



CITY COUNCIL REGULAR MEETING

Monday, March 08, 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

Join Zoom Meeting for March 08, 2021

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

Meeting ID: 876 7174 7347

Passcode: 251294

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- 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 February 08, 2021 Regular Meeting
 - B. Minutes of February 22, 2021 Special and Workshop
 - C. Payment of Invoices Exceeding \$1,500
- 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. Presenter is Colin Rangnow
 - 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. Presenter is Colin Rangnow
 - 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. Presenter is Mike Reeves of Republic Services
 - 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. Presenter is Jody Weaver
 - 5. Consider certification of City Secretary that all candidates in the May 01, 2021 General Officers Election are unopposed. Presenter is Mandy Grant
 - 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. Presenter Is Mandy Grant
 - 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. Presenter is Jody Weaver
 - 8. Consider recommendation of the Planning Board for approval of Final Plat of the Express Inn Subdivision. Presenter is Jessica Carpenter
 - 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. Presenter is Jessica Carpenter

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. Presenter is Jessica Carpenter
11. Consider awarding a Street Striping project. Presenter is Wayne Shaffer
12. Consider reviewing bids and consider award of construction contract for the New Parks Department Warehouse Building (Fire Insurance Proceeds). Presenter is Wayne Shaffer
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. Presenter is Anne Marie Odefey
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. Presenter is Jody Weaver
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. Presenter is Jessica Carpenter
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. Presenter is Jody Weaver
17. Consider extending parts of the Families First Coronavirus Response Act (FFCRA) related to COVID-19 Compensation Policy. Presenter is Jody Weaver
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). Presenter is Mayor Whitlow
19. 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, 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

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 February 08, 2021 Regular Meeting

INFORMATION:

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

On this the 8th day of February 2021, due to the COVID-19 concerns and in accordance with the Governor's Orders and recommendations, the City Council of the City of Port Lavaca, Texas, convened in regular session at 6:30 p.m. byutilizing “Zoom Meeting and Facebook Live Transmission” on the City ofPort Lavaca's Facebook page beginning at 6:30 p.m. Central Time on Monday, February 08, 2021.

Join Zoom Meeting

<https://us02web.zoom.us/j/86448462947?pwd=ODc5YitaZGVzWGFwMW9CdmxBWmpBUT09>

Meeting ID: 864 4846 2947
Passcode: 116908

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The following City Council Members participated by Zoom and/or were 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:

CALL TO ORDER

- Mayor Whitlow called the meeting to order at 6:40 P.M. and presided.
- Councilman Ward gave the invocation.
- Mayor Whitlow – Pledge of Allegiance.
- Mayor asked for comments from the public and the following citizen spoke:
 - Curtis Miller, 1102 Broadway, Port Lavaca, Texas had concerns about the Tariff and also complained of a Port Commission Board Member.

AGENDA: (COUNCIL WILL CONSIDER/DISCUSS THE FOLLOWING ITEMS AND TAKE ANY ACTION DEEMED NECESSARY)

Consent Agenda:

- A. Minutes of January 11, 2020 Regular Meeting
- B. Minutes of January 25, 2021 Special and Workshop
- C. Payment of Invoices Exceeding \$1,500

Councilman Barr made a motion to pass the following:

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.

Councilman Smith seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Tippit, Padron, Ward and Barr

NAYS: None

Conduct First 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 6:50 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 6:52 p.m.

No action necessary and none taken.

Consider First 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

Councilman Barr made a motion to pass the following:

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-1-21 establishing a Juvenile Curfew with the city limits on this the first reading.

Councilman Ward seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Tippit, Padron, Ward and Barr

NAYS: None

Consider approval of annual Racial Profiling report from the Port Lavaca Police Department and to also submit report to Texas Commission on Law Enforcement

Police Chief Colin Rangnow presented Council with the annual Racial Profiling report from the Port Lavaca Police Department and requested approval of report for submittal to the Texas Commission on Law Enforcement (TCOLE).

Councilman Ward made a motion to pass the following:

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

THAT, in accordance with recommendation of the Staff, Council hereby approves annual racial profiling report from the Port Lavaca Police Department for submittal to the Texas Commission on Law Enforcement (TCOLE).

Councilman Barr seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Tippit, Padron, Ward and Barr

NAYS: None

Consider list of upcoming events for 2021 from the Port Lavaca Events Committee and waive any fees of non-city sponsored events

Tania French, Port Lavaca Events Committee requested Council consider approval of the following events for 2021 and also to waive any fees of non-city sponsored events:

- A. Praise in the Park (Non-City Sponsored Event)
 March 27
 Alamo Heights Baptist Church George Adams Park
 Event is free and all are welcome No alcohol
 Request Waiver of any fees
- B. Guns & Hoses Kickball tournament (Non-City Sponsored Event)
 April 17 & 24
 Port Lavaca Volunteer Fire Department Wilson Park
 Request Waiver of any Fees
- C. Taco Contest & Festival (to be named) (Non-City Sponsored Event)
 July 24 (Tentative Date) Masonic Lodge Bayfront Peninsula Park
 Waiver of any Fees (With exception of alcohol in park fee)
- D. Play in the Park (Very tentative) (Non-City Sponsored Event)
 Port Lavaca Main Street Theatre Near Easter date (TBD)
 Bayfront Peninsula Park

Upcoming City Events:

- a) Port Lavaca Party in Park 2021 (in lieu of 2021 Iguana Fest)
 April 10
 Bayfront Peninsula Park
- b) Star Spangled Bay Bash
 July 4
 Bayfront Peninsula Park
- c) Elite Redfish Tournament
 July 24
 Bayfront Peninsula Park
- d) Bayfront Beats Series
 July 10, 17, 24, 31
 Aug. 7, 14
 Bayfront Peninsula Park
- e) Flip Flop Festival
 Sept. 4
 Bayfront Peninsula Park
- f) Drive-In Movie/Movie in The Park
 March 13, April 3, May 15, June 4, Sept. 18, Oct. 30, Dec. 4 (Dates tentative)
 Bayfront Peninsula Park, George Adams Park and City Park

g) Merry on Main
Dec. 4

Councilman Ward made a motion to pass the following:

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

THAT, Council hereby approves all the above list of events for 2021 and also waives any fees of non-city sponsored events as presented by Tania French, on behalf of the Port Lavaca Events Committee, a copy which is on file in the office of the City Secretary.

Councilman Smith seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Tippit, Padron, Ward and Barr

NAYS: None

Consider request of Pastor Mike Bender from the Cowboy Fellowship of Port Lavaca Church for the use of Bayfront Peninsula Park Pavilion for an Easter Sunday Sunrise Service on April 04, 2021 from 6:00 a.m. to 10:00 a.m. and waive any fees associated with the event

Public Works Director Wayne Shaffer advised Council that he had received a request from Pastor Mike Bender for the Cowboy Fellowship of Port Lavaca Church to use the Bayfront Pavilion on Sunday, April 04, 2021 from 6:00 a.m. to 10:00 a.m. for their annual Easter Sunrise Service and also waives any fees associated with this event. Staff recommends approval of request.

Councilman Dent made a motion to pass the following:

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

THAT, in accordance with the recommendation of staff, Council hereby approves the request of Pastor Mike Bender for the Cowboy Fellowship of Port Lavaca Church to use the Bayfront Pavilion on Sunday, April 04, 2021 from 6:00 a.m. to 10:00 a.m. for their annual Easter Sunrise Service and also waives any fees associated with this event.

Councilman Smith seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Tippit, Padron, Ward and Barr

NAYS: None

Consider Resolution No. 020821-1 of the City of Port Lavaca approving cooperation with the cities served by AEP to review AEP Texas Inc.’s requested final reconciliation of advanced metering costs; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to legal counsel

Councilman Barr made a motion to pass the following:

WHEREAS, on or about December 31, 2020, AEP Texas Inc. (“AEP” or “Company”), pursuant to the Public Utility Commission of Texas (“Commission” or “PUC”) Substantive Rule 25.130(k)(6), filed with the Commission an application for Final Reconciliation of Advanced Metering Costs, PUC Docket No. 51671; and

WHEREAS, the City of Port Lavaca will cooperate with similarly situated city members and other city participants located within the AEP service area in conducting a review of the Company’s application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, working with the Cities Served by AEP (“Cities”) to review the rates charged by AEP allows members to accomplish more collectively than each city could do acting alone; and

WHEREAS, Cities has a history of participation in PUC dockets and projects, as well as court proceedings, affecting transmission and distribution utility rates in AEP’s service area to protect the interests of municipalities and electric customers residing within municipal boundaries; and

WHEREAS, PURA § 33.023 provides that costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility.

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

1. That the City is authorized to participate with Cities in PUC Docket No. 51671.
2. That subject to the right to terminate employment at any time, the City of Port Lavaca hereby authorizes the hiring of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.
3. That the City’s reasonable rate case expenses shall be reimbursed by AEP.
4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

- 5. A copy of this Resolution shall be sent to Thomas Brocato, Counsel to Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

Councilman Ward seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Tippit, Padron, Ward and Barr

NAYS: None

Consider award of the bid to install backup generators at the Wastewater Treatment Plant (WWTP) and the Main Lift Station (Hazard Mitigation grant)

Mr. Scott P. Mason, P.E. of G & W Engineers, Inc. was in attendance to address any questions. Jody Weaver, City Engineer/Community and Economic Development Planner reminded Council that the city was awarded a Hazard Mitigation Grant (Contract No. HMGP DR-4332-0341) after Hurricane Harvey to install back-up generators at the Wastewater Treatment Plant (WWTP) and a few lift stations. She said the Federal dollars awarded are \$640,867.50 and requires a 25% match or \$213,622.50. She said there were a total of nine (9) Bidders with only four (4) submitting Bids. These Bids for construction were received and read aloud on Thursday, February 04, 2021 at 2:30 p.m. and they are as follows:

1.	Bernoulli, Inc.		No Bid		
2.	CFG Industries, LLC		No Bid		
3.	G2 Contactors, LLC		No Bid		
4.	HasTech Solutions, LLC		No Bid		
5.	Hlavinka Construction		No Bid		
6.	McDonald Municipal & Industrial		\$308,469.00	150	Calendar Days
7.	Romco RPS	*	\$960,535.00	190	Calendar Days
8.	The Kopathean Company	*	\$483,571.25	240	Calendar Days
9.	Dausin Electric Company		\$265,484.00	210	Calendar Days

*Last Bid item (85 LF of Intruder resistant fencing including gates) written down as a lump sum instead of linear foot.

Weaver said the “Apparent Low Bidder” is Dausin Electric Company at a cost of \$265,484.00 and G & W Engineers, Inc. recommends awarding the Construction Contract to them. She said staff concurs with this recommendation.

Councilman Dent made a motion to pass the following:

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

THAT, in accordance with recommendation of staff, Council hereby awards the Construction Contract for the “Back-up Generators at the Wastewater Treatment Plant (WWTP) and a few Lift Stations” Project to Dausin Electric Company in the amount of \$265,484.00 with 210 calendar days to complete project, from time of receipt of order to proceed.

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

Councilman Tippit seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Tippit, Padron, Ward and Barr

NAYS: None

Consider appointment/reappointment of member(s) to Recreation and Parks Board to fill a vacancy and/or start a new term

Jody Weaver, City Engineer/Community and Economic Development Planner advised Council that the Recreation and Parks Board has a vacancy and Bill Regan has sent a letter of interest expressing interest. She said Mr. Regan is a lifetime resident of Port Lavaca and feels that his experience in chairing meetings and passion towards Port Lavaca will be a good resource to the Recreation and Parks Board. She said there are no term limits established and the full term is for a period of two (2) years.

Councilman Ward made a motion to pass the following:

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

THAT, Council hereby appoints Bill Regan to serve on the Recreation and Parks Board to fill a vacancy and for a term of two (2) years.

Councilwoman Padron seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Tippit, Padron, Ward and Barr

NAYS: None

Consider approval of Urban Engineering Task Order #24 to prepare the design, bidding and contract administration for the Bayfront Park Texas Parks Wildlife (TPWL) Trails Grant project

Jody Weaver, City Engineer/Community and Economic Development Planner advised Council that she had spoken with Texas Parks and Wildlife (TPWL) about 2-3 weeks ago asking about the status of the Trails Grant contract document and was told that it would be at least another 2 -3 months. She said that according to TPWL, it would be OK to go ahead and start engineering design on this project, as long as staff did not include the engineering cost in what the City plans to request reimbursement for.

Weaver said the grant is for \$200,000.00 and City must have available at least \$50,000.00 as our match. An accounting of the project thus far is as follows:

2020-2021 CIP	\$	500,000.00
TPWL Trails Grant	\$	200,000.00
LESS UE Task Order 16	\$	(26,500.00)
LESS Sylva Construction	\$	(344,853.00)
Balance	\$	328,647.00

Weaver said the City can spend another \$78,647.00 (\$328,647.00 - \$250,000.00) on this project before signing the TPWL contract.

Weaver recommended Council approve Urban Engineering Task Order 24 in the amount of \$30,300.00 so they can get started on the design. She said the goal would be to bid the project soon after signing the contract with TPWL. She said this will leave an available balance for construction of the grant project of \$298,347.00.

Councilman Smith made a motion to pass the following:

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

THAT, in accordance with recommendation of staff, Council hereby approves Urban Engineering’s Task Order No. 24, for a fixed fee of \$30,300.00, to prepare bid documents and bid the “Bayfront Peninsula Park Parking Lot & Walking Trail Improvements Phase I” Texas Parks & Wildlife Trails Grant Project as presented.

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

Councilman Barr seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Tippit, Padron, Ward and Barr

NAYS: None

Consider First Amendment to the Consultant Services Agreement between the City of Port Lavaca and MuniServices, LLC for Sales Tax Compliance Review

Interim Finance Director Blake Buller advised Council that MuniServices, LLC. provides a Sales Tax Compliance Review for the City. He said this review is designed to assist the City in preserving and enhancing its sales and use tax revenues by detecting, documenting and correcting sales tax misallocations. He said MuniServices, LLC. requests to extend the term of the current Agreement for an additional one-year period through February 07, 2022. Staff recommends Council approve request.

Councilman Barr made a motion to pass the following:

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 accepts and approves Amendment No. 1 to the Sales Tax Compliance Review Agreement between the City of Port Lavaca and MuniServices, LLC. to extend the term of the current Agreement for an additional one-year period through February 07, 2022.

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

Councilman Ward seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Tippit, Padron, Ward and Barr

NAYS: None

Consider First Amendment to the Consultant Services Agreement between the City of Port Lavaca and Avenu Insights & Analytics, LLC. Aka MuniServices, LLC for Franchise Fee Compliance Review

Interim Finance Director Blake Buller advised Council that MuniServices, LLC. provides a Franchise Fee Compliance Review for the City. He said this review consists of existing Franchise Agreements, which include Natural Gas, Electric, Telephone and Cable services. He advised that MuniServices will check for fee compliance, recommend changes and will be paid on a contingency basis only for the compliance review and if they do not find any payment errors during their audit, there is no fee for the service. He said MuniServices, LLC. requests to extend the term of the current Agreement for an additional one-year period through February 07, 2022. Staff recommends Council approve request.

Councilwoman Padron made a motion to pass the following:

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 accepts and approves Amendment No. 1 to the Franchise Fee Compliance Review Agreement between the City of Port Lavaca and Avenu Insights & Analytics, LLC. aka MuniServices, LLC. to extend the term of the current Agreement for an additional one-year period through February 07, 2022.

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

Councilman Dent seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Tippit, Padron, Ward and Barr

NAYS: None

Consider Fourth Amendment to the Professional Services Agreement between the City of Port Lavaca and Avenu Insights & Analytics, LLC. aka MuniServices, LLC for Local Hotel Occupancy Tax Field Audit Services

Interim Finance Director Blake Buller advised Council that MuniServices, LLC. provides Hotel/Motel Revenue Enhancement Services by helping Municipalities preserve, enhance and manage their revenue base. He said MuniServices, LLC. requests to extend the term of the current Agreement for an additional two-year period through February 28, 2023. Staff recommends Council approve request.

Councilman Ward made a motion to pass the following:

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 accepts and approves Amendment No. 4 to the Hotel/Motel Professional Services Agreement between the City of Port Lavaca and Avenu Insights & Analytics, LLC. aka MuniServices, LLC. to extend the term of the current Agreement for an additional two-year period through February 28, 2023.

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

Councilman Smith seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Tippit, Padron, Ward and Barr

NAYS: None

Consider recommendation of the Planning Board to approve Final Plat of Prosperity Bank Subdivision located at 1107 State Hwy 35 North

Development Services Director Jessica Carpenter advised Council to consider a preliminary plat, Prosperity Bank Subdivision, located on the northwest corner of Hwy 35 and Village Road. She said the physical address for this site is 1107 N Hwy 35 Port Lavaca, TX 77979, and the current legal description is A0012 Alejandro Esparza, Tract PT 24. She said the total acreage for this plat is 1.75 acres. Below references the City Code of Ordances, Chapter 42 – Subdivisions and Plats, where this Preliminary Plat request is compliant and will meet the ordinance as presented.

Sec. 42-6. - Procedure

A preliminary plat must be approved prior to the offering for sale of any lot, tract, or building site; prior to any construction work; and before any map of said subdivision is prepared in a form for recording. Any plat filed for the first time shall be considered as a preliminary plat, except as otherwise stated in this chapter.

The Prosperity Bank Subdivision Preliminary Plat submission for the Prosperity Bank business is located at the northwest corner of Village Road and SH 35. The applicant is preparing plans to demolish the existing building and construct a new bank building. Considering the demolition is greater than 50 percent of the overall structure a new plat is required to be recorded prior to demolition or construction per the City Code of Ordances Sec. 42.5(c).

Sec. 42-2. – Purpose.

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

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

Sec. 42-5. - Policy.

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

- (c) A building permit for the remodel/renovation of an existing building in an amount equal to or greater than 30 percent of the existing building's tax-appraised value, shall not be issued without the written approval of the planning commission, unless the building is situated on a piece of property that has been established in a duly approved and recorded subdivision, in accordance with this chapter.

The applicant is preparing plans to demolish the existing building and construct new. Since it is a proposed complete rebuild, the City Code of Ordinances requires the property to be platted per Sec. 42-5 (c).

Carpenter said the final plat request for approval of the Prosperity Bank Subdivision final plat meets the City Code of Ordinance, Chapter 42 - Subdivisions and Plats. Therefore, staff recommends approval as per the aforementioned ordinance citations within this report. She said Planning Board approves this request with recommended conditions as follows:

1. Required sidewalks along all public roads for commercial development. Along Hwy 35, applicant requested to construct the sidewalk on Prosperity Bank property as opposed to the Hwy 35 Right-of-Way. This requires a pedestrian easement be platted for the sidewalk.
2. Comply with building permit processes upon plat approval and recordation.

Councilman Tippit made a motion to pass the following:

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

THAT, in accordance with the recommendation of the Planning Board and Staff, Council hereby approves the Final Plat of Prosperity Bank Subdivision located at 1107 State Hwy 35 North, with recommended conditions as follows:

1. Required sidewalks along all public roads for commercial development. Along Hwy 35, applicant requested to construct the sidewalk on Prosperity Bank property as opposed to the Hwy 35 Right-of-Way. This requires a pedestrian easement be platted for the sidewalk.
2. Comply with building permit processes upon plat approval and recordation.

Councilman Barr seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Tippit, Padron, Ward and Barr

NAYS: None

Consider application of Thomas Philips to provide Taxicab services within the City of Port Lavaca in accordance with City of Port Lavaca Code of Ordinance Chapter 52 Vehicles for Hire, Article II, Taxicabs, Sections 52-19 through 52-55

Interim City Manager Richard Morton advised Council that Mr. Thomas E. Philips DBA Shelby Taxi Co. has made application for License to Operate a Taxicab Business within the City of Port Lavaca. He said Mr. Philips has met the requirements of liability insurance and the police background investigation; however, before a permit is issued, under the provisions of the City’s Code of Ordinances Chapter 52, a “Certificate of Public Convenience and Necessity” shall first be obtained from the City Council. He said there is an existing taxicab service (Ship to Shuttle) currently operating within the City.

Councilman Dent made a motion to pass the following:

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

THAT, Council hereby approves a Certificate of Public Convenience and Necessity to Thomas E. Philips DBA Shelby Taxi Co., in accordance with the City’s Code of Ordinance, Chapter 52 Vehicles for Hire, Article II Taxicabs, Division I Generally, Sec. 52-42 Certificate of Public Convenience and Necessity.

Councilwoman Padron seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Tippit, Padron, Ward and Barr

NAYS: None

**Announcement by Mayor that City Council will retire into closed session:
To discuss personnel matters in accordance with Title 5, Section 551.074 of the Texas Government Code (to discuss appointment, employment, evaluation, responsibilities and duties, reassignment, discipline or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee [City Manager])**

Mayor Whitlow announced that Council would retire into closed session at 8:00 p.m.

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 8:45 p.m.

Councilman Smith made a motion to pass the following:

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

THAT, Council hereby enters into an employment agreement between the City of Port Lavaca and JoAnna P. Weaver as Interim City Manager, commencing on February 09, 2021 at an annual salary of \$140,000.00 plus automobile allowance of \$350.00 per month and the City shall provide a mobile telephone to use in conducting city business and all other stipulations called for within same contract, a copy which is on file in the office of the City Secretary. Council will also evaluate the Interim City Manager within six (6) months from commencement date.

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

Councilman Barr seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Tippit, Padron, Ward and Barr

NAYS: None

ADJOURN

Councilman Barr made a motion to adjourn the meeting.

Councilwoman Padron seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Tippit, Padron, Ward and Barr

NAYS: None

Meeting adjourned at 8:51 P.M.

Jack Whitlow, Mayor

ATTEST:

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 **6:30 p.m. Central Time on Monday, February 08, 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, February 08, 2021 at 6:30 p.m.
Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/86448462947?pwd=ODc5YitaZGVzWGFwMW9CdmxBWmpBUT09>

Meeting ID: 864 4846 2947

Passcode: 116908

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.)

- CALL TO ORDER
- INVOCATION
- PLEDGE OF ALLEGIANCE

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

AGENDA: (COUNCIL WILL CONSIDER/DISCUSS THE FOLLOWING ITEMS AND TAKE ANY ACTION DEEMED NECESSARY)

- | | | |
|----|--|---------------|
| 1. | Consent Agenda: | |
| | A. Minutes of January 11, 2021 Regular Meeting | Mandy Grant |
| | B. Minutes of January 25, 2021 Special and Workshop | Mandy Grant |
| | C. Payment of Invoices Exceeding \$1,500 | Blake Buller |
| 2. | Conduct First 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 | Colin Rangnow |
| 3. | Consider First 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 | Colin Rangnow |
| 4. | Consider approval of annual Racial Profiling report from the Port Lavaca Police Department and to also submit report to Texas Commission on Law Enforcement | Colin Rangnow |
| 5. | Consider list of upcoming events for 2021 from the Port Lavaca Events Committee and waive any fees of non-city sponsored events | Tania French |
| 6. | Consider request of Pastor Mike Bender from the Cowboy Fellowship of Port Lavaca Church for the use of Bayfront Peninsula Park Pavilion for an Easter Sunday Sunrise Service on April 04, 2021 from 6:00 a.m. to 10:00 a.m. and waive any fees associated with the event | Wayne Shaffer |
| 7. | Consider Resolution No. 020821-1 of the City of Port Lavaca approving cooperation with the cities served by AEP to review AEP Texas Inc.'s requested final reconciliation of advanced metering costs; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to legal counsel | Jody Weaver |

- | | | |
|-----|--|-------------------|
| 8. | Consider award of the bid to install backup generators at the Wastewater Treatment Plant (WWTP) and the Main Lift Station (Hazard Mitigation grant) | Jody Weaver |
| 9. | Consider appointment/reappointment of member(s) to Recreation and Parks Board to fill a vacancy and/or start a new term | Jody Weaver |
| 10. | Consider approval of Urban Engineering Task Order #24 to prepare the design, bidding and contract administration for the Bayfront Park Texas Parks Wildlife (TPWL) Trails Grant project | Jody Weaver |
| 11. | Consider First Amendment to the Consultant Services Agreement between the City of Port Lavaca and MuniServices, LLC for Sales Tax Compliance Review | Blake Buller |
| 12. | Consider First Amendment to the Consultant Services Agreement between the City of Port Lavaca and Avenu Insights & Analytics, LLC. Aka MuniServices, LLC for Franchise Fee Compliance Review | Blake Buller |
| 13. | Consider Fourth Amendment to the Professional Services Agreement between the City of Port Lavaca and Avenu Insights & Analytics, LLC. aka MuniServices, LLC for Local Hotel Occupancy Tax Field Audit Services | Blake Buller |
| 14. | Consider recommendation of the Planning Board to approve Final Plat of Prosperity Bank Subdivision located at 1107 State Hwy 35 North | Jessica Carpenter |
| 15. | Consider application of Thomas Philips to provide Taxicab services within the City of Port Lavaca in accordance with City of Port Lavaca Code of Ordinance Chapter 52 Vehicles for Hire, Article II, Taxicabs, Sections 52-19 through 52-55 | Thomas Philips |
| 15. | Announcement by Mayor that City Council will retire into closed session:
To discuss personnel matters in accordance with Title 5, Section 551.074 of the Texas Government Code (to discuss appointment, employment, evaluation, responsibilities and duties, reassignment, discipline or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee [City Manager]) | Mayor Whitlow |
| 16. | Return to open session and take any action deemed necessary with regard to matters in closed session | Mayor Whitlow |

ADJOURN

JACK WHITLOW, MAYOR

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, February 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, February 04, 2021.

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 February 22, 2021 Special and Workshop

INFORMATION:

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

On this the 22nd of February, 2021, due to the COVID-19 concerns and in accordance with the Governor's Orders and recommendations, the City Council of the City of Port Lavaca, Texas, convened in a special meeting and workshop session at 5:30 p.m. by 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, February 22, 2021.

Below is the information to log onto the zoom meeting:

Join Zoom Meeting

<https://us02web.zoom.us/j/89621938870?pwd=ajBsUW9rbXJtbGR4R0VCVIRXWjh6UT09>

Meeting ID: 896 2193 8870
Passcode: 614700

One tap mobile

+13462487799,,85631077573#,,,,,0#,,462867# US (Houston)

Dial by your location

+1 346 248 7799 US (Houston)

The following City Council Members participated by Zoom and were 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:

CALL TO ORDER

- Mayor Whitlow called the special meeting to order at 5:40 p.m. and presided.
- Mayor asked for comments from the public and the following citizen spoke:
 - Luis De La Garza commented on condition of water/sewer services during the winter storm last week and preparing for future bad weather.

AGENDA: (COUNCIL WILL CONSIDER/DISCUSS THE FOLLOWING ITEMS AND TAKE ANY ACTION DEEMED NECESSARY)

Consider ratification of Mayoral Declaration relating to Emergency Operations Winter Storm Disaster dated February 16, 2021 and authorize the extension of same declaration for one additional week

Councilman Tippit made a motion to pass the following:

WHEREAS, on February 12, 2021, Governor Greg Abbott certified that severe winter weather poses an imminent threat of widespread and severe property damage, injury and loss of life due to prolonged freezing temperatures, heavy snow, and freezing rain statewide and declared a state of disaster for the entire state; and

WHEREAS, on February 14, the severe weather (EM 3554) moved into the City of Port Lavaca and could lead to prolonged loss of electrical power, dangerous road surfaces, loss of water pressure, and unsafe infrastructure within the City, threatening the safety and lives of all residents; and

WHEREAS, the Mayor of the City of Port Lavaca has determined that extraordinary measures must be taken to alleviate the suffering of people to protect or rehabilitate property; and

WHEREAS, Pursuant to Chapter 418.108(b) of the Texas Government Code, the local state-of-disaster prompted by the winter weather emergency is in effect for a period of not more than seven days from the date of February 14, 2021.

NOW THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF PORT LAVACA:

1. That a State of Disaster is declared for the City of Port Lavaca.
2. That the City's Emergency Management Plan was implemented.
3. That this state of disaster shall continue for a period of not more than seven days of the date hereof, unless the same is continued by consent of the City Council of Port Lavaca, Texas.
4. That this proclamation shall take effect immediately from and after its issuance.

IT IS FURTHER RESLOVED THAT, Council hereby authorizes the extension of same declaration for one additional week. A copy of this Order is filed, in its entirety, in the office of the City Secretary.

Councilman Ward seconded said motion.

Motion passed by the following vote:

AYES: Smith, Dent, Tippit, Padron, Ward and Barr

NAYS: None

Receive report from Interim City Manager on the Winter Storm event

Interim City Manager Weaver presented Council with a report detailing the events on the 2021 Winter Storm from last week, a copy is on file in the office of the City Secretary, in its entirety:

No action necessary and none taken.

Consider recommendation of the Planning Board for a variance to the Land Use Plan adopted by Council on June 09, 2014, to approve a future Recreational Vehicle (RV) Park located at 809 Mildred Drive by Cruz Trucking/5 Sons Investments

Development Services Director Jessica Carpenter advised Council that the Planning Board had recommended approval of a future Recreational Vehicle (RV) Park located at 809 Mildred Drive by Cruz Trucking/5 Sons Investments; however, a variance to the Land Use Plan adopted by Council on June 09, 2014 was needed and pointed out the proposed location on the Land Use Plan’s Map.

Councilwoman Padron made a motion to pass the following:

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

THAT, in accordance with the recommendation of the Planning Board and staff, Council hereby approves a variance to the Land Use Plan adopted by Council on June 09, 2014, to approve a future Recreational Vehicle (RV) Park located at 809 Mildred Drive by Cruz Trucking/5 Sons Investments.

Councilman Dent seconded this motion.

Motion passed by the following vote:

AYES: Smith, Dent, Tippit, Padron, Ward and Barr

NAYS: None

ADJOURN

Councilman Barr made a motion to adjourn Special meeting.

Councilwoman Padron seconded this motion

Motion passed by the following vote:

AYES: Smith, Dent, Tippit, Padron, Ward and Barr

NAYS: None

Special meeting was adjourned at 6:33 p.m.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

WORKSHOP SESSION AGENDA:

CALL TO ORDER

- Mayor Whitlow called the workshop to order at 6:34 p.m. and presided.
- Mayor asked for comments from the public and there were none.

AGENDA: (COUNCIL WILL DISCUSS THE FOLLOWING ITEMS)

Discuss short term and long-term Brush and Chip Disposal Plan

Council discussed this workshop item.

No action was taken.

Discuss proposed Spring Clean Up Event and Proposed Improvements to the Recycle Program

Council discussed this workshop item.

No action was taken.

ADJOURN

Councilman Ward made a motion to adjourn workshop.

Councilman Dent seconded this motion

Motion passed by the following vote:

AYES: Smith, Dent, Tippit, Padron, Ward and Barr

NAYS: None

Workshop was adjourned at 7:10 p.m.

Jack Whitlow, Mayor

ATTEST:

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

Join Zoom Meeting

<https://us02web.zoom.us/j/89621938870?pwd=ajBsUW9rbXJtbGR4R0VCVIRXWjh6UT09>

Meeting ID: 896 2193 8870

Passcode: 614700

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).

CALL TO ORDER

- Announcement by Mayor that Special Meeting is now open.
- Comments from the Public
(Limited to 3 minutes per individual unless permission to speak longer is received in advance)

AGENDA: (COUNCIL WILL CONSIDER/DISCUSS THE FOLLOWING ITEMS AND TAKE ANY ACTION DEEMED NECESSARY)

1. Consider ratification of Mayoral Declaration relating to Emergency Operations Winter Storm Disaster dated February 16, 2021 and authorize the extension of same declaration for one additional week
Presenter is Mayor Whitlow
2. Receive report from Interim City Manager on the Winter Storm event
Presenter is Jody Weaver
3. Consider recommendation of the Planning Board for a variance to the Land Use Plan adopted by Council on June 09, 2014, to approve a future Recreational Vehicle (RV) Park located at 809 Mildred Drive by Cruz Trucking/5 Sons Investments
Presenter is Jessica Carpenter

ADJOURN

Jack Whitlow, Mayor

WORKSHOP SESSION:

CALL TO ORDER

- Announcement by Mayor that Workshop Session is now open.
- Comments from the Public
(Limited to 3 minutes per individual unless permission to speak longer is received in advance)

AGENDA: (COUNCIL WILL DISCUSS THE FOLLOWING ITEMS)

1. Discuss short term and long-term Brush and Chip Disposal Plan
Presenter is Wayne Shaffer
2. Discuss proposed Spring Clean Up Event and Proposed Improvements to the Recycle Program
Presenter is Wayne Shaffer

ADJOURN

- Announcement by Mayor that Workshop is adjourned.

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, February 22, 2021 beginning at 5:30 p.m., was posted at City Hall, easily accessible to the Public, as of 5:00 p.m., Friday, February 19, 2021.

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
01-101532 AXON ENTERPRISE, INC					
INV SI-1711491	1/22/2021 2/17/2021	2/22/2021 56709	STANDARD CARTRIDGE AMMUNITION	POLICE DEPARTMENT	\$1,817.50
01-101978 BANK OF AMERICA N.A.					
INV OTIEMSR5DR	1/14/2021 2/3/2021	2/4/2021 56590	BOND PAYMENT	NON DEPARTMENTAL	\$111,997.25
01-103058 BAREFOOT CONSTRUCTION					
INV 001848	1/12/2021 2/3/2021	2/5/2021 56672	LABOR FOR PUMP STATION INSTALL NAUTICAL LANDING MARINA	PORT REVENUE FUND	\$3,890.00
01-102265 BIO-AQUATIC TESTING					
INV 00057960	1/18/2021 2/3/2021	2/4/2021 56591	TESTING SERVICES	WWTP	\$1,590.00
01-102544 BOKF, NA					
INV CPLTGORB2012/0221	1/15/2021 2/3/2021	2/4/2021 56592	BOND SERIES 2012	NON DEPARTMENTAL	\$315,350.75
01-102150 BRANNAN PAVING CO. LTD					
INV 009473	12/31/2020 2/3/2021	2/5/2021 56673	GEORGE STREET CIP PROJECT 2019-2020	UTILITY MAINTENANCE	\$4,000.00

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-102150 BRANNAN PAVING CO. LTD					
INV 009473-1	12/31/2020 2/3/2021	2/5/2021 56673	GEORGE STREET CIP PROJECT 2019-2020	STREETS	\$88,753.89
INV 009473-2	12/31/2020 2/3/2021	2/5/2021 56673	GEORGE STREET CIP PROJECT 2019-2020	WWTP	\$2,300.04
01-102917 BUREAU VERITAS NORTH AMERICA					
INV 1567237	1/31/2021 2/3/2021	2/4/2021 56593	BACKUP INSPECTIONS	CODE ENFORCEMENT	\$2,067.24
01-102565 CARD SERVICE CENTER					
INV 0305/012021	2/5/2021 2/17/2021	2/22/2021 56713	CREDIT CARD CHARGES	ALL DEPARTMENTS	\$3,999.15
01-103056 CH2M HILL ENGINEERS, INC.					
INV D3364100011	2/5/2021 2/17/2021	2/22/2021 56715	LIGHTHOUSE BEACH FISHING PIER	LIGHTHOUSE BEACH	\$2,981.25
01-100105 PORT LAVACA CHAMBER OF COMMERCE					
INV 202102029432	1/31/2021 2/3/2021	2/4/2021 56604	REIMBURSEMENT FOR EVENTS	HOTEL OCCUPANCY TAX	\$3,221.59

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-101233 CIVILCORP, LLC					
INV 159956	1/22/2021 2/3/2021	2/5/2021 56675	ENGINEERING - EAST GEORGE ST 2020-2021 CIP	STREETS	\$8,400.00
INV 159957	1/22/2021 2/3/2021	2/5/2021 56676	ENGINEERING - EZZELL ST 2020-2021 CIP	STREETS	\$13,600.00
INV 159960	1/22/2021 2/3/2021	2/5/2021 56677	CAPITAL IMPROVEMENT GEORGE STREET RECONSTRUCTION	STREETS	\$1,500.00
01-102951 CLASSIC BANK					
INV 187289-00006/0121	1/15/2021 2/3/2021	2/4/2021 56607	BOND SERIES 2016	NON DEPARTMENTAL	\$776,814.50
01-100129 CORE & MAIN LP					
INV N470185-1	12/22/2020 2/17/2021	2/22/2021 56720	WATER MAIN PARTS	UTILITY MAINTENANCE	\$3,349.76
01-102609 DATAPROSE, LLC					
INV DP2100228	1/31/2021 2/17/2021	2/22/2021 56723	UTILITY BILLING JANUARY 2021	UTILITY BILLING	\$1,888.38
01-101891 DOGGETT HEAVY					
INV W20804	2/21/2021 2/17/2021	2/22/2021 56726	PARTS FOR BUCKET REPAIR	UTILITY MAINTENANCE	\$2,510.63

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-101891 DOGGETT HEAVY					
INV W90666	12/9/2020 2/17/2021	2/22/2021 56726	ASPHALT PAVER	STREETS	\$90,294.00
INV W90667	12/9/2020 2/17/2021	2/22/2021 56726	WHEEL LOADER	STREETS	\$143,196.35
01-103867 DQE INC					
INV 150857	2/3/2021 2/17/2021	2/22/2021 56728	LEAK CONTROL KIT	FIRE DEPARTMENT	\$4,107.73
01-100728 FERGUSON ENTERPRISES, INC					
INV 8676128	11/4/2020 2/3/2021	2/5/2021 56680	WATER MAIN PARTS	UTILITY MAINTENANCE	\$4,467.44
INV 8806877-2	1/21/2021 2/3/2021	2/5/2021 56680	WATER MAIN PARTS	UTILITY MAINTENANCE	\$1,518.08
01-100154 FIRESTONE OF PORT LAVACA					
INV 0072248	1/20/2021 2/3/2021	2/4/2021 56617	REPAIRS TO UNIT #2910	POLICE DEPARTMENT	\$1,782.93

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-102490 U.S. BANK NATIONAL					
INV 01/2021	1/24/2021 2/3/2021	2/4/2021 56618	FUEL JANAURY 2021	ALL DEPARTMENTS	\$4,434.64
01-102645 GEXA ENERGY, LP					
INV 32466374-4	1/25/2021 2/3/2021	2/4/2021 56619	ELECTRICITY SERVICES JANUARY 2021	ALL DEPARTMENTS	\$26,657.39
01-100526 GONZALES CONTRACTING INC					
INV 21-012	2/9/2021 2/17/2021	2/22/2021 56733	REPAIRS TO LYNNS BAYOU OUTFALL (CONTRACTED SERVICE)	LYNNS BAYOU	\$18,825.00
INV 21-013	2/9/2021 2/17/2021	2/22/2021 56733	LYNNS BAYOU WASHOUT REPAIR (CONTRACTED SERVICE)	STREETS	\$32,400.00
01-100186 GUADALUPE BLANCO RIVER					
INV SI010588	1/31/2021 2/3/2021	2/4/2021 56621	WATER PURCHASED JANAURY 2021	NON DEPARTMENTAL	\$99,629.32
01-100187 GUADALUPE BLANCO RIVER					
INV SI010561	2/2/2021 2/3/2021	2/4/2021 56622	STORED WATER IN CANYON LAKE	NON DEPARTMENTAL	\$28,186.67

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-100203 HAHN EQUIPMENT CO INC					
INV 108207	12/17/2020 2/3/2021	2/5/2021 56682	CONTROL PANEL FOR LIFT STATION	WWTP	\$30,900.00
INV 108476	1/28/2021 2/3/2021	2/5/2021 56682	REHAB ON BAYFRONT LIFT STATION	WWTP	\$5,725.00
01-101839 HARRISON,WALDROP					
INV 81156	12/31/2020 2/3/2021	2/4/2021 56624	AUDIT FEES	NON DEPARTMENTAL	\$2,000.00
01-100260 LESTER CONTRACTING, INC					
INV 2005708	12/31/2020 2/3/2021	2/5/2021 56684	STREET IMPROVEMENTS JACKSON ST 2019-2020 CIP PROJECT	STREETS	\$90,467.07
INV 2018902	1/31/2021 2/3/2021	2/5/2021 56685	FIREHYDRANT REPLACEMENT	UTILITY MAINTENANCE	\$28,755.00
INV EST#5	12/31/2020 2/3/2021	2/5/2021 56686	BROOKHOLLOW DRIVE WATER	UTILITY MAINTENANCE	\$9,129.50
01-102904 JESSE JAMES LLC					
INV 1629	1/17/2021 2/3/2021	2/4/2021 56632	IT SERVICES 01/17/21-02/16/21	TECHNOLOGY (ALL DEPARTMENTS)	\$2,500.00

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-102904 JESSE JAMES LLC					
INV 1639	2/7/2021 2/17/2021	2/22/2021 56744	IT SERVICES 2/7/21-3/6/21 PD	TECHNOLOGY (POLICE DEPARTMENT)	\$1,810.00
01-103888 MAGUIRE IRON INC					
INV IVC012982	12/31/2020 2/3/2021	2/4/2021 56634	ASSET MANAGEMENT	UTILITY MAINTENCE	\$101,895.00
01-100267 MCCREARY, VESELKA					
INV 12/2020	1/20/2021 2/3/2021	2/4/2021 56635	MVBA COLLECTION FEES	NON DEPARTMENTAL	\$2,040.76
01-103894 MOTT MACDONALD					
INV 507429096	2/4/2021 2/3/2021	2/5/2021 56688	CDBG-MIT APPLICATION ASSITANCE COASTAL RESILIENCY	HELENA BULKHEAD (LIVING SHORELINE GRANT)	\$15,200.00
INV 507429096-1	2/4/2021 2/3/2021	2/5/2021 56688	CDBG-MIT APPLICATION ASSITANCE COASTAL RESILIENCY	HELENA BULKHEAD (LIVING SHORELINE GRANT)	\$14,000.00
01-101830 MUNICIPAL CODE CORPORATION					
INV 00352640	12/14/2020 2/3/2021	2/4/2021 56639	MUNICODE MEETINGS SUBSCRIPTION	TECHNOLOGY (CITY SECRETARY)	\$2,400.00

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-103847 ENVIRONMENTAL SCIENCE CORPORATION					
INV 1325514-S	1/31/2021 2/17/2021	2/22/2021 56757	CHEMICALS	WWTP	\$1,690.00
01-102667 PINNACLE INDUSTRIES LTD.					
INV 0162011-IN	12/30/2020 2/17/2021	2/22/2021 56758	REPAIRS TO BLOWER SHAFT	WWTP	\$9,925.00
01-100335 PORT LAVACA, CITY OF					
INV 01/2021	1/21/2021 2/3/2021	2/4/2021 56649	WATER/SEWER JANUARY 2021	ALL DEPARTMENT	\$5,716.32
01-102556 PUBLIC SECTOR PERSONNEL CO					
INV 3298	2/4/2021 2/17/2021	2/22/2021 56761	COMPENSATION PLAN	HUMAN RESOURCES	\$5,000.00
01-102309 REPUBLIC SERVICES #847					
INV 0847-001130384	2/8/2021 2/17/2021	2/22/2021 56765	GARBAGE COLLECTION	NON DEPARTMENTAL	\$64,437.77
01-103816 RICHARD N MORTON JR					
INV 202101319422	1/25/2021 2/3/2021	2/5/2021 56689	CITY MANAGER CONSULTATION	CITY MANAGER	\$8,680.75

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-103816 RICHARD N MORTON JR					
INV 202102219445	2/6/2021 2/17/2021	2/22/2021 56766	CITY MANAGER CONSULTATION	CITY MANAGER	\$7,023.25
01-101259 SHIRLEY & SONS CONSTRUCTION					
INV 3235	2/3/2021 2/3/2021	2/5/2021 56691	SCULLYS BULKHEAD AND FINGER PIERS CITY DOCK	PORT REVENUE FUND	\$302,375.50
INV 3235-1	2/3/2021 2/3/2021	2/5/2021 56691	SIDEWALK AND HANDRAIL CITY DOCK	ECONOMIC DEVELOPMENT	\$34,353.90
01-102131 SIDDON'S MARTIN EMERGENCY GROUP					
INV 19405545	2/3/2021 2/17/2021	2/22/2021 56770	TIE RODS & PUMP	FIRE DEPARTMENT	\$2,682.89
01-102145 STAR W EQUIPMENT REPAIRS					
INV 4879	1/11/2021 2/3/2021	2/4/2021 56655	PATCH MACHINE REPAIRS	STREETS	\$1,840.00
01-102400 TEXAS HOTEL & LODGING ASSOCIATION					
INV 21-1013343	12/9/2020 2/17/2021	2/22/2021 56773	ANNUAL THLA MEMBERSHIP 2021	HOTEL OCCUPANCY TAX	\$3,110.00

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-100419 TML - IEBP					
INV 02/2021	2/1/2021 2/3/2021	2/4/2021 56660	HEALTH/DENTAL INSURANCE	ALL DEPARTMENTS	\$60,964.04
01-100418 TML INTERGOVERNMENTAL RISK					
INV 9059/012021	1/1/2021 2/3/2021	2/4/2021 56661	INSURANCE	ALL DEPARTMENTS	\$47,340.75
01-100925 ULINE					
INV 128489611	1/4/2021 2/3/2021	2/5/2021 56692	LECTERN AND STORAGE SHELVES	POLICE DEPARTMENT	\$2,388.36
01-102134 VICTORIA ENGINEERING					
INV 16507	12/3/2020 2/3/2021	2/5/2021 56693	ENGINEERING SERVICES LIFT STATION EVALUATIONS	UTILITY MAINTENANCE	\$4,000.00
INV 16529	1/28/2021 2/3/2021	2/5/2021 56693	SCULLY'S BULKHEAD REPAIR	PORT REVENUE FUND	\$2,500.00
INV 16533	1/28/2021 2/3/2021	2/5/2021 56693	BAYFRONT PARK PHASE 1	PARKS AND RECREATION	\$2,500.00
INV 16534	1/28/2021 2/3/2021	2/5/2021 56693	ENGINEERING CONTRACT - DREDGING SMITH HARBOR	PORT REVENUE FUND	\$5,075.00

VENDOR/INVOICE #	ITEM DT/ POST DT	PAY DT/ CHECK #	DESCRIPTION	DEPARTMENT	AMOUNT
01-102134 VICTORIA ENGINEERING					
INV 16537	2/4/2021 2/17/2021	2/22/2021 56779	SCULLY'S BULKHEAD REPAIR	PORT REVENUE FUND	\$8,700.00
01-100451 VICTORIA COMMUNICATION SERVICES					
INV 6571	12/3/2020 2/3/2021	2/4/2021 56667	LABOR AT WATER TOWER	UTILITY MAINTENANCE	\$13,730.00
01-103090 WARRIORS WEEKEND					
INV 202102039436	2/3/2021 2/3/2021	2/4/2021 56670	REIMBURSEMENT FOR LODGING	HOTEL OCCUPANCY TAX	\$6,073.32
TOTAL INVOICES PAID OVER \$1500.00					\$2,712,460.66

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: 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. Presenter is Colin Rangnow

INFORMATION:



CITY OF
PORT LAVACA
POLICE DEPARTMENT

To: City Secretary Mandy Grant

From: Chief Colin Rangnow

Date: March 1, 2021

Subject: Agenda Item

Present to the Port Lavaca City Council 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. Presentation will be the second public hearing on said matter. No additions or corrections need to be made.

A handwritten signature in blue ink, appearing to read "Colin Rangnow", written over the printed name.

Chief Colin Rangnow

Port Lavaca Police Department

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: 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. Presenter is Colin Rangnow

INFORMATION:



CITY OF
PORT LAVACA
POLICE DEPARTMENT

To: City Secretary Mandy Grant

From: Chief Colin Rangnow

Date: March 1, 2021

Subject: Agenda Item

Present to the Port Lavaca City Council the need to continue a Juvenile Curfew Ordinance (G-1-21), Codified as Chapter 30, Offenses, Article II of the Code of Ordinances of the City of Port Lavaca, Texas, 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. Presentation will be Second and Final Reading on said matter. No additions or corrections need to be made.

A handwritten signature in blue ink, appearing to be "C. Rangnow".

Chief Colin Rangnow

Port Lavaca Police Department

ORDINANCE #G-1-21

AN ORDINANCE 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.

WHEREAS, the City Council wishes to prevent the increase in juvenile violence, juvenile gang activity and an increase in crime by persons under age of seventeen (17) in the City of Port Lavaca; and

WHEREAS, persons under the age of seventeen (17) are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

WHEREAS, the City of Port Lavaca has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control of and responsibility for their children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities; and

WHEREAS, a curfew for those under seventeen years of age will be in the interest of the public health, safety, and general welfare, and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the City of Port Lavaca:

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

SECTION I.

THAT THE ABOVE STATED FINDINGS AND RECITALS CONTAINED IN THE PREAMBLE OF THIS ORDINANCE ARE DETERMINED TO BE TRUE AND CORRECT AND ARE HEREBY ADOPTED AS PART OF THIS ORDINANCE.

SECTION II. DEFINITIONS

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

1. Emergency - shall mean an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term shall include but not be limited to a fire, natural disaster, vehicular accident, or a serious medical condition of sudden onset.

2. Guardian - shall mean the person who, under a court order, is the guardian of the person of a minor or the public or private agency with whom a minor has been placed by a court.

3. Minor - shall mean any person less than seventeen (17) years of age.

4. Parent - shall mean the natural mother or father or adoptive mother or father, or stepmother or stepfather of a minor.

5. Public place - means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartments, houses, office buildings, transport facilities, and shops.

SECTION III. OFFENSES

(a) It shall be unlawful for any minor to knowingly remain, walk, run, stand, drive or ride about, in or upon any public place in the City of Port Lavaca Texas, between the hours of 12:00 o'clock midnight and 6:00 o'clock a.m. on any day of the week, or between the hours of 8:00 o'clock a.m. and 3:00 o'clock p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday.

(b) It shall be unlawful for the parent or guardian having legal custody of a minor to knowingly allow or permit the minor to be in violation of the curfew imposed in Section III (a) of this code.

(c) Violations of this section shall be punishable as provided in Section VII of this code.

SECTION IV. DEFENSES

It is a defense to prosecution under Section III of this code that:

(a) The minor was accompanied by his or her parent or guardian;

(b) The minor was accompanied by an adult designated by his or her parent or guardian;

(c) The minor was on an errand made necessary by an emergency;

(d) The minor was attending a school, religious, or government-sponsored activity or was traveling to or from a school, religious, or government activity or was going directly to or coming from lawful employment;

(e) The minor was engaged in a lawful employment activity or was going directly to or coming from lawful employment;

(f) The minor was on the sidewalk of the place where he or she resides;

(g) The minor was on an errand directed by his or her parent or guardian;

(h) The minor was in a motor vehicle involved in intrastate or interstate transportation;

(i) The minor was engaged in, participating in, or traveling to or from any event, function or activity for which the application of section III of this code would contravene his or her rights protected by the Texas or United States Constitutions;

(j) The minor was married or had been married or had disabilities of minority removed in accordance with chapter 31 of the Texas Family Code; or

(k) The Minor is able to furnish acceptable proof that he/she is being home schooled, or attending a private school, and has registered with the public school system as such.

(l) With respect to hours between 8:00 o'clock a.m. and 3:00 o'clock p.m. only, that the offense occurred during the summer vacation break period of the school in which the minor is enrolled or on a holiday observed by the closure of classes in the school in which the minor is enrolled or that the minor has graduated from high school or received a high school equivalence certificate.

SECTION V. SUPPLEMENTAL EFFECT

The provisions of this article are supplemental and shall be cumulative with all other laws and ordinances applicable in any manner to juveniles.

SECTION VI. ENFORCEMENT

Notwithstanding the penal effect of this article the chief of police may develop alternative enforcement strategies, which can include, but need not be limited to, return of minors to their residences or schools, counseling with minors and their parents or guardians, the issuance of warning citations to minors or their parents or guardians, or the referral of instances that appear to also involve the violation of school attendance laws to those officers who are responsible for the enforcement of those laws. The enforcement strategies shall be promulgated in writing to members of the police department so that this article may be enforced in a uniform manner.

SECTION VII. PENALTIES

Any person violating any of the provisions of this ordinance shall be charged with a Class C Misdemeanor Offense and upon conviction thereof shall be fined in any sum not to exceed Five Hundred (\$500.00) Dollars.

A third arrest of a minor within a period of twelve (12) months for violating any of the provisions of this ordinance, shall be deemed *prima facie evidence* that a parent or guardian, having legal custody of said minor, knowingly allowed or permitted the minor to be in violation of the curfew imposed in section III (a) of this code.

SECTION VIII. COMMUNITY SERVICE

~~(a) A Court may require a defendant to serve all or a part of a sentence as a condition of probation by performing community service rather than paying a fine or being confined in jail.~~

~~(b) In its order requiring a defendant to participate in community service work, the Court must specify:~~

~~(1) the number of hours the defendant is required to work; and~~

~~(2) the entity or organization for which the defendant is required to work; and~~

~~(c) The Court may order the defendant to perform community service work under this article only for a government entity or a non-profit organization that provides services to the general public that enhance social welfare and the general wellbeing of the community. A governmental entity or non-profit organization that accepts a defendant to perform community service must agree to supervise the Defendant in the performance of the Defendant's work and shall report on the defendant's work to the Municipal Court of the City of Port Lavaca.~~

~~(d) It is the intent of this code that Community Service be implemented in lieu of a fine or jail sentencing when possible.~~

~~(e) It is also the intent of this code that the parent or guardian having legal custody of a minor and who is also in violation of this code shall serve Community Service with that minor when so ordered by the court as a condition of probation.~~

SECTION IX. VIII. SEVERABILITY

If any provisions, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected; thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

SECTION ~~X~~. IX. REPORTING

Six months from the effective date hereof, the Chief of Police shall submit a report to the City Council on the effectiveness of this Ordinance, unforeseen problems in enforcement, and any suggestions for changes or additions which might be made in light of the City's experience.

SECTION ~~XI~~. X. EFFECTIVE DATE

This ordinance shall become effective upon its adoption

FIRST READING this the 8th day of February, 2021.

Jack Whitlow, Mayor

SECOND READING this the 8th day of March, 2021.

Jack Whitlow, Mayor

PASSED AND APPROVED this the 8th day of March, 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 Tippit	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: 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. Presenter is Mike Reeves of Republic Services

INFORMATION:

January 31, 2021

Mrs. Jody Weaver
City Manager
City of Port Lavaca
202 N. Virginia St
Port Lavaca, TX. 77979

Dear Mrs. Weaver;

In accordance with Item 1 of the Third Amendment to the Municipal Contract between BFI Waste Services of Texas, LP d/b/a Republic Services of Corpus Christi and the City of Port Lavaca, we hereby submit our annual letter reflecting a **3.00% increase in the Base Rate to become effective March 1, 2021.**

The Base Residential Contract Rate as of March 1, 2020 was \$17.02 and applying the above Fixed Rate of 3.0%," **the new Base Residential Rate effective March 1, 2021 will become \$17.53.** The commercial rates will also increase by the same percentage and the Commercial Rate Matrix is attached reflecting the changes.

Should you have any questions concerning the price increase or our service, please do not hesitate to call me.

Sincerely,

Mike Reeves

Mike Reeves
Manager, Municipal Services
361-549-3097
MReeves@republicservices.com



**Exhibit “A”
Base Rates-2021
City of Port Lavaca**

Residential Collection: (95 Gallon Carts) **\$17.53** monthly per unit
(2Xwk garbage/1X month brush & bulky)

Additional Carts: **\$14.89** monthly per unit

Commercial 95 Gallon Carts: 2 X wk: **\$35.08** monthly per unit

FEL Dumpsters:

SIZE	X 1	X 2	X 3	X 4	X 5	XPU
2	\$109.78	\$169.45	\$222.09	\$238.66	\$339.74	\$59.00
3	\$133.25	\$208.05	\$286.26	\$365.21	\$430.91	\$59.00
4	\$158.01	\$253.70	\$365.21	\$446.00	\$542.62	\$59.00
6	\$204.42	\$339.77	\$440.55	\$606.71	\$740.25	\$59.00
8	\$276.56	\$448.98	\$642.64	\$781.02	\$951.63	\$59.00

FEL compacted trash: 4 times the unit charge above based upon size and frequency of service.

Miscellaneous Fees-

- Overload Fee- \$50.00 per occurrence
- Extra Lift- \$80.00 per request by customer
- Relocation Fee- \$50.00 per request by customer
- Exchange Fee- \$95.00 per request by customer
- Delivery Fee- \$50.00 per request by customer

Roll-Offs

Rent: \$102.18/month
Initial Delivery: \$118.64
Dry Run: \$232.15

	Haul Fee	Disposal/\$ per ton (includes Franchise Fee)
20 cyd	\$424.34	\$53.98
30cyd	\$424.34	\$53.98
40cyd	\$424.34	\$53.98
Compactors	\$424.34	\$53.98

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Review and Consider City of Port Lavaca’s Annual Optional Homestead Tax Exemption within the Calhoun County Appraisal District for the 2021 Tax year. Presenter is Jody Weaver

INFORMATION:


CITY OF PORT LAVACA

CITY COUNCIL MEETING: MARCH 8, 2021

AGENDA ITEM _____

DATE: 2.24.2021

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JODY WEAVER, INTERIM CITY MANAGER 

SUBJECT: 2021 TAX YEAR HOMESTEAD EXEMPTIONS

Attached is a letter from Jesse Hubbell with a chart showing the exemptions that were approved for the 2020 tax year. The City must notify the appraisal district of any proposed changes for the 2021 tax year by March 31.

