenbaum Road.

Prior to purchase we need to determine which is the best option: electric or diesel powered. We have been discussing electric, but there is no 3-phase service at the Harbor of Refuge site, so we need to look at the cost to get it there. We could consider using a generator, but wouldn't want to do that for an extended period of time.

We are looking into whether there is any potential odor associated with the air burner and received the following information so far: The short answer is there is very little odor of wood burning coming from the air curtain burners. Open burning relates to approximately 70% + opacity, while air curtain burners must operate under the EPA guidelines of 10% or less opacity. There is a direct relation between emissions and odor. The EPA regulates the distances from a neighboring house or commercial structure to be a minimum of 300 ft. That is the distance in which noise and odor levels are considered to be negligible.

So with the 300 ft buffer required to get a TCEQ permit, the odor issue should be negligible.

Wayne is looking at the cost for equipment that will be needed to pickup and load the Air burner, and establishing a plan of operations - thinking through additional personnel that may be needed etc.

The Port Commissioners were under the impression that the lead time was much longer than 3-4 months when they made their motion on Monday to recommend to Council to move forward with the purchase at this time. I suggest that we give Wayne and myself a bit more time to get more of our questions answered and bring a complete plan of operation proposal to the Council at a workshop in the very near future. Based upon the preliminary information I have from TCEQ, it appears that the permit application is pretty straight forward and required a public comment period, which is most likely 30 days, but I haven't confirmed that as of yet. TCEQ states that complete applications with no issues are usually issued within.

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Consider Resolution R-041221-3 to extend condolences to Taiwan for the loss of people in the Taroko Express Railroad crash incident. Presenter is Mayor Whitlow

INFORMATION:

RESOLUTION NO. R-041221-3

A Resolution Expressing sympathy for the victims of the devastating Taroko Express Train Derailment in Taiwan on April 2, 2021.

WHEREAS, on Friday morning, April 2, 2021, a high-speed passenger train derailed in Hualien Taiwan, killing at least 50 and injuring 216 of the passengers; and

WHEREAS, a construction crane truck slid onto the tracks only around one minute before the accident happened and the packed train carrying almost 500 passengers and crew slammed into the truck near the eastern city of Hualien, causing it to derail near the entrance to Qingshui Tunnel becoming one of the island's worst rail accident in many decades; and

WHEREAS, the City of Port Lavaca and Taiwan have many friendly ties. This tragedy has saddened and shocked the citizens of Port Lavaca.

NOW, THEREFORE, BE IT RESOLVED, That We, the Members of the City Council of Port Lavaca, Texas, are struck with sorrow and anguish from this tragedy, and we extend our deepest sympathy and condolences to all the people of Taiwan for the tragic losses suffered.

PASSED AND APPROVED, this 12^h day of April, 2021.

Jack Whitlow, Mayor

Jerry Smith, Councilman Dist. #1

Tim Dent, Councilman Dist. #2

Allen Tippit, Councilwoman Dist. #3

Rosie Padron, Councilwoman Dist. #4

Jim Ward, Councilman Dist. #5

Kenneth Barr, Councilman Dist. #6

ATTEST:

Mandy Grant, City Secretary

MAYOR AND COUNCIL COMMUNICATION

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

INFORMATION:

- For consultation with City Attorney on matters in which the duty of the Attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act (Title 5, Chapter 551, Section 551.071(2) of the Texas Government Code). Presenter is Mayor Whitlow

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:

