



# CITY COUNCIL SPECIAL/WORKSHOP MEETING

Monday, April 29, 2024 at 5:30 PM  
City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

## PUBLIC NOTICE OF MEETING

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

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

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

## AGENDA

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

### MEETING PROCEDURE

*Public notice is hereby given that the City Council of the City of Port Lavaca, Texas, will conduct a special meeting and a workshop session on Monday, April 29, 2024 beginning at 5:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas to consider the items listed.*

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

*The meeting will also be available via the video conferencing application "ZOOM".*

*Join Zoom Meeting*

*<https://us02web.zoom.us/j/81144300359?pwd=UzE2RVVjeVRndW9xLzJPYlE3QUZPQT09>*

*Meeting ID: 811 4430 0359*

*Passcode: 454723*

*One tap mobile*

*+13462487799,,81144300359#,,,,\*454723# US (Houston)*

*Dial by your location*

*+1 346 248 7799 US (Houston)*

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

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

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

1. Consider approval of Final Pay Application and Release of Retainage for the Streets and Drainage Improvements for Port Lavaca Community Development Block Grant–Disaster Relief (CDBG-DR) Phase 2, GLO Contract #20-065-C198. Presenter is Jody Weaver

**V. ADJOURN SPECIAL MEETING****CITY COUNCIL WORKSHOP****VI. CALL TO ORDER****VII. COMMENTS FROM THE PUBLIC**

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

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

1. Presentation from VC3 regarding review of IT Managed Services. Presenter is Justin Weatherly
2. Presentation from the Development Services Department regarding the objectives and proposed policies of the Lawn Library program. Presenter is Derrick Smith

**IX. ADJOURN WORKSHOP**

**CERTIFICATION OF POSTING NOTICE**

This is to certify that the above notice of a Special and Workshop meeting of The City Council of The City of Port Lavaca, scheduled for **Monday, April 29, 2024**, beginning at 5:30 p.m., was posted at city hall, easily accessible to the public, as of **5:00 p.m. Wednesday, April 24, 2024**.

---

**Mandy Grant**, *City Secretary*

**ADA NOTICE**

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

---

# COMMUNICATION

**SUBJECT:** Consider approval of Final Pay Application and Release of Retainage for the Streets and Drainage Improvements for Port Lavaca Community Development Block Grant–Disaster Relief (CDBG-DR) Phase 2, GLO Contract #20-065-C198. Presenter is Jody Weaver

---

## INFORMATION:

CITY OF PORT LAVACA

**MEETING:** APRIL 29, 2024 **AGENDA ITEM** \_\_\_\_\_

**DATE:** 04.24.2024

**TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS

**FROM:** JODY WEAVER, INTERIM CITY MANAGER

**SUBJECT:** **CDBG-DR – PHASE 2: FINAL PAY REQUEST/ RELEASE OF RETAINAGE**

*Attached* is Pay Request #17 for the CDBG-DR Phase 2 project. This Pay Request is the Final request and consists of the release of retainage being \$227,338.57. For your reference, I've also *attached* a copy of the certificate of construction completion dated 04.24.2024 and Final Affidavit from the contractor that all bills have been paid.

The Final Contract amount is \$4,546,771.46, which is \$12,012.31 greater than the original contract amount (0.3%), reflecting change orders 1 thru 4. Therefor the overall savings on this CDBG-DR project (phases 1 and 2) is \$74,941.00 savings from Ph 1) less \$12,013.31 = \$62,927.69. Plus we were allocated an additional \$133,754 of CDBG funds that thereby reduced our local funds contribution by that same amount. This therefore provides a total of \$196,682 (\$62,927 + \$133,754) to fund a second aggregate sealcoat coarse with a potential fog seal as well as other point repairs in the area.

A Final Walk-thru was conducted on April 4<sup>th</sup>, which resulted in the following punch list items:

1. Backfill behind new curb to fill any low spots so water will drain over the curb from ROW.
2. Remove bolt from storm manhole and inlet covers.
3. Seal coat roads need to be swept again especially at edges and intersections to remove loose aggregate. Several spots in roadway showed signs of aggregate raveling and bleeding. Numerous pavement edges along seal coat/curb interface did not appear to get adequate coverage of asphalt and aggregate. Other areas showed signs of aggregate raveling along the edges. Once brooming of the pavement edges and roadway have been completed, please re-inspect and address any additional seal coat issues such as aggregate raveling and or bleeding.
4. Curb inlets on at Center St and Trinity St (T1, T1A, T2, T2A), Center St and Nueces St (N1, N2, N3, N4, and Nueces and MLK St (M3) need to fix throat opening as it doesn't match other curb inlets with standard riser and throat opening dimensions.
5. Add two missing concrete flumes on MLK near Nueces at the Cemetery driveway.
6. Raise SS MH cover at Chestnut/Benavides intersection to eliminate low point at cover.
7. Replace solid storm manhole cover with grated cover where low spot exists at manhole cover. Areas noted include Chestnut/Benavides intersection, Chestnut/Colorado intersection. Check other areas after rain event.
8. Fix curb taper near Sta 0+50 on right side of South St.

CivilCorp performed a walk-thru on 4/24/24 to verify completion of the punch list items. Below are a few photographs taken recently in the project area. The Final As-Built drawings will be submitted in a few days.



CITY OF PORT LAVACA



---

---

**CITY OF PORT LAVACA**

---

---

**Recommendation:** In accordance with the engineer's recommendation, approve, pending the final review and approval of the As-Built Drawings, the release of retainage on this project and authorize the Final Payment in the amount of \$227,338.57.



April 23, 2024

Ms. Jody Weaver  
City Manager  
City of Port Lavaca

**Re: Flood & Drainage and Street Improvements for Port Lavaca CDBG-DR (Phase 2 – MLK Street and Chestnut Street Benefit Area) GLO CONTRACT NO. 20-065-071-C198 – Pay Estimate No. 17**

Dear Jody:

CivilCorp has reviewed the enclosed Pay Estimate No. 17 from Lester Contracting Inc. for the above referenced project. CivilCorp recommends payment of Pay Estimate No. 17 in the amount of \$227,338.57. Please let me know if you have any further questions.

Sincerely,

*Rene Soto, P.E.*

Randy P. Janak, PE  
Vice President – Victoria Office  
Firm No. 10283

XC: Kat White – GrantWorks  
Wayne Shaffer – City of Port Lavaca

Attachments



**CERTIFICATE FOR PAYMENT**

**Payment # 17**

TO (OWNER): CITY OF PORT LAVACA  
 202 N. VIRGINIA  
 PORT LAVACA, TX 77979  
 ATTN: Jody Weaver

PROJECT: City of Port Lavaca  
 GLO #20-065-071-C198  
 Phase 2 - MLK St and Chestnut St Benefit Area  
 Port Lavaca, Tx

FROM (Engineer): CivilCorp, LLC  
 4611 E. Airline Rd, Suite 300  
 Victoria, Texas, 77904

CONTRACTOR: Lester Contracting, Inc.  
 P.O. Box 986  
 Port Lavaca, TX 77979  
 ATTN: Trent Tagliabue

**INVOICE #: 2215117R**  
 For work: 04/01/2024 - 04/30/2024

CONTRACT FOR: City of Port Lavaca - GLO #20-065-071-C198 (Phase 2 - MLK St and Chestnut St Benefit Area)

**CONTRACTOR'S APPLICATION FOR PAYMENT**

CHANGE ORDER SUMMARY		ADDITIONS \$	DEDUCTIONS \$
CHANGE ORDERS APPROVED IN PREVIOUS MONTHS BY OWNER →		\$12,012.31	
APPROVED THIS MONTH			
NUMBER OR DESCRIPTION	DATE APPROVED		
		\$12,012.31	
NET CHANGE BY CHANGE ORDERS		\$12,012.31	

APPLICATION IS MADE FOR PAYMENT, AS SHOWN BELOW, IN CONNECTION WITH THE CONTRACT.

1. ORIGINAL CONTRACT SUM.....	\$ 4,534,759.15
2. Net change by Change Orders.....	\$ 12,012.31
3. CONTRACT SUM TO DATE (lines 1+2).....	\$ 4,546,771.46
4. TOTAL COMPLETED .....	\$ 4,546,771.46
5. RETAINAGE:	
a. 5% of Completed Work.....	
6. TOTAL EARNED LESS RETAINAGE..... (Line 4 less Line 5 Total)	\$ 4,546,771.46
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 prior Certificate).....	\$ 4,319,432.89
→ 8. CURRENT PAYMENT DUE.....	\$ 227,338.57
9. BALANCE TO FINISH..... (Line 3 less Line 6)	\$ -

**ENGINEER'S CERTIFICATE FOR PAYMENT**

In accordance with the Contract Documents, based on on-site observations, and the data comprising the above application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Owner is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED.. **\$ 227,338.57**  
 (Attach explanation if amount certified differs from the amount applied for.)  
**ENGINEER: RANDY JANAK, PE**

By: Rene Soto, P.E. Date: 04-23-2024

This certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

**CONSTRUCTION BREAKDOWN**  
**PORT LAVACA CDBG-DR Contract No. 20-065-071-C198**

<b>HUD ACTIVITY - TIGR Phase 2</b>	<b>GLO BUDGET - Phase 2</b>	<b>Local Funds - Phase 2</b>	<b>Contract - Lester Contractor</b>	<b>Pay App 1-17</b>	<b>Remaining After Pay App 17</b>
Flood and Drainage	\$ 1,372,610.00	\$ 1,423,896.25	\$ 2,796,506.25	\$ 2,849,011.25	\$ (52,505.00)
Street Improvements	\$ 1,809,860.00	\$ (59,594.79)	\$ 1,750,265.21	\$ 1,697,760.21	\$ 52,505.00
<b>Retainage (5% Subtraction)</b>			\$ 227,338.57	\$ 227,338.57	\$ -
<b>TOTAL</b>	\$ 3,182,470.00	\$ 1,364,301.46	\$ 4,319,432.89	\$ 4,319,432.89	\$ -

### Summary of Payments Made

GLO #20-065-071-C198 (Phase 2 - MLK St and Chestnut St Benefit Area)

TO (Owner): City of Port Lavaca  
202 N. Virginia  
Port Lavaca, TX 77979

PROJECT:  
GLO #20-065-071-C198 (Phase 2 - MLK St and Chestnut St Benefit Area)

FROM (Engineer): CivilCorp, LLC  
4611 E. Airline Rd, Suite 300  
Victoria, Texas, 77904

CONTRACTOR: Lester Contracting, Inc.  
P.O. Box 986  
Port Lavaca, TX 77979

**Contract Amount: \$ 4,534,759.15**

Change order 1 -\$3,880.50  
Change order 2 -\$1,693.40  
Change order 3 \$0.00  
Change order 4 \$17,586.21