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 are optional and decided by the City. The disabled veteran exemptions are state mandated.

Tax Loss due to 10% homestead exemption*:	\$26,674,598 (Value Loss) x 0.7944 =	\$211,903.01
Tax Loss due to \$10,000 deduct for 65 and over:	\$8,688,932 (Value Loss) x 0.7944 =	\$ 69,024.88
Tax Loss for all Disabled Veterans:		<u>\$ 35,239.27</u>
TOTAL		<u>\$316,167.16</u>

* or \$5,000, which ever is greater.

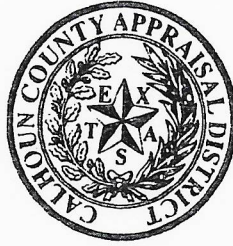
The City has the option of changing the percentage of the homestead exemption anywhere from zero to 20%. (It can't go above 20%). If Council wishes to make a change, a new resolution must be adopted. Attached is a copy of the resolution adopted in 2020. Recall 2020 was the first year the City offered 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 take the Tax loss to an estimated \$317,854.51

Attachments:

- Letter dated February 8, 2021 from Jesse Hubbell
- 2020 Tax Rates & Entity Exemptions
- Copy of 2020 Resolution

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



Section VI. Item #4.

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

Chief Appraiser
Jesse W. Hubbell

February 8, 2021

To: All Governing Bodies of the Taxing Units with the Calhoun County Appraisal District

RE: Optional Homestead Exemption Agenda Item

Please add the above item to your agenda for action at your next board, council or commissioners' court meeting. This should be an annual agenda item. I have enclosed a listing of the homestead exemptions currently granted for all taxing units in Calhoun County. Please review your exemptions and notify the appraisal district no later than March 31, 2021, if any changes are to be made for the 2021 tax year. Notification may be submitted by email to: jhubbell@calhouncad.org or tammy@calhouncad.org.

All taxing units currently granting the optional 20% homestead exemption may reduce the percentage of the exemption, but cannot increase the percentage. A taxing unit that has not granted an optional percentage homestead exemption may do so, but only up to 20%. The optional 65 and over and disabled exemption may be increased or decreased. Taxing units cannot change any veteran exemption.

Should you have any questions or concerns please contact Tammy Blakeman or me.

Respectfully,

A handwritten signature in cursive script, appearing to read 'Jesse W. Hubbell'.

Jesse W. Hubbell
Chief Appraiser

2020 Tax Rates & Entity Exemptions

JURISDICTION	CODE	DISCOUNT	65 AND OVER TAX CEILING	M&O RATE	I&S RATE	TOTAL RATE	GENERAL HOMESTEAD (Mandatory)	LOCAL- OPTION PERCENTAGE HOMESTEAD	65 AND OVER (Mandatory)	65 AND OVER (Optional)	DISABLED (Optional) (Mandatory)	DISABLED VETERANS*
COUNTY												
Calhoun County	GO5	Yes	Yes	0.5535	0.0337	0.5872		20%		64,000	(O) 64,000	5,000 to 12,000
CITIES												
Seadrift	CO2	No	Yes	0.5600	0.0000	0.5600		20%		5,000	(O) 3,000	5,000 to 12,000
Point Comfort	CO3	No	No	1.2358	0.0000	1.2358		20%		3,750		5,000 to 12,000
Port Lavaca	CO4	No	Yes	0.7284	0.0660	0.7944		10%		10,000		5,000 to 12,000
SCHOOL DISTRICTS												
CCISD	SO1	No	Yes	0.9664	0.1985	1.1649	25,000	20%	10,000	10,000	(M) 10,000	5,000 to 12,000
SPECIAL DISTRICTS												
Calhoun Port Authority	NV6	Yes	NA	0.0009	0.0000	0.0009		20%		125,000	(O) 125,000	5,000 to 12,000
Water Control & Improvement District #1	WO7	Yes	NA	0.0421	0.0000	0.0421		20%		20,000		5,000 to 12,000
LaSalle Water Control & Improvement District #1A	W08	Yes	NA	0.5700	0.0000	0.5700		20%		64,000	(O) 64,000	5,000 to 12,000
Groundwater Conservation District	GWD	No	NA	0.00828	0.0000	0.00828		20%		64,000	(O) 64,000	5,000 to 12,000
Drainage District #6	DD6	Yes	NA	0.0368	0.0000	0.0368				20,000		5,000 to 12,000
Drainage District #8	DD8	Yes	NA	0.2724	0.0000	0.2724						5,000 to 12,000
Drainage District #10	DD10	Yes	NA	0.2177	0.0000	0.2177						5,000 to 12,000
Drainage District #11	DD11	Yes	NA	0.1767	0.0000	0.1767						5,000 to 12,000
Port O'Connor Improvement District	MUD	Yes	NA	0.2513	0.2677	0.5190		20%		100,000	(O) 100,000	5,000 to 12,000
Port O'Connor Improvement District Defined Area #1	DA1MU	No	NA	0.4810	0.0000	0.4810		20%		100,000	(O) 100,000	5,000 to 12,000

*Disabled Veteran Exemption is variable 10% to 29% = \$5,000; 30% to 49% = \$7,500; 50% to 69% = \$10,000; 70% to 100% = \$12,000

** Mandated by State
 ↳ 2 disability.*



**RESOLUTION OF THE
CITY OF PORT LAVACA, TEXAS**

WHEREAS, The Texas Constitution Art. VIII, § 1-b, provides for partial exemption from taxation for residence homesteads; and

WHEREAS, State law provides for both mandatory and optional residence homestead exemptions; and

WHEREAS, The Texas Property Tax Code § 11.13(n) provides that in addition to any other exemptions provided by law, an individual is entitled to an exemption from taxation by a taxing unit of a percentage of the appraised value of his residence homestead if the exemption is adopted by the governing body of the taxing unit before May 1 in the manner provided by law; and

WHEREAS, The City Council for the City of Port Lavaca desires to permit the additional residence homestead exemption as described in the Texas Property Tax Code § 11.13(n).

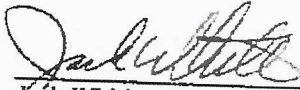
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

1. That the additional residential homestead as provided in Texas Property Tax Code § 11.13(n) in the amount of ten percent (10%) is hereby granted to all qualified residential homeowners; and

2. That if the percentage exemption set by this taxing unit produces an exemption in a tax year of less than \$5,000 when applied to a particular residence

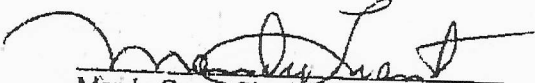
homestead exemption, the individual is entitled to an exemption of \$5,000 of the appraised value.

Approved at a duly called meeting of the Port Lavaca City Council on the 23rd day of March, 2020.



Jack Whitlow, Mayor

Attest:



Mandy Grant, City Secretary

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Consider certification of City Secretary that all candidates in the May 01, 2021 General Officers Election are unopposed. Presenter is Mandy Grant

INFORMATION:

CITY OF PORT LAVACA

CC MEETING: MARCH 08, 2021 AGENDA ITEM # _____

DATE: 2/25/2021

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

FROM: MANDY GRANT, CITY SECRETARY

SUBJECT: CERTIFICATION BY CITY SECRETARY THAT THE CANDIDATES FOR COUNCIL MEMBERS, SINGLE DISTRICT #2 AND #6, IN THE MAY 01, 2021 GENERAL OFFICERS ELECTION, ARE UNOPPOSED

BACKGROUND:

In order to cancel an election, the governing body must first receive and accept the certification that candidates in an election are unopposed and that no other issues or propositions are being presented at the election for consideration. The certification must come from the authority responsible for preparing the ballot and in a city election, that authority is the City Secretary.

After Council receives and formally accepts the certification, it must adopt an Order cancelling the election. The order must be adopted in an open session. Copies of the order must be posted on Election Day at each polling place that would have been used had the election not been cancelled.

Certificates of Election should be prepared for each unopposed candidate, however, the certificates should not be issued until on or after Election Day. Candidates must wait until on or after Election Day to take the Oath of Office. Statement of Elected Officer may be signed prior to Election Day, but is normally executed at the same time the Oath is administered.

FINANCIAL IMPLICATIONS:

IMPACT ON COMMUNITY SUSTAINABILITY:

RECOMMENDATION:

Accept letter of certification by the City Secretary.

ATTACHMENTS:

Letter of certification by the City Secretary.

CERTIFICATION OF UNOPPOSED CANDIDATES
THE CITY OF PORT LAVACA, TEXAS
(CERTIFICACIÓN DE CANDIDATOS SIN OPOSICIÓN
LA CIUDAD DE PORT LAVACA, TEXAS)

To: Mayor and Members of the City Council
City of Port Lavaca, Texas
(Para: Alcalde y miembros del Consejo
de la ciudad de Port Lavaca, Tejas)

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, certifica 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 un declaración de candidatura inscrita, y todos los candidatos siguientes son sin oposición):

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

DATED this the 24th day of February, 2021
(FECHÓ esto el 24 día de Febrero de 2021).



Mandy Grant
Mandy Grant, City Secretary
(Mandy Grant, Secretaria de la ciudad)
City of Port Lavaca, Texas (Ciudad de Port Lavaca, Texas)

NOTE: Copies Posted at Following Locations:
(NOTA): (Copias fijadas en las localizaciones siguientes):

- | | | |
|---------------------------------|---------------------|--------------------|
| City of Port Lavaca City Hall | 202 N. Virginia St. | Port Lavaca, Texas |
| Calhoun County Courthouse Lobby | 211 S. Ann Street | Port Lavaca, Texas |
| Calhoun County Clerk's Office | 211 S. Ann Street | Port Lavaca, Texas |

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: 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. Presenter Is Mandy Grant

INFORMATION:

CC MEETING: MARCH 08, 2021 **AGENDA ITEM #** _____

DATE: 2/27/2021

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

FROM: MANDY GRANT, CITY SECRETARY

SUBJECT: 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

BACKGROUND:

In order to cancel an election, the governing body must first receive and accept the certification that candidates in an election are unopposed and that no other issues or propositions are being presented at the election for consideration. The certification must come from the authority responsible for preparing the ballot and in a city election, that authority is the City Secretary.

After Council receives and formally accepts the certification, it must adopt an Order cancelling the election. The order must be adopted in an open session. Copies of the order must be posted on Election Day at each polling place that would have been used had the election not been cancelled.

Certificates of Election should be prepared for each unopposed candidate; however, the certificates should not be issued until on or after Election Day as candidates must wait until that time to take the Oath of Office. Statement of Elected Officer may be signed prior to Election Day, but is normally executed at the same time the Oath is administered.

FINANCIAL IMPLICATIONS:

Cancellation of any part of the election will save on the expense of ordering ballots for those positions that are unopposed.

IMPACT ON COMMUNITY SUSTAINABILITY:

An election of officers ensures the well-being of the community and its citizens by their governing representatives.

RECOMMENDATION:

Approve and adopt order of cancellation.

ATTACHMENTS:

Order of Cancellation.

**ORDER OF CANCELLATION
(ORDEN DE CANCELACIÓN)**

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

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).

DATED this the 8th day of March, 2021 (FECHÓ esto el 8 día de Marzo de 2021).

Jack Whitlow,
Mayor, City of Port Lavaca, Texas
(Alcalde, Ciudad de Port Lavaca, Tejas)

SEAL (SELLO)

ATTEST: (ATESTIGÜE):

Mandy Grant,
City Secretary
(Secretaria de la ciudad)

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: 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. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: MARCH 8, 2021

DATE: 3.3.2021
TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: JODY WEAVER, INTERIM CITY MANAGER
SUBJECT: RENEWAL OF YMCA POOL CONTRACT 2021-22

We are proposing to enter into a contract with the YMCA to manage the City Pool for the period April 1, 2021 to September 30, 2021. 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 life guards, 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.

Recommendation: Staff recommends approval by Council to enter into this contract.

**YMCA of the Golden Crescent
POOL MANAGEMENT CONTRACT
WITH
The City of Port Lavaca**

This Pool Management Contract (hereinafter referred to as the "Contract") is entered into by and between the YMCA of the Golden Crescent, whose address is 1806 N. Nimitz, Victoria, Texas 77901 (hereinafter referred to as the "YMCA") and who agrees to manage as an independent contractor, and not an agent or employee, the City of Port Lavaca Municipal Pool (hereinafter referred to as the "Pool") owned by the City of Port Lavaca whose address is 202 North Virginia Street, Port Lavaca, Texas 77979 (hereinafter referred to as the "City") the terms set forth in this Contract.

The YMCA agrees to perform the following services and to accept the following obligation during the term of the Contract:

1. The YMCA will furnish lifeguards during the hours of operation as stated in Exhibit A. YMCA guards will be at least 15 years of age with a head guard of at least 17 years of age on duty at all times. Guards will hold current YMCA or American Red Cross Lifesaving certifications and will be certified in CPR and trained in first aid. Qualified Port Lavaca residents shall have a priority consideration in staffing subject to the YMCA's interview and selection process. Previous performance will be considered for all rehires. Staffing must be based on 25 swimmers to one lifeguard.
2. The YMCA will perform all necessary maintenance and labor on all pool equipment above ground that could be considered ordinary scheduled daily maintenance with respect to the operation of the Pool. Maintenance, as used herein, does not include responsibility for new or replacement parts. The purchase of any parts, to be paid for by the City which cost in excess of \$50 must be approved in advance by the City.
3. The YMCA will clean the Pool, deck and fenced areas. This includes: checking the PH and chlorine levels by a certified pool maintenance employee, adding chemicals as needed and logging those readings and adjustments hourly during open swim hours; policing grounds; sweeping and hosing off the deck area; bagging trash and placing trash in the dumpster daily; cleaning lavatories daily, keeping pool surface algae free; checking the operating condition of all related equipment; backwashing filters as needed; maintaining lifeguard and pump room in a clean and orderly fashion, and brushing the Pool as needed. Complete vacuuming of the Pool will be performed weekly.

In the event of fecal contamination, the YMCA will close the pool with notice to the City. The City and the YMCA will be jointly responsible for the preventive action necessary to assure the safety of the YMCA staff and pool users. A minimum closure of three cycles of the filter system is required (longer closure may be required based on the consistency of the fecal matter and directive of the County Health Inspector.) In addition, the pool must be back-washed, vacuumed and shocked with a maximum of 10ppm chlorine prior to reopening.

4. The YMCA will keep the chlorine residual and PH level of pool water within city health standards, using chemicals purchased by the City.
5. The YMCA and the City shall work in conjunction and be responsible for the enforcement of the City's Pool Rules. A copy of rules to be enforced at a YMCA operated pool is attached as **Exhibit B**. The City shall post and maintain a Pool Rules sign.
6. The YMCA will maintain a daily log of significant activities and information, including a usage log, showing Pool usage by hour, water analysis, daily tally as shown in **Exhibit C** which becomes part of this agreement.
7. The YMCA will notify the City of pool related supplies needing to be ordered in reasonable lead time.
8. If the pool is closed due to the weather conditions, the lifeguards will clear the pool area and at least one lifeguard will remain on the pool premises until normal closing hours unless conditions warrant that it is unsafe to stay on the premises or when weather conditions indicate the pool will not reopen the rest of the day. The additional guards may leave the premises, but will be ON CALL at home pending clearing weather.
9. Alcoholic beverages are not to be permitted on pool property.
10. The lifeguard is the authority on the pool deck and in the water. Any disagreement/dispute with the City, it's members/residents or guests where the lifeguard and/or the YMCA is not supported by the City in the enforcement of the guidelines or aquatic facility rules described in this agreement cancels the agreement immediately without penalty to, or recourse from the YMCA. To the extent permitted by law, both the YMCA and the lifeguard are held-harmless with regard to any consequences arising from this termination of agreement and the lifeguard will immediately cease all activity and vacate the premises, unless said lifeguard's vacancy will place any member of the public in danger in any way.
11. The YMCA shall monitor all individuals entering and leaving the pool area. The YMCA will retain all gate fees collected.
12. The YMCA shall maintain the concession stand. The YMCA shall pay all supply costs for the concession stand and retain all fees collected.
13. The YMCA shall have exclusive right to organize and operate swimming lessons. Lessons will be conducted by YMCA swimming instructors, and instructions will be part of the YMCA progressive swimming program. Lessons will follow YMCA guidelines for teacher/student ratios. Lessons will be scheduled during the hours the pool is closed for general swimming for the community. The YMCA shall pay all staffing costs for swim lessons and retain all fees collected.

14. The YMCA can staff parties for residents after regular hours at the rate of \$65 per hour which includes one lifeguard. The YMCA will not staff any party where alcohol will be consumed. No party shall continue past 11:00pm. The YMCA will serve as an agent of the owner for all matters related to resident approved pool rentals. The YMCA shall pay all staffing costs for parties and retain all fees collected.
15. The YMCA staff employed at the Pool has a right to use the Pool for lap swim and training during any hours the pool is closed to the community for recreational swim.
16. The YMCA shall set all user fees with city's consent which can be subject to change in the event there is an increase in the national minimum wage.
17. In the event that this contract is terminated by either party the City may not employ any YMCA staff member employed by the YMCA while this contract was in effect to work in any capacity related to the City pool for a period of six months.

The City agrees to accept the following obligations during the term of the Contract:

1. The City shall provide and/or maintain the following:
 - A. Pay for all chemicals used for pool maintenance
 - B. Will pay for the cost of repairs and replacement of parts and equipment with purchases of over \$50 approved by the City.
 - C. Will maintain landscape.
 - D. Pay for electricity
 - E. Will pay phone bill.
 - F. Will provide cleaning supplies and test kits
 - G. Will provide pre-season maintenance/cleaning and preparation.
 - H. Will work with the YMCA of the Golden Crescent, Inc to promote facilities.

2. If pool hours for the general public approach evening hours, adequate pool lighting must be provided. Proper electrical controls around the pool area are necessary and if present must be GFCI protected.

3. The City agrees to provide an operational phone during all operational hours and the following safety equipment: ring buoy with throw rope, shepherd's crook with a separate pole, backboard with 6 straps, head immobilizer, safety goggles, 3 guard stands and a first aid kit.

4. The City will be responsible for all costs associated with the maintenance and operation of the pool not assumed pursuant to the Contract by the YMCA.

5. The City and the YMCA agree to provide each other with a certificate of insurance showing coverage in the amounts required on Appendix D. The YMCA agrees to provide the City written notice of any accident, personal injury and or property damage. The report shall be provided to the City manager immediately or no later than 3 days after the occurrence. YMCA personell will be made available to the City for questions regarding the incident/accident.

The YMCA agrees to indemnify, defend, protect, and hold harmless the City it’s agency employees from all liability, responsibility, or losses arising out of any accident, injury or claim that may result from YMCA conducted, sponsored or operated events to include swim lessons, parties, or other YMCA events conducted at the Pool.

The City agrees to indemnify, defend, protect, and hold harmless the YMCA from liability, responsibility or loss arising out of any negligent act or omission or any willful wrongdoing on the part of the City or any agent or employee of the City.

Insurance Requirements are outlined in Exhibit D

All salaries include workers’ compensation, social security, unemployment insurance and travel. The actual salaries will be paid at the discretion of the YMCA.

Termination on Notice: Either party hereto may terminate this Agreement at any time by giving fifteen (15) days written notice to the other party.