**Adjusted Contract Balance \$4,546,771.46**

Invoice date	Invoice Number	Amount Invoiced		Retainage	Amount Due to Contractor	Total Contract Paid	Contract Balance
		Total Contract	Month	Total Contract	Invoice less retainage less Contract Paid		
November 30, 2022	2215101	\$ 142,182.00	\$ 142,182.00	\$ 7,109.10	\$ 135,072.90	\$ 135,072.90	\$ 4,399,686.25
December 31, 2022	2215102	\$ 233,322.00	\$ 91,140.00	\$ 11,666.10	\$ 86,583.00	\$ 221,655.90	\$ 4,313,103.25
January 31, 2023	2215103	\$ 348,821.00	\$ 115,499.00	\$ 17,441.05	\$ 109,724.05	\$ 331,379.95	\$ 4,203,379.20
February 28, 2023	2215104	\$ 517,066.00	\$ 168,245.00	\$ 25,853.30	\$ 159,832.75	\$ 491,212.70	\$ 4,043,546.45
March 31, 2023	2215105	\$ 761,411.00	\$ 244,345.00	\$ 38,070.55	\$ 232,127.75	\$ 723,340.45	\$ 3,811,418.70
April 30, 2023	2215106	\$ 1,271,175.75	\$ 509,764.75	\$ 63,558.79	\$ 484,276.51	\$ 1,207,616.96	\$ 3,327,142.19
May 31, 2023	2215107	\$ 1,561,277.25	\$ 290,101.50	\$ 78,063.86	\$ 275,596.43	\$ 1,483,213.39	\$ 3,051,545.76
June 30, 2023	2215108	\$ 2,107,357.50	\$ 546,080.25	\$ 105,367.88	\$ 518,776.24	\$ 2,001,989.63	\$ 2,532,769.53
July 31, 2023	2215109	\$ 2,506,875.25	\$ 399,517.75	\$ 125,343.76	\$ 379,541.86	\$ 2,381,531.49	\$ 2,153,227.66
August 30, 2023	2215110	\$ 2,681,174.00	\$ 174,298.75	\$ 134,058.70	\$ 165,583.81	\$ 2,547,115.30	\$ 1,987,643.85
September 30 2023	2215111	\$ 3,176,917.00	\$ 495,743.00	\$ 158,845.85	\$ 470,955.85	\$ 3,018,071.15	\$ 1,516,688.00
October 31 2023	2215112	\$ 3,693,854.50	\$ 516,937.50	\$ 184,692.73	\$ 491,090.63	\$ 3,509,161.78	\$ 1,025,597.38
November 30 2023	2215113	\$ 3,979,780.25	\$ 285,925.75	\$ 198,989.01	\$ 271,629.46	\$ 3,780,791.24	\$ 753,967.91
December 31 2023	2215114	\$ 4,102,522.25	\$ 122,742.00	\$ 205,126.11	\$ 116,604.90	\$ 3,897,396.14	\$ 637,363.01
February 29 2024	2215115	\$ 4,405,325.25	\$ 302,803.00	\$ 220,266.26	\$ 287,662.85	\$ 4,185,058.99	\$ 349,700.16
March 31, 2024	2215116	\$ 4,546,771.46	\$ 141,446.21	\$ 227,338.57	\$ 134,373.90	\$ 4,319,432.89	\$ 227,338.57
April 30 2024	2215117R	\$ 4,546,771.46	\$ -		\$ 227,338.57	\$ 4,546,771.46	\$ -

To(OWNER): City of Port Lavaca  
202 North Virginia Street  
Port Lavaca, TX 77979-0105

Project: CITYOFPL/MLK&CHESTNUT ST IMPOV  
MLK ST. & CHESTNUT ST.  
GLO # 20-065-071-C198  
Port Lavaca, TX 77979

Application No: 17  
Invoice No: 2215117R  
Invoice Date: 4/30/2024  
Terms: Net 30  
Due Date: 5/30/2024  
Period To: 4/30/2024  
Project No: CONTRACT  
Contract Date: 7/12/2022

Section IV. Item #1.

From: LESTER CONTRACTING, inc.  
P. O. BOX 986  
PORT LAVACA, TX 77979  
(361) 552-3024

Via(Architect/  
Engineer)

For:

Original Contract sum.....	4,534,759.15
Change Orders.....	12,012.31
Contract sum.....	4,546,771.46
Completed to date.....	4,546,771.46
Retainage.....	0.00
Total earned less retainage.....	4,546,771.46
Previous billings.....	4,319,432.89
Current payment due.....	227,338.57
Sales tax.....	0.00
Total due.....	227,338.57

To(OWNER): City of Port Lavaca  
 202 North Virginia Street  
 Port Lavaca, TX 77979-0105

Project: CITYOFPL/MLK&CHESTNUT ST IMPOV  
 MLK ST. & CHESTNUT ST.  
 GLO # 20-065-071-C198  
 Port Lavaca, TX 77979

Application No: 17  
 Invoice No: 2215117R  
 Invoice Date: 4/30/2024  
 Terms: Net 30  
 Due Date: 5/30/2024  
 Period To: 4/30/2024  
 Project No: CONTRACT  
 Contract Date: 7/12/2022

Section IV. Item #1.