Attorneys’ Fees and Costs: If any action at law or in equity, including an action for declaratory relief or arbitration, is brought to enforce or interpret the terms of this Agreement, the prevailing party will be entitled to reasonable attorneys’ fees and costs, which may be set by the court in the same action or a separate action brought for that purpose, in addition to any other relief to which that party may be entitled.

Governing Law: This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. Venue for any action at law or in equity shall be proper in Calhoun County.

This Contract shall be in force from April 1, 2021 to September 30, 2021.

Executed in duplicate counterparts by the duly authorized representatives of the respective parties, this _____ day of _____, 2021.

Jack Whitlow
Mayor, City of Port Lavaca

Michele Morales
Executive Director
Calhoun CountyYMCA

EXHIBIT A

HOURS OF OPERATION AND EXPECTED STAFFING WILL BE:

Some adjustments may have to be made due to COVID-19.

Hours of Operation

Sunday	12:00 pm – 6:00pm
Monday	12:00pm-6:00pm
Tuesday	12:00pm-6:00pm 7:00-9:00 Family Swim Only
Wednesday	12:00pm-6:00pm
Thursday	12:00pm-6:00pm 7:00-9:00 Family Swim Only
Friday	12:00pm-6:00pm
Saturday	12:00-6:00pm
Holidays	TBD

EXHIBIT B
General Pool Rules

- Walk, don't run.
- Pushing and rough play are prohibited.
- Deck clearance at least 6 feet from the edge of the pool is required at all times.
- Only plastic containers and toys are allowed in the pool, on the deck and in the locker rooms.
- Non-swimmers must stay in shallow water.
- Keep off the lifelines.
- Use lifelines only for temporary support.
- Breath holding and prolonged underwater swimming is prohibited.
- No Diving
- Shoulder length hair or longer must be tied back or covered by a swim cap.
- All swimmers must shower prior to entering either the water.

Age Restrictions

- Direct supervision by a responsible adult of youth under the age 6 years old and non-swimmers is required.
- Responsible adult supervision required for all children under the age of 12 years old.
- All youth must pass a swim test to enter the deep water.

Flotation Devices and Aquatic Equipment

- Flotation and aquatic equipment may be used if space and safety permit.
- U.S. Coast Guard approved Personal Flotation Devices are preferred. The lifeguard prior to use must approve all other flotation. Inflatable flotation is not permitted.
- Non-swimming youth using flotation devices must be within arms reach of a responsible adult at all times.
- Swimming youth may use flotation devices without adult supervision.
- Aquatic equipment such as kickboards, mask, snorkel and fins, and pull buoys are not allowed in the recreational swim space

Swim Test

- Must swim 20 yards.
- Must tread in deep water for 30 seconds.
- Administered during rest breaks or when an additional staff is available.

Rest Breaks

- A rest break lasting at least 10 minutes must occur hourly.
- Where a single guard is utilized, all swimmers have to exit the pool during the rest breaks.

EXHIBIT C Daily Tally/Water Analysis

DAY: _____

DATE: _____

Pool Admissions	Tally							
Adult	\$							
Child	\$							
Daily Total	\$							
Main Pool								
Hourly Check	Chlorine Big Pool	PH Big Pool	# in Big Pool	# in pool area				Staff Name
9:00 a.m.								
10:00 a.m.								
11:00 a.m.								
12:00 noon								
1:00 p.m.								
2:00 p.m.								
3:00 p.m.								
4:00 p.m.								
5:00 p.m.								
6:00 p.m.								
7:00 p.m.								
Comments or Chemicals Added:								

**EXHIBIT D
INSURANCE PROVISIONS**

Below are listed the provisions required for all leases, agreements, and contracts between the YMCA and non-YMCA groups. Proof of insurance must be exchanged at least two weeks prior to the beginning of Aquatic Services.

MINIMUM REQUIREMENTS

1. Workers' Compensation Insurance, including Occupational Diseases in accordance with the laws of Texas and Employer's Liability Insurance with a limit of \$1,000,000.
2. General Liability Insurance, with limits
 - a. Each Occurrence: \$1,000,000
 - b. Operations Aggregate: \$1,000,000
 - c. General Aggregate: \$1,000,000
3. The City of Port Lavaca shall have the YMCA named an additional insured on their General Liability Insurance policies for any agreement in force. Also, the City of Port Lavaca policy carriers are required to notify the YMCA within 30 days of any changes and/or if the insurance is canceled by the City of Port Lavaca.
4. Professional Liability Insurance may be required depending on the services being provided to the YMCA. Minimum requirements would be \$1,000,000 per occurrence & \$1,000,000 aggregate
5. It is hereby understood and agreed that any insurance provided by the City of Port Lavaca in accordance with an agreement, contract, etc., shall be deemed primary insurance and is provided exclusively for activities related to pool.
6. To the extent permitted by law the City of Port Lavaca will defend, hold harmless, and indemnify the YMCA against any claims and losses arising in any way out of their use of the premises, caused by the negligence of the City of Port Lavaca.

_____ Certificate holder must be shown as YMCA of the Golden Crescent
 Attn: CEO 1806 North Nimitz, Victoria, Texas 77901
 _____ Certificate holder must be named as an additional insured
 _____ Certificate must be current.

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Consider recommendation of the Planning Board for approval of Final Plat of the Express Inn Subdivision. Presenter is Jessica Carpenter

INFORMATION:

CITY OF PORT LAVACA

MEETING: March 08, 2021 AGENDA ITEM _____

DATE: 02.18.2021

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JESSICA CARPENTER, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: To consider a final plat, Express Inn Subdivision, located north of SH 35 and east of Village Road. 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. The total acreage for this plat is 3.079 acres.

Sec. 42-6. - Procedure

A final plat must be approved prior to the offering for sale of any lot, tract, or building site; prior to any construction work; and before any map of said subdivision is prepared in a form for recording. Any plat filed for the first time shall be considered as a preliminary plat, except as otherwise stated in this chapter.

The Express Inn Subdivision final plat subdivision for the Express Inn motel business is located north of SH 35 and east of Village Road, adjacent and east of the existing Whataburger fast food business. The applicant is preparing plans for a new Express Inn motel at this location. This plat is a subdivision from a larger tract of land that is not platted. As per the City Code of Ordinances, Chapter 42 - Subdivisions and Plats, Sec 42.2 this 3.079 acres must be subdivided and platted prior to the construction of the Express Inn motel.

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

Sec. 42-2. - Purpose.

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

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

Sec. 42-5. - Policy.

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

The applicant is preparing plans to construct a new Express Inn motel at this location. This area is well suited to support a new motel and the plat serves as the legal location for the proposed motel upon approval of the platting process.

Department Comments:

Engineering: Represent the 30-Foot Fire Lane - Emergency Access Easement on the face of the plat for recordation of the easement.

Fire: The fire department access road will need to have a width of 30 feet and be marked “**Fire Lane No Parking**”. The fire hydrant located at Village Rd and Hwy 35 will be adequate seeing as it is within 150ft from your fire department connection (FDC). Please ensure the Fire Department receives copies of any plans pertaining to sprinkler systems, fire alarms, and commercial kitchen suppression equipment.

Public Works: Water service lines shall have TCEQ approved backflow prevention devices. Lift station specification guide lines can be collected at public works.

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

Staff Recommendation: Approval

The preliminary plat request for approval of the Express Inn Subdivision preliminary plat meets the City Code of Ordinance, Chapter 42 - Subdivisions and Plats. Therefore, staff recommends approval as per the aforementioned ordinance citations within this report. 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. Please ensure the Fire Department receives copies of any plans pertaining to sprinkler systems, fire alarms, and commercial kitchen suppression equipment.
3. Water service lines shall have TCEQ approved backflow prevention devices. Lift station specification guide lines can be collected at public works.
4. Comply with building permit processes upon plat approval and recordation.

Planning Commission: APPROVED

The final plat being submitted for approval is 3.079 acres which is a portion of a larger 19.322-acre tract of land being part of the Port Lavaca Investors, Ltd. 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 20ft concrete road to accommodate Fire Department vehicles.

CITY OF PORT LAVACA

Attachments:

- Express Inn Subdivision
- Express Inn Site Plan
- Express Inn Grading Plan
- Express Inn Utilities Plan
- Express Inn Rendering
- Express Inn Letter
- Calhoun County Appraisal District Summary

THE STATE OF TEXAS
COUNTY OF CALHOUN

I, ANNA GOODMAN, CLERK OF COUNTY COURT AND COUNTY CLERK FOR CALHOUN COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING PLAT OF IN THE CITY OF PORT LAVACA, CALHOUN COUNTY, TEXAS, DULY AUTHENTICATED BY CERTIFICATION OF THE CITY OF PORT LAVACA, TEXAS, ATTACHED HERETO, AS FILED FOR RECORDATION MY OFFICE ON:

THE _____ DAY OF _____, 20____, AT _____ O'CLOCK _____ M, AND WAS DULY RECORDED ON THE _____ DAY OF _____, 20____, IN VOLUME _____, PAGE _____ OF THE CALHOUN COUNTY DEED RECORDS.

ANNA GOODMAN, COUNTY CLERK
COUNTY OF CALHOUN
STATE OF TEXAS

THE STATE OF TEXAS
COUNTY OF CALHOUN

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

WITNESS MY HAND AND SEAL OF THE CITY OF PORT LAVACA, TEXAS, ON THIS

THIS THE _____ DAY OF _____, 20____.

MANDY GRANT, CITY SECRETARY
COUNTY OF CALHOUN
STATE OF TEXAS

STATE OF TEXAS
COUNTY OF _____

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

OWNER(S)

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THE DAY PERSONALLY APPEARED _____ KNOW TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SUCH PERSON EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED;

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____ 20____.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

ARBUCKLE SURVEYING, LLC

2004 N. WHARTON ST.
EL CAMPO, TEXAS 77437
PHONE/FAX: (979) 543-7974
FIRM REGISTRATION No. 10193819

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

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

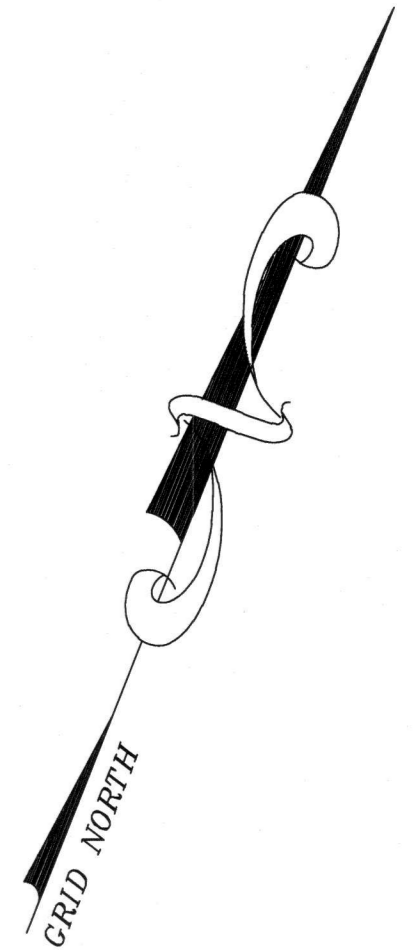
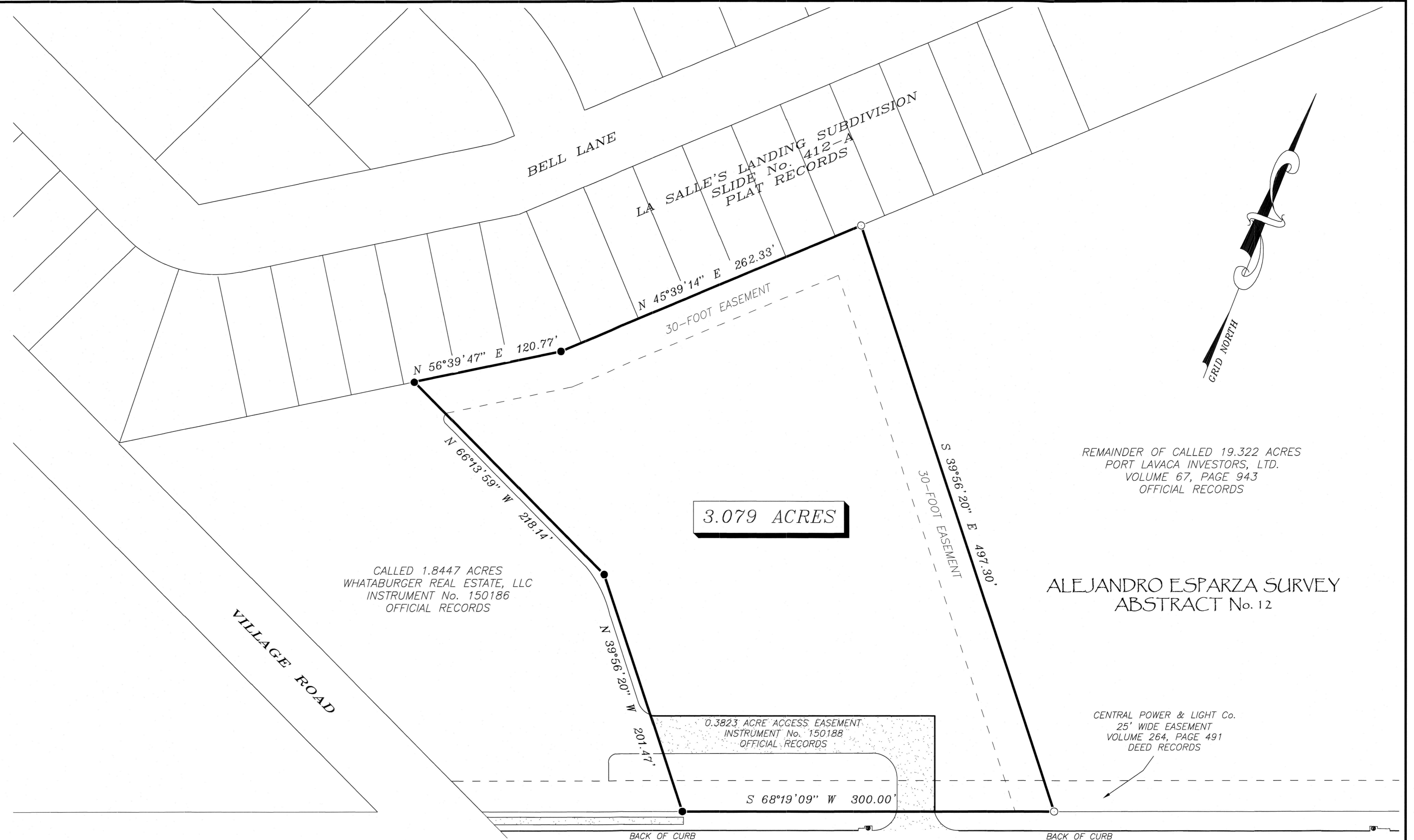
ROBERT D. ARBUCKLE
REGISTERED PROFESSIONAL LAND SURVEYOR
LICENSE No. 6247
DECEMBER 29, 2020

EXPRESS INN PORT LAVACA

A SUBDIVISION OF 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.

50 0 50 100 150 200 250 300

SCALE: 1" = 100 FEET



REMAINDER OF CALLED 19.322 ACRES
PORT LAVACA INVESTORS, LTD.
VOLUME 67, PAGE 943
OFFICIAL RECORDS

ALEJANDRO ESPARZA SURVEY
ABSTRACT No. 12

CENTRAL POWER & LIGHT Co.
25' WIDE EASEMENT
VOLUME 264, PAGE 491
DEED RECORDS

STATE HIGHWAY No. 35
(230' WIDE - TxDOT)

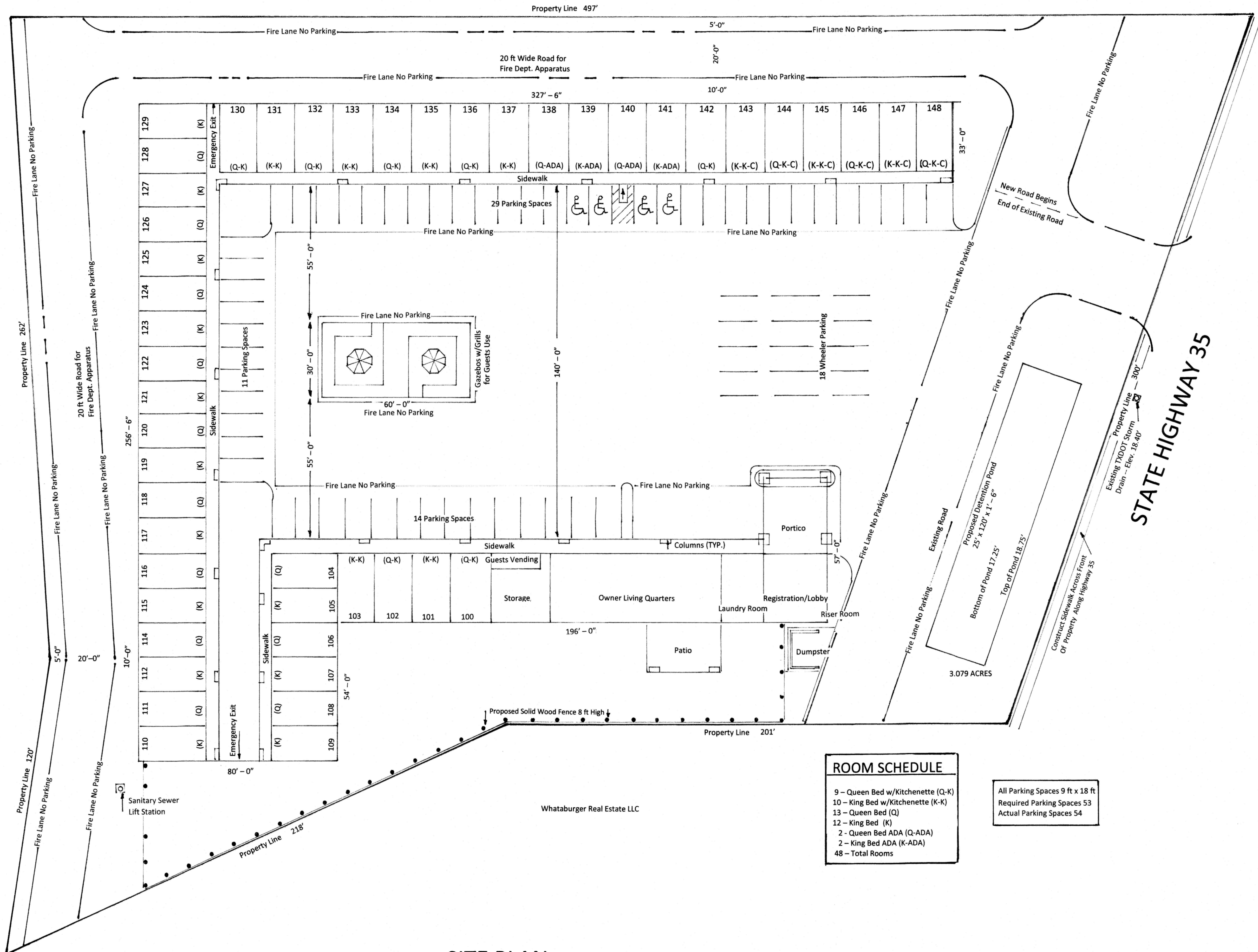
LEGEND

- SET 5/8" IRON ROD
- FOUND 5/8" IRON ROD
- ⊙ STORM DRAIN

SURVEYOR'S NOTES:

- (1) BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83/2011 (EPOCH 2010).
- (2) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT AND IS SUBJECT TO ANY EASEMENTS HERETOFORE GRANTED, NOT RELEASED AND NOT SHOWN HEREON.
- (3) ALL SET IRON RODS ARE MARKED WITH A PLASTIC CAP STAMPED "RPLS No. 6247" UNLESS OTHERWISE NOTED.