From: LESTER CONTRACTING, inc.  
 P. O. BOX 986  
 PORT LAVACA, TX 77979  
 (361) 552-3024

Via(Architect/  
 Engineer)

For:  
 Invoice for work completed through 3/31/23

No.	Description	Total Quantity	Unit	Total Cost	Completed Units	Current Value	Prior Value	Due This Request
1	Remove Concrete Curb & Gutter	16,701	LF	70,979.25	16,701	70,979.25	70,979.25	0.00
2	Remove Concrete Driveway	646	SY	16,150.00	646	16,150.00	16,150.00	0.00
3	Remove Concrete Sidewalk	50	SY	1,500.00	50	1,500.00	1,500.00	0.00
4	Excavation Roadway	3,212	CY	93,148.00	3,212	93,148.00	93,148.00	0.00
5	Embankment	1,625	CY	66,625.00	1,625	66,625.00	66,625.00	0.00
6	Block Sodding	0	SY	0.00	0	0.00	0.00	0.00
7	Cell Fiber Mulch	0	SY	0.00	0	0.00	0.00	0.00
8	Vegetative Watering	0	MG	0.00	0	0.00	0.00	0.00
9	Flex Base TY A GR 1-2 10"	1,180	CY	191,160.00	1,180	191,160.00	191,160.00	0.00
10	Lime Treat Subgrade 6"	5,287	SY	52,870.00	5,287	52,870.00	52,870.00	0.00
11	Single Course Underseal	5,287	SY	31,722.00	5,287	31,722.00	31,722.00	0.00
12	Single Course Seal Coat	24,717	SY	116,169.90	24,717	116,169.90	116,169.90	0.00
13	D-Gr HMA TY D 1.5"	435	TON	89,175.00	435	89,175.00	89,175.00	0.00
14	Flexible Pavement Structure Repair	3,154	SY	201,856.00	3,154	201,856.00	201,856.00	0.00
15	Cement Stabilize Sand for Under Curb & Gutter	948	CY	119,448.00	948	119,448.00	119,448.00	0.00
16	RipRap Conc CL B 5 In	6	CY	5,220.00	6	5,220.00	5,220.00	0.00
17	RC Pipe 23x14	152	LF	39,520.00	152	39,520.00	39,520.00	0.00
18	RC Pipe 23x14 Traffic	215	LF	59,125.00	215	59,125.00	59,125.00	0.00
19	RC Pipe 30x19	252	LF	71,820.00	252	71,820.00	71,820.00	0.00
20	RC Pipe 30x19 Traffic	346	LF	108,990.00	346	108,990.00	108,990.00	0.00
21	RC Pipe 15"	24	LF	2,520.00	24	2,520.00	2,520.00	0.00
22	RC Pipe 15" Traffic	58	LF	7,540.00	58	7,540.00	7,540.00	0.00
23	RC Pipe 18"	906	LF	97,848.00	906	97,848.00	97,848.00	0.00
24	RC Pipe 18" Traffic	296	LF	37,888.00	296	37,888.00	37,888.00	0.00
25	24" HDPE	3	LF	960.00	3	960.00	960.00	0.00
26	24" HDPE Traffic	921	LF	115,125.00	921	115,125.00	115,125.00	0.00
27	30" HDPE Traffic	1,445	LF	231,200.00	1,445	231,200.00	231,200.00	0.00
28	36" HDPE Traffic	788	LF	134,748.00	788	134,748.00	134,748.00	0.00
29	Rc Pipe 36" Traffic	63	LF	13,545.00	63	13,545.00	13,545.00	0.00
30	RC Pipe 36"	416	LF	89,440.00	416	89,440.00	89,440.00	0.00
31	Curb Inlet 3x5 PCO w/ 3x5 PB Base	54	EA	329,400.00	54	329,400.00	329,400.00	0.00
32	Curb Inlet 4x5 PCO w/ 4x5 Base	1	EA	10,100.00	1	10,100.00	10,100.00	0.00

To(OWNER): City of Port Lavaca  
 202 North Virginia Street  
 Port Lavaca, TX 77979-0105

Project: CITYOFPL/MLK&CHESTNUT ST IMPOV  
 MLK ST. & CHESTNUT ST.  
 GLO # 20-065-071-C198  
 Port Lavaca, TX 77979

Application No: 17  
 Invoice No: 2215117R  
 Invoice Date: 4/30/2024  
 Terms: Net 30  
 Due Date: 5/30/2024  
 Period To: 4/30/2024  
 Project No: CONTRACT  
 Contract Date: 7/12/2022

Section IV. Item #1.

From: LESTER CONTRACTING, inc.  
 P. O. BOX 986  
 PORT LAVACA, TX 77979  
 (361) 552-3024

Via(Architect/  
 Engineer)

For:

No.	Description	Total Quantity	Unit	Total Cost	Total Cost	Completed Units	Current Value	Prior Value	Due This Request
33	Curb Inlet Extension 5'	1	EA	1,600.00	1,600.00	1	1,600.00	1,600.00	0.00
34	Junction Box 5x3	14	EA	8,600.00	120,400.00	14	120,400.00	120,400.00	0.00
35	Junction Box 5x5	2	EA	11,500.00	23,000.00	2	23,000.00	23,000.00	0.00
36	Junction Box 6.5x3	2	EA	13,200.00	26,400.00	2	26,400.00	26,400.00	0.00
37	Junction Box 6.5x5	2	EA	16,000.00	32,000.00	2	32,000.00	32,000.00	0.00
38	Junction Box 7.5x4	2	EA	17,000.00	34,000.00	2	34,000.00	34,000.00	0.00
39	Junction Box 8x5	1	EA	17,000.00	17,000.00	1	17,000.00	17,000.00	0.00
40	Junction Box 8x6	1	EA	22,500.00	22,500.00	1	22,500.00	22,500.00	0.00
41	Junction Box 8x6.5	1	EA	18,900.00	18,900.00	1	18,900.00	18,900.00	0.00
42	Junction Box 10x8.5	1	EA	22,000.00	22,000.00	1	22,000.00	22,000.00	0.00
43	Junction Box 9.5x5.5	2	EA	23,500.00	47,000.00	2	47,000.00	47,000.00	0.00
44	Junction Box 9x9	1	EA	26,500.00	26,500.00	1	26,500.00	26,500.00	0.00
45	Adjust Existing Manhole Ring & Cover to Grade	8	EA	2,140.00	17,120.00	8	17,120.00	17,120.00	0.00
46	Remove Exist Curb Inlet	41	EA	680.00	27,880.00	41	27,880.00	27,880.00	0.00
47	Remove Exist Storm Drain Jct Box	6	EA	910.00	5,460.00	6	5,460.00	5,460.00	0.00
48	Remove Storm Sewer Pipe 12"to36"	782	LF	38.00	29,716.00	782	29,716.00	29,716.00	0.00
49	Mobilization	1	LS	300,000.00	300,000.00	1	300,000.00	300,000.00	0.00
50	Barricades, Sign and Traffic Handling	1	LS	37,800.00	37,800.00	1	37,800.00	37,800.00	0.00
51	Temporary Sediment Control Fence	0	LF	3.80	0.00	0	0.00	0.00	0.00
52	Temporary Sediment Control Fence Remove	0	LF	1.50	0.00	0	0.00	0.00	0.00
53	Concrete Curb & Gutter TY II 18"	20,438	LF	39.00	797,082.00	20,438	797,082.00	797,082.00	0.00
54	Concrete Driveways 4"	1,870	SY	132.25	247,307.50	1,870	247,307.50	247,307.50	0.00
55	Asphalt Driveways 6"	438	SY	11.25	4,927.50	438	4,927.50	4,927.50	0.00
56	Driveways Gravel 6"	107	SY	35.50	3,798.50	107	3,798.50	3,798.50	0.00
57	Concrete Sidewalk 4"	66.43	SY	163.00	10,828.09	66.43	10,828.09	10,828.09	0.00
58	Remove & Reinstall Mailbox	0	EA	200.00	0.00	0	0.00	0.00	0.00
59	Remove & Relocate Roadside Signs	0	EA	200.00	0.00	0	0.00	0.00	0.00
60	Adjust Existing Water Valve	0	EA	575.00	0.00	0	0.00	0.00	0.00
61	Adjust Existing Water Meter to Grade	1	EA	385.00	385.00	1	385.00	385.00	0.00
62	Adjust Existing Sanitary Sewer Cleanout to Grade	0	EA	290.00	0.00	0	0.00	0.00	0.00
63	Short Water Service Adjustment/Lowering	3	EA	1,100.00	3,300.00	3	3,300.00	3,300.00	0.00



To(OWNER): City of Port Lavaca  
 202 North Virginia Street  
 Port Lavaca, TX 77979-0105

Project: CITYOFPL/MLK&CHESTNUT ST IMPOV  
 MLK ST. & CHESTNUT ST.  
 GLO # 20-065-071-C198  
 Port Lavaca, TX 77979

Application No: 17  
 Invoice No: 2215117R  
 Invoice Date: 4/30/2024  
 Terms: Net 30  
 Due Date: 5/30/2024  
 Period To: 4/30/2024  
 Project No: CONTRACT  
 Contract Date: 7/12/2022

Section IV. Item #1.

From: LESTER CONTRACTING, inc.  
 P. O. BOX 986  
 PORT LAVACA, TX 77979  
 (361) 552-3024

Via(Architect/  
 Engineer)

For:

<u>No.</u>	<u>Description</u>	<u>Total Quantity</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total Cost</u>	<u>Completed Units</u>	<u>Current Value</u>	<u>Prior Value</u>	<u>Due This Request</u>
64	Long Water Service Adjustment/Lowering	10	EA	2,100.00	21,000.00	10	21,000.00	21,000.00	0.00
65	2" Water Main Lowering at Storm Crossing	10	EA	1,100.00	11,000.00	10	11,000.00	11,000.00	0.00
66	6" Water Main Lowering at Storm Crossing	7	EA	3,600.00	25,200.00	7	25,200.00	25,200.00	0.00
67	8" Water Main Lowering at Storm Crossing	2	EA	3,950.00	7,900.00	2	7,900.00	7,900.00	0.00
68	Sanitary Sewer Service Adjustment/Lowering	5	EA	7,000.00	35,000.00	5	35,000.00	35,000.00	0.00
69	Project Sign	1	EA	700.00	700.00	1	700.00	700.00	0.00
70	ONYX Frictional Mastic Surface Treatment	0	SY	3.00	0.00	0	0.00	0.00	0.00
71	MarMac Coupling	4	EA	1,500.00	6,000.00	4	6,000.00	6,000.00	0.00
72	Furnish & Install 6" SDR26 Sewer Pipe	310	LF	105.00	32,550.00	310	32,550.00	32,550.00	0.00
73	Reconnect Existing Sewer Service	4	EA	1,800.00	7,200.00	4	7,200.00	7,200.00	0.00
74	Connect 6" Line to Existing Manhole	1	EA	4,500.00	4,500.00	1	4,500.00	4,500.00	0.00
75	Furnish & Install 6" End of Line Cleanout	1	EA	450.00	450.00	1	450.00	450.00	0.00
76	Cement Treat Existign Pavement 6" at 3% By Unit Weight (DC)	19,016	SY	4.71	89,565.36	19,016	89,565.36	89,565.36	0.00
77	Prime Coat	19,016	SY	1.21	23,009.36	19,016	23,009.36	23,009.36	0.00
					<u>4,546,771.46</u>		<u>4,546,771.46</u>	<u>4,546,771.46</u>	<u>0.00</u>

CONTRACTOR'S FINAL PAYMENT AFFIDAVIT

City: Port Lavaca  
Contractor: Lester Contracting, Inc

CDBG-DR No: 20-005-071-C198  
Date: 4/23/24

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared Kendin Boone, who being duly sworn, on oath, says that he is a duly authorized representative of Lester Contracting, Inc; Contractor, and that all terms of the Contract for the completion of certain public works described as Milk + Chestnut Phase 2; City of Port Lavaca

, Texas have been satisfactorily completed and that ALL sums of money for payrolls, bills for material and equipment, and other indebtedness connected with the Work for the Owner or its property might in any way be responsible to the best of my knowledge and belief, have been paid or will be paid or otherwise satisfied within thirty days after receipt of final payment from the Owner, or within the period of time required by Article 601f, Vernon's Civil Statutes. Payments not made in full at the time of this affidavit are listed below.

FINAL PAYMENTS pending as of this date hereof are:  None Pending  As Listed Below

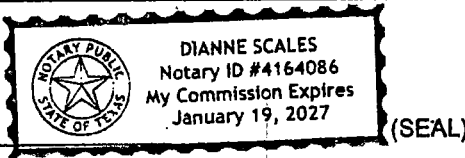
Individual or Co. Name	Mailing Address	Amount Owed

Kendin Boone  
Signature  
Secretary  
Title

Affidavit must be signed by an individual owner or partner in partnership, or by a person authorized by by-laws or Board of Directors to sign for a corporation. If Contractor is a joint venture or partnership of individuals, either may sign, but if a joint venture in which a corporation is a party, separate affidavits must be executed by each corporation and by each individual owner or partnership. In the event subcontractors, laborers, or material suppliers have not been paid in full, the Contractor shall list here on the amount owed and the name and address of each subcontractor, laborer, or material supplier to whom such payment is owed.

Sworn and Subscribed before me this, the 23rd day of April, 2024.

Dianne Scales



Notary Public in and for Cathoun County, Texas



**COMMUNITY DEVELOPMENT & REVITALIZATION**  
**The Texas General Land Office**  
*Certificate of Construction Completion*

Subrecipient:  Contract #:  Date:

This is to certify that a final inspection of the project described below was conducted on

Contract was entered into on  between the city/county of  and  for the construction of

This is to further certify that:

1. The work has been completed in accordance with the plans and specifications and all addenda, change orders, and supplemental agreements thereto, with the following exceptions:

2. The sum of , deducted from the final payment to the Contractor is a fair and equitable settlement for the foregoing excepted work.

3. The Contractor has presented on behalf of itself and its sureties, satisfactory evidence that he or she will repair, replace or make good any faulty workmanship and/or materials discovered in the work within a period of  from this date, as provided in the Contract.

4. Amount of Original Contract:	<input type="text" value="\$4,534,759.15"/>
Cumulative Change Orders:	<input type="text" value="\$12,012.31"/>
Final Amount of Contract:	<input type="text" value="\$4,546,771.46"/>
Less Previous Payments:	<input type="text" value="\$4,319,432.89"/>
Less Deductions (from #2 above):	<input type="text" value="\$0.00"/>
<b>FINAL PAYMENT (Balance):</b>	<input type="text" value="\$227,338.57"/>

5. The Final Payment in the amount above is now due and payable.

6. Final Quantities:

Activity Code (dropdown)	Project Name (from Performance Standard)	Description (What is your Activity?)	Quantity	Metric (dropdown)
4 - Street Improvements	Trinity Street	Street Reconstruction	640	Linear Feet
4 - Street Improvements	Nueces Street	Street Reconstruction	395	Linear Feet
4 - Street Improvements	San Antonio Street	Street Reconstruction	425	Linear Feet
4 - Street Improvements	Center Street	Street Reconstruction	870	Linear Feet
4 - Street Improvements	MLK Street	Street Reconstruction	1940	Linear Feet
4 - Street Improvements	Benavides Street	Street Reconstruction	1500	Linear Feet
4 - Street Improvements	Ann Street	Street Reconstruction	1450	Linear Feet
4 - Street Improvements	Alice Wilkins Street	Street Reconstruction	835	Linear Feet



**COMMUNITY DEVELOPMENT & REVITALIZATION**  
**The Texas General Land Office**  
*Certificate of Construction Completion*

Activity Code (dropdown)	Project Name (from Performance Standard)	Description (What is your Activity?)	Quantity	Metric (dropdown)
4 - Street Improvements	Chestnut Street	Street Reconstruction	1575	Linear Feet
4 - Street Improvements	South Street	Street Reconstruction	860	Linear Feet
5 - Flood and Drainage Facilities	Trinity Street	Curb & Storm Sewer Imp	640	Linear Feet
5 - Flood and Drainage Facilities	Nueces Street	Curb & Storm Sewer Imp	395	Linear Feet
5 - Flood and Drainage Facilities	San Antonio Street	Curb & Storm Sewer Imp	425	Linear Feet
5 - Flood and Drainage Facilities	Center Street	Curb & Storm Sewer Imp	870	Linear Feet
5 - Flood and Drainage Facilities	MLK Street	Curb & Storm Sewer Imp	2350	Linear Feet
5 - Flood and Drainage Facilities	Benavides Street	Curb & Storm Sewer Imp	1500	Linear Feet
5 - Flood and Drainage Facilities	Ann Street	Curb & Storm Sewer Imp	1450	Linear Feet
5 - Flood and Drainage Facilities	Alice Wilkins Street	Curb & Storm Sewer Imp	835	Linear Feet
5 - Flood and Drainage Facilities	Chestnut Street	Curb & Storm Sewer Imp	1575	Linear Feet
5 - Flood and Drainage Facilities	South Street	Curb & Storm Sewer Imp	860	Linear Feet

Certified by :

Engineer's Signature	Contractor's Signature	Subrecipient's Signature

Randy P. Janak, Vice President	Trent Tagliabue, <sup>Vice</sup> President	JoAnna P. Weaver, Interim City Manager
Engineer's Name and Title (Printed)	Contractor's Name and Title (Printed)	Subrecipient Name and Title (Printed)

CivilCorp, LLC	Lester Contracting Inc.	Port Lavaca, Texas
Firm	Firm	City/County of

*Disclaimer: The Texas General Land Office has made every effort to ensure the information contained on this form is accurate and in compliance with the most up-to-date CDBG-DR and/or CDBG-MIT federal rules and regulations, as applicable. It should be noted that the Texas General Land Office assumes no liability or responsibility for any error or omission on this form that may result from the interim period between the publication of amended and/or revised federal rules and regulations and the Texas General Land Office's standard review and update schedule.*

# COMMUNICATION

**SUBJECT:** Presentation from VC3 regarding review of IT Managed Services. Presenter is Justin Weatherly

---

## INFORMATION:





# COMMUNICATION

**SUBJECT:** Presentation from the Development Services Department regarding the objectives and proposed policies of the Lawn Library program. Presenter is Derrick Smith

---

## INFORMATION:

CITY OF PORT LAVACA

**MEETING:** APRIL 29, 2024 **AGENDA ITEM** \_\_\_\_\_

**DATE:** 04.23.2024

**TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS

**FROM:** DERRICK SMITH, DEVELOPMENT SERVICES DIRECTOR

**SUBJECT:** To review the proposed process and procedures for the implementation of The Lawn Library.

Staff is in the process of the implantation of The Lawn Library for the City of Port Lavaca. The purpose of the service will be to help serve the city of Port Lavaca residents by providing access to tools and equipment needed to mow grass, trim vegetation and clean-up litter to improve their properties and the overall attractiveness of our neighborhoods. The equipment is available at no cost and available by reservation. Types of equipment that can be found in the Lawn Library will include:

- Lawn mowers
- Weed eaters
- Hedge trimmer
- Loppers
- Pole saws
- Metal rake
- Leaf rake
- Shovels (scoop, spade, drain spade)
- Garden hoe
- Post hole digger
- Pick Axe
- Wheelbarrows
- Pitchfork
- Push broom
- Sawhorses
- Ladder
- Gas can
- Gas/oil mix

The tools and equipment will be picked up and returned by appointment. Only residents of the city of Port Lavaca who have a current utility account are able to borrow equipment/ gain membership. Membership is for a one-year term and free of charge. The residents will also sign a loan agreement and release of liability. Community groups/organizations will also be able to reserve the tool, equipment, or the trailer. One person will be responsible for the reservation of the trailer with all the tools and equipment.

---

**CITY OF PORT LAVACA**

---

**Attachments:**

- **Lawn Library Process**
- **CoPL Release of Liability-Draft**
- **Membership Application and Borrower Guidelines-Draft**



SCOPE:

The Lawn Library will serve the city of Port Lavaca residents by providing access to tools and equipment needed to mow grass, trim vegetation and clean-up litter to improve their properties and the overall attractiveness of our neighborhoods. The equipment is available at no cost and available by reservation.

Types of equipment that can be found in the Lawn Library will include:

- Lawn mowers
- Weed eaters
- Hedge trimmer
- Loppers
- Pole saws
- Metal rake
- Leaf rake
- Shovels (scoop, spade, drain spade)
- Garden hoe
- Post hole digger
- Pick Axe
- Wheelbarrows
- Pitchfork
- Push broom
- Sawhorses
- Ladder
- Gas can
- Gas/oil mix

Contact Information:  
 Development Services  
 202 N Virginia St.  
 Port Lavaca, TX 77979  
 (361)552-9793  
[buildingdepartment@portlavaca.org](mailto:buildingdepartment@portlavaca.org)

Process:

Individual Membership:

- The individual will need to register as a Lawn Library member. (Free, see attached Application for Membership).
- Only residents of the city of Port Lavaca who have a current utility account are able to borrow equipment/ gain membership.
- Membership is for a 1 year term.
- At the point of membership creation, a borrower’s agreement and release of liability is to be signed. (Please see attached Borrowers Guidelines and Release of Liability forms)
- Once Development Services has this information and has verified good utility standing, the membership is active and the member will receive a membership ID card.

How Can Reservations Be Made?

A Culture and Recreations tab will be added to the City of Port Lavaca website where there will be a page for the Lawn Library. Here, the resident will be able to book the items, I will call to confirm the availability and the order will be processed.

*From Joe Sliva: If you're just wanting to do the rentals, there is a service called Rentle (well they just changed their name to Twice Commerce) that would work really well, and they have a WordPress plugin so we would be able to integrate it into the website easily.*

<https://www.twicecommerce.com/rent>

[Twice Commerce – Easy Rental Booking System – WordPress plugin | WordPress.org](#)

With a customer facing iPad, any citizen can create an account with the help of Development Services and complete the reservation process. Customers who do not have access to or do not like using the online reservation process can call Development Services and place their reservation over the phone.

Procedure:

- Pick up and return will be by appointment. (M-F 9AM – 3PM) Tools must be reserved at least one day in advance.
  - By appointment will enable staff members to manage time accordingly and block out times unavailable.
- Code Enforcement will be at the trailer to unlock it and release the borrowed equipment to the customer.
  - Code Enforcement is not responsible for explaining the use of equipment or loading/unloading the equipment.
  - There will be a log for the Code Enforcement officer to check in and out items and mark the condition (Good/ Maintenance/ Replace)
- If the item requires gas or gas/oil, it will be supplied.