Port Lavaca Investors, LLD



ROOM SCHEDULE

- 9 - Queen Bed w/Kitchenette (Q-K)
- 10 - King Bed w/Kitchenette (K-K)
- 13 - Queen Bed (Q)
- 12 - King Bed (K)
- 2 - Queen Bed ADA (Q-ADA)
- 2 - King Bed ADA (K-ADA)
- 48 - Total Rooms

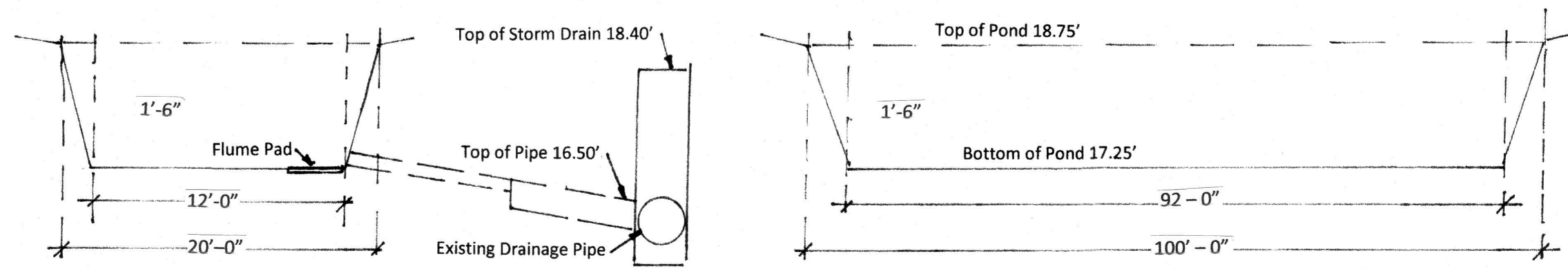
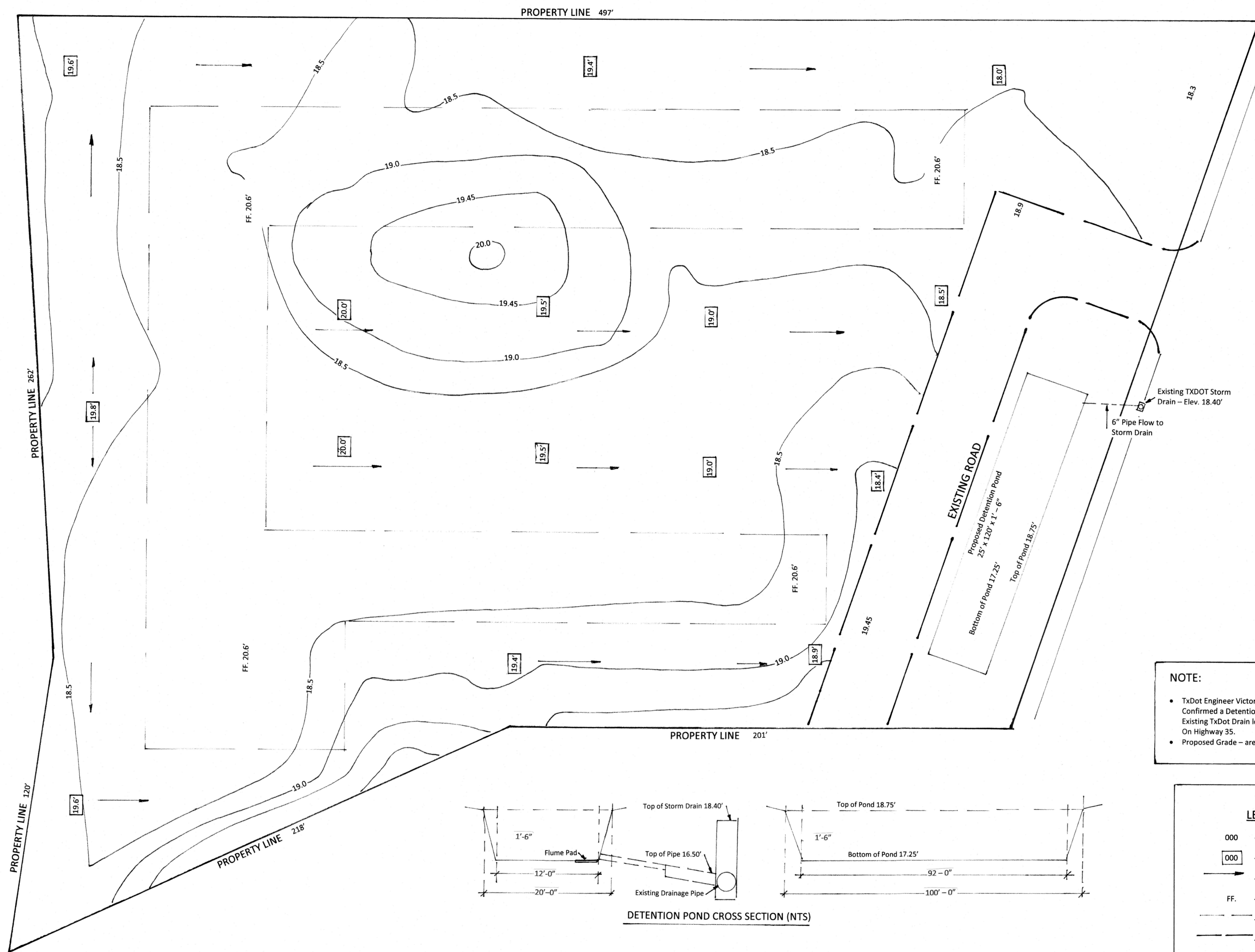
All Parking Spaces 9 ft x 18 ft
 Required Parking Spaces 53
 Actual Parking Spaces 54

SITE PLAN Scale: 1"=20'-0"

Edward J. Durbin
 ENGINEER
 FOUNDATION SOLUTIONS
 2-8-20
 F-12239

SITE PLAN
Scale: 1"=20'-0"
EXPRESS INN
 State Highway 35, Port Lavaca, Calhoun County
 Texas 77414

A-103



DETENTION POND CROSS SECTION (NTS)

NOTE:

- TxDot Engineer Victoria, Michael Brzozowski P.E. Confirmed a Detention Pond with a discharge to Existing TxDot Drain located in front of Property On Highway 35.
- Proposed Grade – are 0.6' below finish elevations

LEGEND

000	--	Existing grade
000	--	Proposed Grade
→	--	Flow Direction
FF.	--	Finish Floor
---	--	Building Line
---	--	Road Edge
---	--	Property Line
~	--	Existing Contour

GRADING PLAN

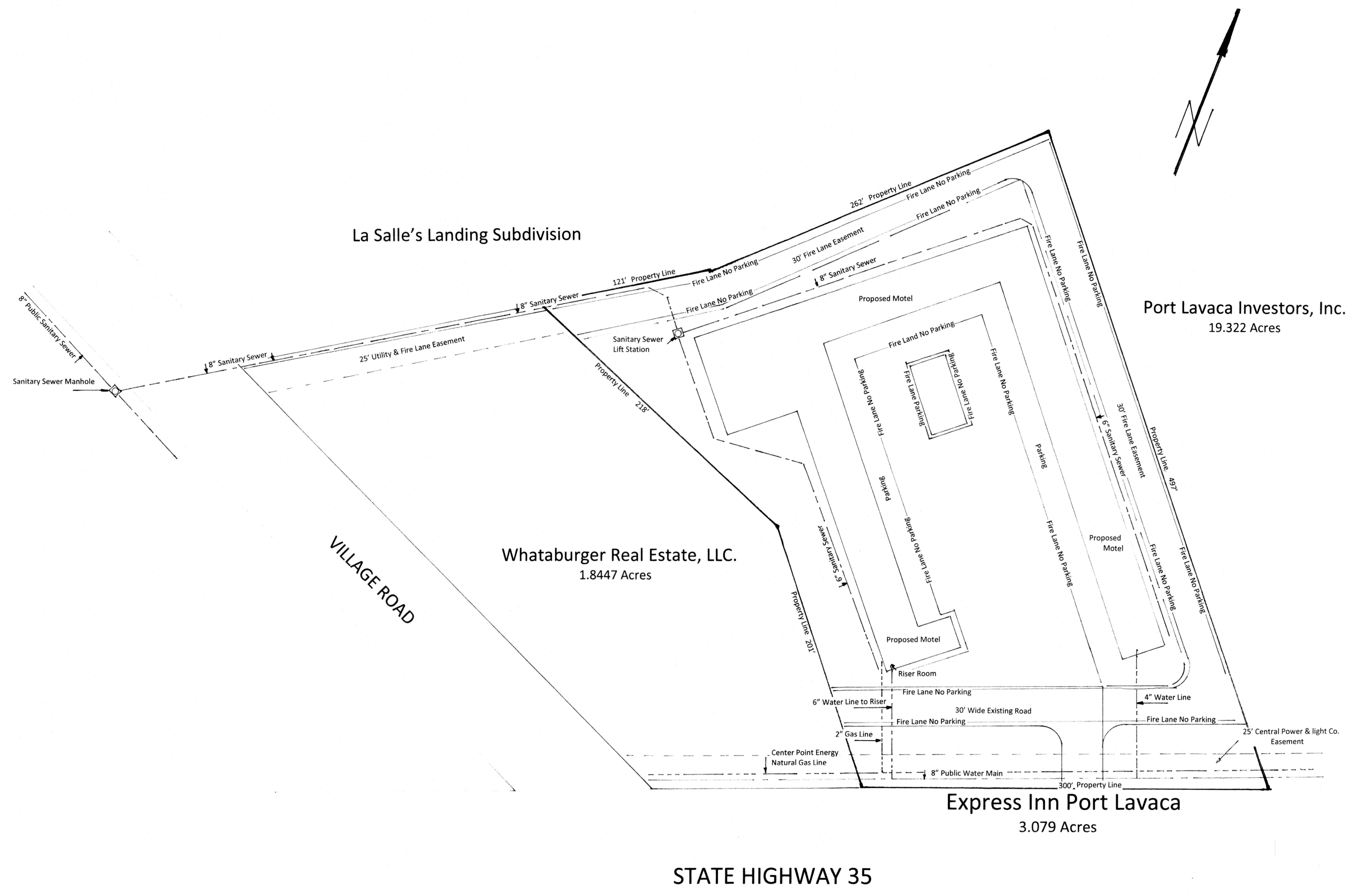
Scale: 1"=20'-0"

Edward J. Lullison
 ENGINEERED FOUNDATION SOLUTIONS
 EDWARD J. LULLISON
 8885
 I-12259

Scale: 1"=20'-0"

GRADING PLAN
Express Inn
 Highway 35, Port Lavaca, Calhoun
 County, Texas 77979

C-104



Scale: 1" = 36'-0"

UTILITIES PLAN

Express Inn
 Highway 35, Port Lavaca, Calhoun
 County, Texas 77414

C-105

UTILITIES PLAN

Scale: 1" = 36'-0"

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: 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. Presenter is Jessica Carpenter

INFORMATION:

CITY OF PORT LAVACA

MEETING: March 08, 2021 **AGENDA ITEM** _____

DATE: 02.18.2021

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JESSICA CARPENTER, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: 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.

The replat of part of Block 10 in Lynnhaven Addition is located west of Houston Street. The property owner is preparing plans for a new duplex to be constructed at this location. The Lynnhaven Addition is a subdivision, and the proposed residence will be in compliance upon approval of the replat process. This replat is to approve the 0.78-acre subdivision 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.

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

Sec. 42-106. - Application—Required.

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

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

Sec. 42-5. - Policy.

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

The property owner is preparing plans to construct a new duplex on this property. The Lynnhaven Addition is a subdivision, and the proposed residence will be in compliance upon approval of the replat process.

Department Comments:

Engineering: The sewer easement must be represented in the accurate location and dimensioned on the replat. Reference the recorded sewer easement information on the replat.

Fire: No comment

Public Works: No Comment

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

Staff Recommendation: Approval

The replat request for approval of the replat of part of Block 10 in Lynnhaven Addition meets the City Code of Ordinance, Chapter 42 - Subdivisions and Plats. Therefore, staff recommends approval as per the aforementioned ordinance citations within this report. 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.

Planning Commission: APPROVED

Approved the replat of the 0.78-acre subdivision of 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.

Attachments:

- Replat of part of Block 10 Lynnhaven Addition 8768-001-SUBD
- Sewer Easement Survey and Recording documents
- Calhoun County Appraisal District Summary PID 20065

63630

THE STATE OF TEXAS |
 |
COUNTY OF CALHOUN |

KNOW ALL MEN BY THESE PRESENTS:

VOL 141 PG 313

That ALUMINUM COMPANY OF AMERICA, a Pennsylvania corporation, hereinafter called "Grantor," in consideration of the sum of Ten Dollars (\$10.00) paid to it in cash, the receipt of which is hereby acknowledged, has BARGAINED, GRANTED, SOLD and CONVEYED and by these presents does BARGAIN, GRANT, SELL and CONVEY unto the City of Port Lavaca, hereinafter called "Grantee," in Calhoun County, Texas, a right of way and easement for the purpose of constructing, operating, repairing, maintaining and removing a sanitary sewer line across certain property owned by Grantor in the Lynnhaven Addition to the City of Port Lavaca, Texas, as shown by the plat thereof recorded in Volume "Z", Page 108, of the Map and Plat Records of Calhoun County, Texas, said right of way and easement being twenty (20) feet in width and extending ten (10) feet on each side of the following described center line:

BEGINNING at a point South 88 deg. 19 min. East 15 feet from the common westerly corner of Lots 16 and 17 in Block No. 8 of Lynnhaven Addition to the City of Port Lavaca, Texas, as shown by the plat thereof recorded in Volume "Z", Page 108, of the Map and Plat Records of Calhoun County, Texas;

THENCE South 2 deg. 29 min. West at 85 feet crossing the common boundary line between Lot 17 and Lot 18 in Block No. 8 of Lynnhaven Subdivision and continuing along said course a total distance of 329 feet;

THENCE South 26 deg. 17 min. East, at 129 feet crossing the north boundary of a 100' road easement between Block No. 8 and Block No. 10 of

Vol. 141 PAGE 314

Lynnhaven Subdivision, at 229 feet crossing the south boundary of said 100' road easement and continuing along said course a total distance of 420 feet;

THENCE South 46 deg. 54 min. East, at 313.4 feet crossing the north boundary of a 50' road easement in Block No. 10 of Lynnhaven Subdivision, at 365.4 feet crossing the south boundary of said road easement, and continuing along said course a total distance of 421.4 feet;

THENCE South 12 deg. 5 min. East 177 feet;

THENCE South 4 deg. 14 min. West 259.5 feet to a point 30 feet north of the north boundary of a tract of 2.14 acres being the site of the Sewage Treatment Plant of the City of Port Lavaca as shown by said recorded plat of Lynnhaven Subdivision, being the point of termination of said center line.

This conveyance is expressly made subject to all existing rights of way and easements covering or affecting any part of the above described property, as shown by the records of Calhoun County, Texas.

The above described right of way and easement is granted for the sole purpose of constructing, operating, repairing, maintaining and removing a sanitary sewer line and shall continue in force and effect only so long as said property is used for such purpose. If said right of way and easement shall be abandoned or if the Grantee, its successors or assigns, shall cease to use said right of way and easement for the purpose above set forth, all rights hereby granted shall terminate and revert to the Grantor.

The Grantor reserves the right for itself, its successors and assigns, to use the property covered by the above described right of way and easement for any purpose, provided

that such use does not interfere unreasonably with the exercise of the rights hereby granted to Grantee.

TO HAVE AND TO HOLD the above described right of way and easement unto Grantee, its successors and assigns, as long as the same shall be used in accordance with the terms and provisions of this instrument.

WITNESS THE EXECUTION HEREOF this 21st day of April, 1958.

ALUMINUM COMPANY OF AMERICA

By H. C. Erdine
Vice President

H. C. Erdine
any
CRB

WITNESSETH:

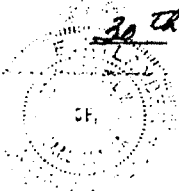
Cherty C. Conner
Ass't. Secretary

141 315

COMMONWEALTH OF PENNSYLVANIA |
COUNTY OF ALLEGHENY |

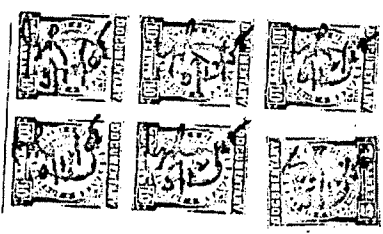
BEFORE ME, the undersigned authority, on this day personally appeared H. C. Erdine, Vice President of ALUMINUM COMPANY OF AMERICA, a corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed as the act and deed of said corporation and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 30th day of April, A. D., 1958.



Carol C. Glender
Notary Public in and for
Allegheny County, PENNSYLVANIA

CAROL C. GLENDER, NOTARY PUBLIC
ALLEGHENY COUNTY, PENNSYLVANIA
MY COMMISSION EXPIRES SEPTEMBER 25, 1961



THE STATE OF TEXAS
COUNTY OF CALHOUN

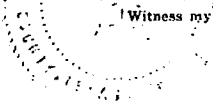
I, MAURICE G. WOOD, County Clerk in and for said County, do hereby

certify that the foregoing instrument, dated the 21 day of April, 1958, with its certificate of authentication, was
filed for record in my office, on the 17 day of June, A. D. 1958, at 9:00
o'clock A. M., and duly recorded the 18 day of June, A. D. 1958,
at 10:04 o'clock A. M. in the Deed Records in said County.
in Vol. 141, on page 313-316.

Witness my hand and seal of the County Court of said County, at office in Port Lavaca, Texas, the day
and year last above named.