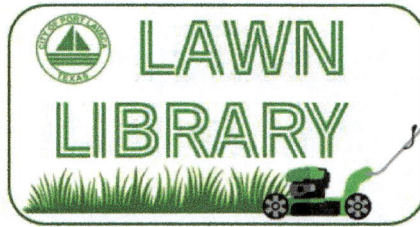
Group Membership:

- The group/ organization will need to have an individual listed as the main contact person. This person will be responsible for the condition of the borrowed equipment and will be the person who completes all documents.
- Reservations for the trailer will need to be made at least two weeks in advance of the event taking place.
- Equipment rentals will show as unavailable during neighborhood block clean-ups.
- Development Services will deliver and pick-up the trailer.
- A sign-out and sign-in sheet will be necessary at these types of events as multiple individuals at multiple location will have access to the tools.
- Development Services will coordinate with Republic Services on disposal of the rubbish.
- Items, such as tires, that do not get picked-up will be the responsibility of the group/ organization to properly dispose.

Maintenance:

- The items are to be returned in good working order and clean.
- Items are being procured from our local ACE Hardware store and were purchased as part of a fleet and therefore, maintenance is included on the larger equipment.





### City of Port Lavaca Lawn Library Release of Liability

#### RELEASE OF LIABILITY

Borrower agrees to and EXPRESSLY RELEASES, WAIVES AND ABANDONS any and all CLAIMS OF NEGLIGENCE, GROSS NEGLIGENCE, AND STRICT LIABILITY against the City, its employees, agents or assigns for liability and responsibility which the City may have or may incur, whether by the use of the equipment by the borrower or by a third party, by its condition or care, or by or for any other means. Borrower agrees that City, its agents and employees, shall not be liable or responsible for, and shall be SAVED, HELD HARMLESS, RELEASED and INDEMNIFIED by Borrower and RELEASES AND FOREGOES any and all claims that Borrower may have, now or later, against the City, its employees, agents or assigns from the use of the use of the equipment by the Borrower or by a third party, by its condition or care, or by or for any other means . Borrower expressly accepts and adopts all responsibility and liability for the equipment in all ways: its condition, how it is used, how it is stored, etc. Additionally, Borrower expressly accepts and adopts all responsibility and liability for the use or misuse of this equipment as it may affect third parties, in person or in rem, and will INDEMNIFY AND DEFEND the City, its employees, agents and assigns from all claims which may be made against the same by third parties.

#### LOAN AGREEMENT

The requested tools must be used for the completion of a residential or community project only. Tools must be picked up and returned to the Lawn Library. All tools must be stored in a secure location from the weather. Tools must be returned on time to ensure their availability for use by other residents and community organizations. Failure to abide by these conditions may make you ineligible to borrow tools in the future.

I have read this form in its entirety and accept all provisions and Terms and Conditions.

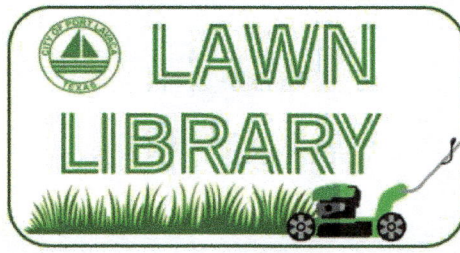
\_\_\_\_\_  
NAME (PLEASE PRINT)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

OFFICE USE ONLY	
<input type="checkbox"/> Approved	Membership ID#
Staff Signature	Date





**CITY OF PORT LAVACA LAWN LIBRARY  
Application for Membership**

City of Port Lavaca Water Account # \_\_\_\_\_

Name: \_\_\_\_\_

Home Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Work Phone: \_\_\_\_\_

Driver License #/State: \_\_\_\_\_

License Plate#: \_\_\_\_\_

Took Pickup Date/Time: \_\_\_\_\_

Staff Initials: \_\_\_\_\_

<b>Tools Available: * Note: Supplies will be loaned based on availability.</b>		
<b>Equipment</b>		
Lawn mower	Shovel, scoop	Pitchfork
Weed eater	Shovel, spade	Push broom
Hedge trimmer	Shovel, drain spade	Sawhorses
Loppers	Garden hoe	Ladder
Pole saw	Post hole digger	Gas can
Metal rake	Pick Axe	Gas/oil mix
Leaf rake	Wheelbarrow	

**Initials**

**Conditions of Agreement (Initial All)**

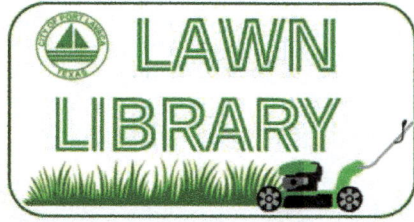
- I am a resident in the City of Port Lavaca.
- I am 18 years or older
- Tools are not intended for commercial/agricultural use and are strictly for personal/residential use.
- I will return the tools in the same condition as borrowed
- If tools/equipment are not returned, a \$50 late fee will be charged to the water account on file beginning on the 3<sup>rd</sup> day and will be penalized for 6-months with no access to program.
- I will sign the Waiver of Liability form before tools will be loaned from the Lawn Library.
- With repeated failure to abide by the borrowers conditions and guidelines, I acknowledge my membership can be revoked.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrative Staff Name

\_\_\_\_\_  
Date



### City of Port Lavaca Lawn Library Borrowers Guidelines

Development Services 202 N Virginia St. Port Lavaca, TX 77979  
(361)552-9793 buildingdepartment@