MAURICE G. WOOD
Clerk, County Court, Calhoun County

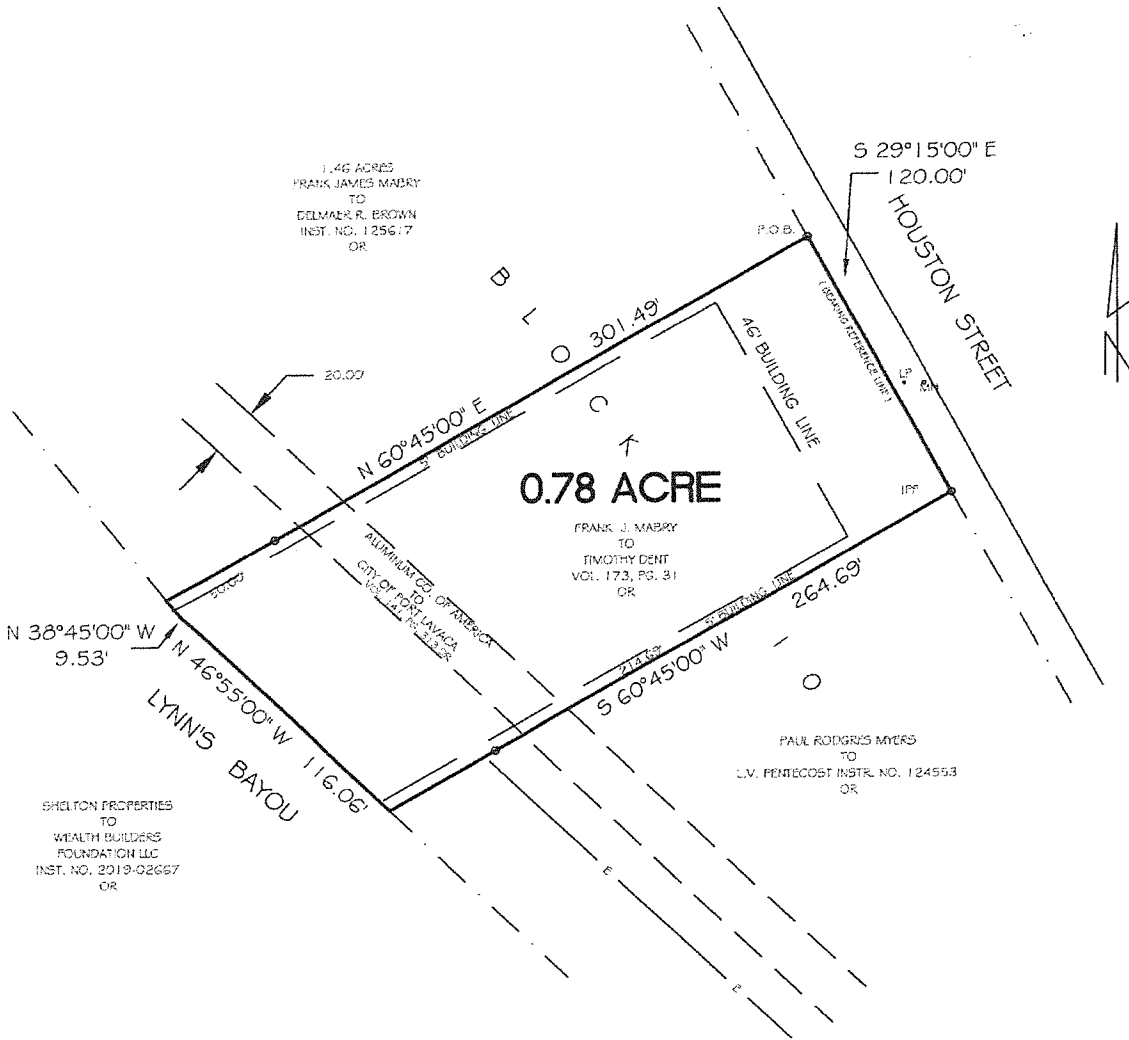
By Wanda Schilling, Deputy



LEGEND:
 O = 5/8 INCH IRON ROD FOUND
 IFF = IRON PIPE FOUND
 -E- = ELECTRIC LINE
 LP = LIGHT POLE
 MH = STORM SEWER MAN HOLE
 OR = OFFICIAL RECORDS
 DR = DEED RECORDS

NOTES:
 1. BEARINGS ARE BASED ON A DEED RECORDED IN VOL. 173, PG. 31 OF THE OFFICIAL RECORDS OF CALHOUN COUNTY, TEXAS, AS SHOWN HEREON.
 2. ALL DISTANCES AND BEARINGS ARE DEED CALL UNLESS OTHERWISE NOTED
 3. RESTRICTIONS ARE PLOTTED BY RESTRICTIONS

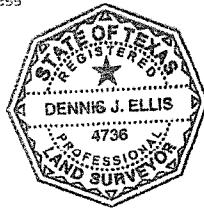
SUBJECT TO:
 GF NO. 19-10-0652
 VOL. 67, PG. 16 DR (RESTRICTIONS)
 VOL. 69, PG. 464 DR (RESTRICTIONS)
 VOL. 92, PG. 91 DR (RESTRICTIONS)
 VOL. 279, PG. 949 DR (RESTRICTIONS)



I do hereby certify that this survey was made on the ground of the property legally described hereon on January 20, 2020, and that there are no apparent discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights of way, except as shown hereon and that said property has access to area from a dedicated roadway.

Dennis J. Ellis
 Dennis J. Ellis
 Registered Professional
 Land Surveyor
 Texas No. 4736

01/21/20
 Date



0.78 OF AN ACRE
 PORTION OF BLOCK 10
 LYNNHAVEN ADDITION
 ALEJANDRO ESPARZA SURVEY
 ABSTRACT NO. 12
 CALHOUN COUNTY, TEXAS

FIRM REGISTRATION NUMBER 10194034

RODARTE HOLDING CORP.

0.78 OF AN ACRE
FIELDNOTE DESCRIPTION

STATE OF TEXAS }

COUNTY OF CALHOUN }

Being 0.78 of an acre situated in and a part of the Alejandro Esparza Survey, Abstract No. 12, Calhoun County, Texas, and being a portion of Block 10 of Lynnhaven Addition to the City of Port Lavaca County, Texas, as shown on a plat of said addition recorded in Volume 2, Page 108 of the Plat Records of Calhoun County, Texas, also being the same as that certain 0.782 acre tract described in a deed from Frank J. Mabry to Timothy Dent recorded in Volume 173, Page 31 of the Official Records of Calhoun County, Texas. This 0.78 of an acre is more fully described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found in the Southwest line of Houston Street for the North corner of said 0.782 acre tract, also being the East corner of a 1.46 acre tract described in a deed from Frank James Mabry to Demar R. Brown recorded in Instrument Number 125617 of the Official Records of Calhoun County, Texas:

THENCE, S 29 degrees, 15'00" E (bearing reference line) with the Southwest line of Houston Street a distance 120.00 feet to a 1/3 inch iron pipe found for the East corner of this 0.78 of an acre, also being the North corner of a tract of land described in a deed from Paul Rodgers Myers to L.V. Pentecost recorded in Instrument Number 124553 of the Official Records of Calhoun County, Texas;

THENCE, S 60 degrees, 45'00" W with the common line of this tract and said Pentecost tract, at 214.69 feet passing a 5/8 inch iron rod found on line, continuing on the same course a TOTAL DISTANCE of 264.69 feet to the center of Lynn's Bayou (also being the Southeast line of a tract of land described in a deed from Shelton Properties to Wealth Builders Foundation LLC recorded in Instrument Number 2019-02667 of the Official Records of Calhoun County, Texas) for the South corner of this 0.78 of an acre, also being the West corner of said Pentecost tract:

THENCE, with the center of Lynn's Bayou as follows:

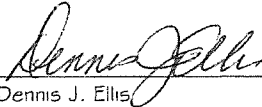
- 1. N 46 degrees, 55'00" W a distance of 116.06 feet;
- 2. N 38 degrees, 45'00" W a distance of 9.53 feet to the West corner of this 0.78 of an acre, also being the South corner of said 1.46 acre tract;

THENCE, N 60 degrees, 45'00" E with the common line of this tract and said 1.46 acre tract, at 50.00 feet passing a 5/8 inch iron rod found on line, continuing on the same course a TOTAL DISTANCE of 301.49 feet to the PLACE OF BEGINNING; COONTAINING within these metes and bounds 0.78 of an acre.

A survey plat accompanies this description

All bearings and distances are deed call unless otherwise noted

The foregoing FIELDNOTE DESCRIPTION was prepared from an on the ground survey made under my direction and supervision on January 20, 2020.



 Dennis J. Ellis
 Registered Professional
 Land Surveyor
 Texas No. 4736
 Job No. 6185
 Firm Registration Number 10194034

01/21/20
Date



Dennis J. Ellis
Registered Professional Land Surveyor
P.O. Box 7343
Victoria, Texas 77903
Firm Registration Number 10194034
Email: dennis5184@yahoo.com

January 20, 2020
Client: Re_Max on the Bay (Dallas Franklin)
Buyer: Rodarte Holding Corp.
Seller: Timothy and Theresa Dent
Job No. 6185
GF No. 19-10-0652

Professional Surveying Services provided during the month of January 2020, associated with 0.78 of an acre, portion of Block 10, Lynnhaven Addition, Port Lavaca, Calhoun County, Texas

Services Provided:

Research, field work and drafting \$ 608.90

Total \$ 608.90

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: 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. Presenter is Jessica Carpenter

INFORMATION:

CITY OF PORT LAVACA

MEETING: March 08, 2021 AGENDA ITEM _____
DATE: 02.23.2021
TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: JESSICA CARPENTER, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: To consider an ordinance for approval of The Port Lavaca City Code of Ordinances Chapter 12-20. – Building trade codes-Adopted. To adopt the 2015 International Building Code, 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 Code.

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

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.

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, with the exception that any and all reference to wind codes shall refer to the Wind Provisions of the 2018 edition of the International Building Code, 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.
(4) 2015 International Plumbing Code, as amended.
(4) 2015 International Fuel Gas Code, as amended.
(5) 2015 International Energy Conservation Code, as amended.
(6) 2015 International Fire Code, as amended with appendixes.
(7) 2015 International Code Council Performance Code, as amended.
(8) 2015 International Property Maintenance Code, as amended.

CITY OF PORT LAVACA

- (9) 2017 National Electrical Code, as amended.
- (10) Wind Provisions of the 2018 International Building Code.

That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance.

Research, vetting, and compliance measures to ensure the adoption of the aforementioned 2015 International Building Code and 2015 International Residential Code and all codes in succession to these are referenced below:

TEXAS ADMINISTRATIVE CODE

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=16&pt=4&ch=70&rl=100](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=16&pt=4&ch=70&rl=100)

TITLE 16 ECONOMIC REGULATION

PART 4 TEXAS DEPARTMENT OF LICENSING AND REGULATION

CHAPTER 70 INDUSTRIALIZED HOUSING AND BUILDINGS

RULE §70.100 Mandatory Building Codes

- (a) Effective August 1, 2017, all industrialized housing and buildings, modules, and modular components, shall be constructed in accordance with the codes referenced in subsection (c) - (j).
- (b) Other codes referenced in any of the mandatory building codes adopted in subsection (c) - (j), shall be considered part of the requirements of these codes to the prescribed extent of each such reference.
- (c) The International Building Code, 2015 edition, published by the International Code Council, is adopted as the Building Code of the Texas Industrialized Housing and Buildings Program.
- (d) The International Residential Code, 2015 edition, published by the International Code Council, is adopted as the Residential Code for one- and two-family dwellings of the Texas Industrialized Housing and Buildings Program.
- (e) The International Fuel Gas Code, 2015 edition, published by the International Code Council, is adopted as the Fuel Gas Code of the Texas Industrialized Housing and Buildings Program.
- (f) The International Mechanical Code, 2015 edition, published by the International Code Council, is adopted as the Mechanical Code of the Texas Industrialized Housing and Buildings Program.
- (g) The International Plumbing Code, 2015 edition, published by the International Code Council, is adopted as the Plumbing Code of the Texas Industrialized Housing and Buildings Program.
- (h) The International Energy Conservation Code, 2015 edition, published by the International Code Council, is adopted as the Energy Conservation Code of the Texas Industrialized Housing and Buildings Program.

CITY OF PORT LAVACA

(i) The International Existing Building Code, 2015 edition, published by the International Code Council, is adopted as the Existing Building Code for industrialized buildings that are altered in accordance with §70.74(f).

(j) The National Electrical Code, 2014 edition, published by the National Fire Protection Association, is adopted as the Electrical Code of the Texas Industrialized Housing and Buildings Program.

INTERNATIONAL CODE COUNCIL-TEXAS

<https://www.iccsafe.org/advocacy/adoptions-map/texas/>

State Adoptions

The following building codes are listed in Texas state statute; however, building code adoption in Texas takes place at the local level. To obtain more detailed information on local building code adoption and amendments, please contact local jurisdictions directly.

- 2003 International Building Code
- 2000 International Residential Code (Municipalities)
- 2006 International Residential Code (Counties)
- 2015 International Mechanical Code
- 2012 International Plumbing Code
- 2012 International Fuel Gas Code
- 2015 International Energy Conservation Code
- 2006 International Fire Code
- 2018 International Swimming Pool and Spa Code

TEXAS STATE LAW LIBRARY

<https://www.sll.texas.gov/law-legislation/texas/building-codes/>

RESIDENTIAL CODE

[Section 214.212](#) of the Local Government Code adopts the [International Residential Code](#) as it existed on May 1, 2001, as the municipal residential code for the state.

This law also allows a municipality to adopt local amendments to the code and to review and adopt any amendments made after May 1, 2001, by the International Code Council.

For the correct version of the code for your municipality, please contact your local government officials.

CITY OF PORT LAVACA

COMMERCIAL BUILDING CODE

[Section 214.216](#) of the Local Government Code adopts the [International Building Code](#) as it existed on May 1, 2003, as the municipal commercial building code for the state.

This law also allows a municipality to adopt local amendments to the code and to review and adopt any amendments made after May 1, 2003, by the International Code Council.

For the correct version of the code for your municipality, please contact your local government officials.

FIRE CODE

GOVERNMENT CODE
CHAPTER 419. TEXAS COMMISSION ON FIRE PROTECTION
SEC. 419.909. FIRE SAFETY INSPECTIONS

[Section 419.909](#) adopts the most recent local fire code or the most recent fire code adopted by the fire marshal for any fire safety inspection required by a state or local law, rule, regulation, or ordinance.

The State Fire Marshal then adopts [NFPA 1-2015 Fire Code](#) and [NFPA Life Safety Code 101-2015](#) in [Rule 34.303](#) of Title 28 of the Texas Administrative Code, Chapter 34. This rule contains certain exceptions to its application.

ELECTRICAL CODE

LOCAL GOVERNMENT CODE
CHAPTER 214. MUNICIPAL REGULATION OF HOUSING AND OTHER STRUCTURES
SEC. 214.214. NATIONAL ELECTRICAL CODE

OCCUPATIONS CODE
CHAPTER 1305. ELECTRICIANS
SEC. 1305.101. GENERAL POWERS AND DUTIES

[Section 214.214](#) adopts the [National Electrical Code](#) as it existed on May 1, 2001, as the municipal electrical code in Texas. This law also allows a municipality to adopt amendments to the National Electrical Code. For the correct version of the code for your municipality, please contact your local government officials.

[Section 1305.101](#) requires the Texas Department of Licensing and Regulation to adopt a revised version of the [National Electrical Code](#) every three years as the electrical code for Texas.

As of March 2019, the **2017 edition of the National Electrical Code** has been adopted by [Rule 73.100 \(Technical Requirements\)](#) of Title 16 of the Texas Administrative Code.

CITY OF PORT LAVACA

PLUMBING CODE

OCCUPATIONS CODE
CHAPTER 1301. PLUMBERS
SEC. 1301.255. ADOPTION OF PLUMBING CODES

Section 1301.255 adopts the Uniform Plumbing Code and the International Plumbing Code as they existed on May 31, 2001. The statute notes that the Texas State Board of Plumbing Examiners may adopt later versions of this code.

Texas Administrative Code Title 22, Chapter 367 (Enforcement), Rule 367.2 (Code Requirements) does adopt later versions of the code. This rule adopts the 2012 edition of the Uniform Plumbing Code; the 2012 International Plumbing Code; and the codes incorporated by reference within the International Plumbing Code, which include the 2012 International Fuel Gas Code and the 2012 International Residential Code. Please see the text of the rule for details.

TEXAS DEPARTMENT OF INSURANCE

<https://www.tdi.texas.gov/index.html>

<https://www.tdi.texas.gov/wind/maps/calhoun.html>

List of Communities

The following is a list of communities located in Calhoun County. The communities have been categorized according to the zone they fall under. If a structure is located in a community or area not shown below, then refer to the county map to determine which zone the structure falls under.

INLAND I- 2006 IBC/IRC with the Texas Revisions, 120 mph 3-second gust design wind speed

- | | |
|----------------|----------------|
| Alamo Beach | Clarks |
| Green Lake | Heyser |
| Indianola | Kamey |
| Long Mott | Magnolia Beach |
| North Seadrift | Olivia |
| Point Comfort | Port Alto |
| Port Lavaca | Port O'Connor |
| Schicke Point | Seadrift |
| Six Mile | |

CITY OF PORT LAVACA

<https://www.tdi.texas.gov/wind/engineering.html#buildingcode>

Windstorm Inspection Program - General Information

Building Code	TX Admin. Code	Effective Dates	Inland II Zone	Inland I Zone	Seaward Zone
2006 IRC w/ Texas Revision	§5.4011	01/01/08 – Present	YES	YES	YES
2003 IRC w/ Texas Revisions	§5.4010	01/01/05 - 12/31/07	YES	YES	YES
2000 IRC w/ Texas Revisions	§5.4009	02/01/03 - 12/31/04	YES	YES	YES
TWIA Building Code for Windstorm Construction	§5.4008	9/1/1998 - 1/31/2003	YES	YES	YES

<https://www.tdi.texas.gov/wind/downloads.html>

Building Codes and Downloads - Windstorm Inspection Program

Texas Revisions to the International Residential Code & The International Building Code

- [TDI Adopts 2018 Building Codes](#)- Effective September 1, 2020
- [Texas Revisions to the 2006 International Residential Code](#)- Effective January 1, 2008
- [Texas Revisions to the 2006 International Building Code](#) - Effective January 1, 2008
- [Texas Revisions to the 2003 International Residential Code](#) - Effective January 1, 2005
- [Texas Revisions to the 2003 International Building Code](#) - Effective January 1, 2005
- [Texas Revisions to the 2000 International Residential Code](#) - Effective February 1, 2003
- [Texas Revisions to the 2000 International Building Code](#) - Effective February 1, 2003

Staff Recommendation: Approval

Staff recommends approval to the proposal to update the Port Lavaca City Code of Ordinances Chapter 12-20. – Building trade codes-Adopted. To adopt the 2015 International Building Code, 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 Code.

CITY OF PORT LAVACA

Staff vetted the update and codification process and requirements with pertinent agencies and regulatory authorities governing these codes.

The International Code Council-Texas states, *...the building code adoption in Texas takes place at the local level.*

The Texas State Law Library page refers to Sec 214.212 and Sec 214.216 of the Local Government Code adopts the International Building Code...*This law also allows a municipality to adopt local amendments to the code and to review and adopt any amendments made after May 1, 2001(residential) and May 1, 2003 (commercial) by the International Code Council. For the correct version of the code for your municipality, please contact your local government officials.*

The Texas State Law Library also cites, *As of March 2019, the 2017 edition of the National Electrical Code has been adopted by Rule 73.100 (Technical Requirements) of Title 16 of the Texas Administrative Code.* Therefore, the City compliance with adopting the 2017 edition of the National Electrical Code is secure.

The Texas Department of Insurance (TDI), as cited in this report, *adopted the 2018 Building Codes- Effective September 1, 2020.* Considering Port Lavaca is an Inland Zone I classification with TDI, the wind provisions of the IBC are relevant. The City maintains and upholds TDI compliance by adopting the wind provision standards of the 2018 edition of the International Building Code.

A significant portion of public interest in residential development in Port Lavaca is that of manufactured homes and industrial housing. Therefore, understanding that the Texas Administrative Code has adopted the 2015 edition of the international Building Codes is relevant to adhere to those code standards when informing the public and issuing permits for industrial housing units. *Texas Administrative Code, Title 16 Economic Regulations, Part 4-Texas Department of Licensing and Regulations, Chapter 70 Industrialized Housing and Buildings, Rule §70.100 Mandatory Building Codes, (a) Effective August 1, 2017, all industrialized housing and buildings, modules, and modular components, shall be constructed in accordance with the codes referenced in subsection (c) - (j).* The adoption of the 2015 International Building Codes are what (c)-(i) refer to.

Staff will ensure there is education and outreach for the city's building community and residence upon adoption of the updated ordinances. There will be a six-month timeframe staff will accept both the current adopted codes and the newly adopted codes jointly during the transition period.

Citation:

Texas Administrative Code.

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=16&pt=4&ch=70&rl=100](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=16&pt=4&ch=70&rl=100)

International Code Council-Texas. <https://www.iccsafe.org/advocacy/adoptions-map/texas/>

Texas State Law Library. <https://www.sll.texas.gov/law-legislation/texas/building-codes/>

Texas Department of Insurance. <https://www.tdi.texas.gov/index.html>

CITY OF PORT LAVACA

<https://www.tdi.texas.gov/wind/maps/calhoun.html>

<https://www.tdi.texas.gov/wind/engineering.html#buildingcode>

<https://www.tdi.texas.gov/wind/downloads.html>

Attachments:

City of Port Lavaca Building Code Ordinance

CITY OF PORT LAVACA

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 Codes have been revised and updated to Series 2015, with the exception of the Wind Provisions from the 2018 edition of the International Building Code.

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) 2014 National Electrical Code, as amended.

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			
Councilman Dent			
Councilman Tippit			
Councilwoman Padron			
Councilman Ward			
Councilman Barr			

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

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Consider awarding a Street Striping project. Presenter is Wayne Shaffer

INFORMATION:

Center Striping:

Seadrift St. from Main St. to Jackson St. 1840'

Tilley St with Stop bars at Half League and Virginia St. 2933'

Commerce St. from George St. to Newlin 2160'

Calhoun St. from Broadway St. to Massanet St. 710'

Henry Barber Way with stop bars at Hwy 238 and Hwy 35 5458'

Ash St. with stop bar at Virginia St. 1131'

Travis St. at Hwy 35 intersection on both sides with stop bars 1650'

West Wilson St. between 100 and 200 block with stop bar at Virginia St. 890'

Crosswalks:

Seadrift St. at Jackson St.

Tangerine St. at Seadrift St. (Both entrances)

Tilley St. at Half League

Tilley St. at Trinity St.

Tilley St. at Nueces St.

700 block North Nueces St. at Tilley St.

700 block North San Antonio St. at Tilley St.

700 block North Nueces St. at Tilley St.

700 block North Benavides St. at Tilley St.

700 block North Ann St. at Tilley St.

Lighthouse Beach Rd. stop bar at Broadway St.

Colorado St. on both sides of Virginia St. with stop bars at Virginia St.

Guadalupe St. on both sides of Virginia St. with stop bars at Virginia St.

Turning Lanes with appropriate arrows and wording:

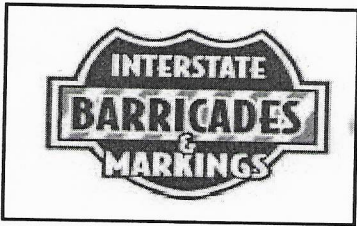
Travis St. at Hwy 35 on both sides.

West Wilson St at Virginia St.

Tiney Browning at Hwy 35

Village Rd. at Hwy 35

Half League at Hwy 35 on northbound side with stop bar



QUOTATION

City Of Port Lavaca

Interstate Barricades & Markings
 5140 Gibbs Sprawl Rd
 San Antonio, Tx 78219
 Office (832) 409-6223
 Fax (832) 409-6217
 Additional Locations: Houston Tx.

CONTROL: Public Works

COUNTY: Lavaca

HIGHWAY: Various

BID DATE: 11/1/2020

We propose to furnish the following items, material and labor, in compliance with the plans/specifications for the above referenced project.

<u>ALT</u>	<u>Item No.</u>	<u>Desc Code</u>	<u>S.P. No.</u>	<u>Bid Item Description</u>	<u>U/M</u>	<u>Approx. Quantities</u>	<u>Unit Bid Price</u>	<u>Extended Price</u>
				REFL PAV MRK TY I (W)8"(SLD)(100MIL)	LF	650.000	2.00 \$	1,300.00
				REFL PAV MRK TY I (W)12"(SLD)(100MIL)	LF	1400.000	4.00 \$	5,600.00
				REFL PAV MRK TY I (W)24"(SLD)(100MIL)	LF	315.000	6.00 \$	1,890.00
				REFL PAV MRK TY I (W)(ARROW)(100MIL)	EA	6.000	250.00 \$	1,500.00
				REFL PAV MRK TY I (W)(WORD)(100MIL)	EA	4.000	250.00 \$	1,000.00
				RE PM W/RET REQ TY I (Y)4"(SLD)(100MIL)	LF	45000.000	0.50 \$	22,500.00

BASE BID TOTAL \$ 33,790.00

NOTES:

- CENTERLINE AND TRANSITION POINTS TO BE ESTABLISHED BY OWNER AT EVERY 100 FEET
- TWO WEEK NOTICE REQUIRED PRIOR TO MOVE-IN
- NO PRIOR CLEANING
- EXCLUDES ANY APPLICABLE TAXES
- QUOTATION MAY BE WITHDRAWN IF NOT SIGNED AND ACCEPTED WITHIN THIRTY (30) DAYS
- QUOTATION BASED ON COMPLIANCE WITH CREDIT TERMS AND CONDITIONS

Quotation Prepared By Interstate Barricades & Markings

Submitted By: Charles R Brown, Jr. Dated: 10/29/2020
 Charles Brown

Quotation Accepted By: _____ Dated: _____
 (signature) (printed name)

Company: _____ Telephone: _____

We look forward to working with you on this project; please fax accepted quotations to our Pearland office at 281-993-2826.

Thank You!

CLYDE KAZMIR CONSTRUCTION, INC.
 P.O. Box 554
 Edna, TX 77957
 Phone # 3617823594
 E-mail KIMBERLY@KAZMIRCONST.COM

Quote

Date	Quote #
2/26/2021	794

City of Port Lavaca TX

		Project			
		Striping			
Item	Description	Qty	Unit	Rate	Total
Labor & Services	Removing of Existing Pavement markings to properly apply New Thermoplastic pavement markings *Base Price includes Mechanical Grinding Method *Base price includes sweeping/clean up of mechanically grinded asphalt	1	LS	9,873.75	9,873.75
Labor & Services	4" Double Yellow Thermoplastic Striping	17,354	LF	1.1875	20,607.88
Labor & Services	8" White (Turn Lane Striping)Thermo Plastic Striping	600	LF	1.1875	712.50
Labor & Services	12" White (Crosswalks) Thermo Plastic Striping	1,000	LF	2.125	2,125.00
Labor & Services	24" White (Stop Bars)Thermo Plastic Striping	360	LF	18.75	6,750.00
Labor & Services	24" Yellow (Gore)Thermo Plastic Striping	60	LF	18.75	1,125.00
Labor & Services	Right Arrows - White - Thermo Plastic Striping	12	EA	250.00	3,000.00
Labor & Services	"ONLY" White Thermo Plastic Striping	8	EA	250.00	2,000.00
Labor & Services	Traffic Control	32	HR	237.50	7,600.00
	Permitting to be completed by others *Base price includes Regular Working Hours Monday thru Friday 7AM-5PM ***Any alteration or deviation from above specifications involving extra cost will become an extra charge over and above the estimate. If quantities exceed bid quantities, unit prices will apply for additional quantities. All agreements are contingent upon strike, accidents or delays beyond our control.*** ***This proposal may be withdrawn if not accepted within 30 days*** X _____ Date _____ Sales Tax (8.25 %)			8.25%	0.00
Total					\$53,794.13

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Consider reviewing bids and consider award of construction contract for the New Parks Department Warehouse Building (Fire Insurance Proceeds). Presenter is Wayne Shaffer

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: MARCH 8, 2021

AGENDA ITEM _____

DATE: 3.3.2021
TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: JODY WEAVER, INTERIM CITY MANAGER
SUBJECT: **NEW PARKS WAREHOUSE BUILDING (TO REPLACE THE ONE DAMAGED BY FIRE)**

Wayne has been working with Victor Fredricksen to prepare a bid package to receive bids for a new Parks Warehouse Building at George Street, to replace the one damaged last year by Fire. An invitation to Bid was placed in the Port Lavaca Wave on February 10 and February 17 and the bid documents were emailed to several local and area contractors including an area Small Business Development Center.

Bids were originally due on February 25, but due to the interruption of business for many bidders during the week of the winter freeze, we postponed the due date one week to March 4. The bid reflects a replacement in-kind of the damaged facility.

A Bid tabulation will be emailed out on Friday

3/4/2021
2:30 PM

BIDS FOR THE PARKS DEPARTMENT WAREHOUSE, CITY OF PORT LAVACA, TEXAS

NAME	A & A CONSTRUCTORS, INC	B L S CONSTRUCTION INC	REXCO INC	WP CONSTRUCTION

BID AMOUNT	\$126,200.00	\$108,887.80	\$120,200.00	\$115,150.00
				**\$115,150.00- \$22,750.00 = \$94,400.00
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	\$5,444.39	\$10,000.00	\$5,757.50
	5.94 %	5%	8.32 %	5%

WP CONSTRUCTION

*** RE: 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 = \$94,400.00

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. In fact the second low bidder BLS Construction indicated that WP Construction is "good folks."
STAFF RECOMMENDATION: Award to WP Construction.

Wayne will have additional information at Monday's meeting regarding available insurance proceeds.

From: Jennifer Bolger <jennifer.bolger@tmlirp.org>
Sent: Monday, August 24, 2020 5:04 PM
To: Wayne Shaffer <wshaffer@portlavaca.org>
Cc: Sandra Mason <smason@portlavaca.org>
Subject: Claim PR125398 - Public Works Bldg Fire

Mr. Shaffer,

It was a pleasure speaking with you today. Per our conversation, I have attached a copy of the structure repair estimate for the ID 18 - Warehouse #2. Payment has been issued to the city. Here is a quick recap:

Building Settlement:
\$95,246.56 Replacement Cost
\$24,249.80 Less Recoverable Depreciation
\$79,996.76 Actual Cash Value
\$1,000.00 Less Deductible
→ \$69,996.76 Payment

The contents portion is currently pending. Attached is an inventory spreadsheet to provide additional details on the contents. I took your list and transferred it into the spreadsheet. Please provide the age, cost and any additional descriptions and forward back to me.

Hi Ms. Mason - I will be including the firefighter's gear/equipment damage along with the contents settlement. Do you have a final invoice from Dooley Tackaberry for the costs?

Please let me know if you have any questions or concerns. Thank you.

Jennifer Bolger
Claims Specialist
Direct: 512-491-2359 | Toll-Free: 800-537-6655
Fax: 512-491-2366
jennifer.bolger@tmlirp.org



MAYOR AND COUNCIL COMMUNICATION

SUBJECT: 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. Presenter is Anne Marie Odefey

INFORMATION:

RESOLUTION NO. R-030821-3

Resolution 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.

PASSED AND APPROVED THIS 8TH DAY OF MARCH, 2021.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

By: Middleton

H.B. No. 749

A BILL TO BE ENTITLED
AN ACT

relating to the use by a political subdivision of public funds for lobbying activities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 556, Government Code, is amended by adding Section 556.0056 to read as follows:

Sec. 556.0056. RESTRICTION ON USE OF PUBLIC FUNDS BY POLITICAL SUBDIVISIONS FOR LOBBYING ACTIVITIES. (a) A political subdivision may not spend public funds:

(1) to hire an individual required to register as a lobbyist under Chapter 305 for the purpose of lobbying a member of the legislature; or

(2) to pay a nonprofit state association or organization that:

(A) primarily represents political subdivisions;
and

(B) hires or contracts with an individual required to register as a lobbyist under Chapter 305.

(b) If a political subdivision engages in an activity prohibited by Subsection (a), a taxpayer or resident of the political subdivision that engages in the prohibited activity is entitled to appropriate injunctive relief to prevent any further activity prohibited by Subsection (a) or any further payments of public funds related to the prohibited activity.

(c) A taxpayer or resident who prevails in an action under Subsection (b) is entitled to recover from the political subdivision the taxpayer's or resident's reasonable attorney's fees and costs incurred in bringing the action.

SECTION 2. Section 81.026, Local Government Code, is amended to read as follows:

Sec. 81.026. COMMISSIONERS COURT MEMBERSHIP ON ASSOCIATIONS AND NONPROFIT ORGANIZATIONS. A county judge or county commissioner may serve on the governing body of or any committee serving an association of counties, including a nonprofit state association or organization, except that the county judge or county commissioner may not spend public funds to serve on the governing body or committee or to otherwise join or become a member of the association of counties in violation of Section 556.0056, Government Code ~~[created or operating pursuant to the provisions of Section 89.002]~~. A county judge or county commissioner may serve as a member of any board of trustees or board of directors or other governing body of any trust or other entity created pursuant to interlocal contract for the purpose of forming or administering any governmental pool, self-insurance pool, insurance pool, or any other fund or joint endeavor created for the benefit of member counties and political subdivisions. In addition, a county judge or county commissioner may serve as a member of the board of directors of any nonprofit corporation that is created and exists solely for the purpose of providing administrative or other services to such trust or other entity. A county judge or county commissioner, acting as a member of any such board or committee, may perform any act necessary or appropriate for the rendition of such service, including the casting of votes and deliberations concerning and execution of contracts or claims with or against any county. A county judge or commissioner may participate in deliberations concerning and cast any vote on any matter before the commissioners court affecting the execution of any contract with or the payment of claims, premiums, dues, or contributions to any such

trust, association, nonprofit corporation, or entity or any related matter.

Section VI. Item #13.

SECTION 3. Section 89.002, Local Government Code, is repealed.

SECTION 4. Section 556.0056, Government Code, as added by this Act, applies only to an expenditure or payment of public funds by a political subdivision that is made on or after the effective date of this Act, including an expenditure or payment of public funds by a political subdivision that is made under a contract entered into before, on, or after the effective date of this Act. A contract term providing for an expenditure or payment prohibited by Section 556.0056, Government Code, as added by this Act, is void on the effective date of this Act.

SECTION 5. This Act takes effect September 1, 2021.

By: Hall

S.B. No. 234

A BILL TO BE ENTITLED
AN ACT

relating to the use by a political subdivision of public funds for lobbying activities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 556, Government Code, is amended by adding Section 556.0056 to read as follows:

Sec. 556.0056. RESTRICTION ON USE OF PUBLIC FUNDS BY POLITICAL SUBDIVISIONS FOR LOBBYING ACTIVITIES. (a) A political subdivision may not spend public funds:

(1) to hire an individual required to register as a lobbyist under Chapter 305 for the purpose of lobbying a member of the legislature; or

(2) to pay a nonprofit state association or organization that:

(A) primarily represents political subdivisions;
and

(B) hires or contracts with an individual required to register as a lobbyist under Chapter 305.

(b) If a political subdivision engages in an activity prohibited by Subsection (a), a taxpayer or resident of the political subdivision that engages in the prohibited activity is entitled to appropriate injunctive relief to prevent any further activity prohibited by Subsection (a) or any further payments of public funds related to the prohibited activity.

(c) A taxpayer or resident who prevails in an action under Subsection (b) is entitled to recover from the political subdivision the taxpayer's or resident's reasonable attorney's fees and costs incurred in bringing the action.

SECTION 2. Section 81.026, Local Government Code, is amended to read as follows:

Sec. 81.026. COMMISSIONERS COURT MEMBERSHIP ON ASSOCIATIONS AND NONPROFIT ORGANIZATIONS. A county judge or county commissioner may serve on the governing body of or any committee serving an association of counties, including a nonprofit state association or organization, except that the county judge or county commissioner may not spend public funds to serve on the governing body or committee or to otherwise join or become a member of the association of counties in violation of Section 556.0056, Government Code~~created or operating pursuant to the provisions of Section 89.002].~~ A county judge or county commissioner may serve as a member of any board of trustees or board of directors or other governing body of any trust or other entity created pursuant to interlocal contract for the purpose of forming or administering any governmental pool, self-insurance pool, insurance pool, or any other fund or joint endeavor created for the benefit of member counties and political subdivisions. In addition, a county judge or county commissioner may serve as a member of the board of directors of any nonprofit corporation that is created and exists solely for the purpose of providing administrative or other services to such trust or other entity. A county judge or county commissioner, acting as a member of any such board or committee, may perform any act necessary or appropriate for the rendition of such service, including the casting of votes and deliberations concerning and execution of contracts or claims with or against any county. A county judge or commissioner may participate in deliberations

concerning and cast any vote on any matter before the commissioners court affecting the execution of any contract with or the payment of claims, premiums, dues, or contributions to any such trust, association, nonprofit corporation, or entity or any related matter.

SECTION 3. Section 89.002, Local Government Code, is repealed.

SECTION 4. Section 556.0056, Government Code, as added by this Act, applies only to an expenditure or payment of public funds by a political subdivision that is made on or after the effective date of this Act, including an expenditure or payment of public funds by a political subdivision that is made under a contract entered into before, on, or after the effective date of this Act. A contract term providing for an expenditure or payment prohibited by Section 556.0056, Government Code, as added by this Act, is void on the effective date of this Act.

SECTION 5. This Act takes effect September 1, 2021.

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Consider Resolution No. R-030821-1 of the City of Port Lavaca, Calhoun County, Texas proclaiming the month of April as Fair Housing Month. Presenter is Jody Weaver

INFORMATION:

RESOLUTION NO. R-030821-1

A RESOLUTION 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.

PASSED AND APPROVED on this 8th day of March 2021.

ATTEST:

Mandy Grant, City Secretary

Jack Whitlow, Mayor

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: 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. Presenter is Jessica Carpenter

INFORMATION:

RESOLUTION NO. R-030821-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE 2021-2022 COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR AND CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICERS AND AUTHORIZED REPRESENTATIVES IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

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.

Passed and Approved this 8th day of March, 2021.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: 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. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: MARCH 8, 2021

AGENDA ITEM _____

DATE: 3.3.2021

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: ADJUSTMENT OF WATER BILLS DUE TO LEAKS/ EXCESSIVE USE DURING THE FREEZING WEATHER

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 of 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're 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.

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 Feb 15-Feb 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 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 dollars 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.

MAYOR AND COUNCIL COMMUNICATION

SUBJECT: Consider extending parts of the Families First Coronavirus Response Act (FFCRA) related to COVID-19 Compensation Policy. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: MARCH 8, 2021

AGENDA ITEM _____

DATE: 3.3.2021

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: PAID SICK LEAVE FOR SPECIFIED REASONS RELATED TO COVID-19

Until December 31st, the Families First Coronavirus Response Act 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 CDC guidelines and/or experiencing COVID-19 symptoms.

Since the expiration of the FFCR, we have had nine (9) employees that have had COVID-19, it's symptoms or have had to quarantine for one reason or another to comply with CDC guidelines. I am asking Council to consider adopting a policy regarding extending parts of the FFCRA to cover from January 1, 2021 to June 30, 2021.

MAYOR AND COUNCIL COMMUNICATION

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

INFORMATION:

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:

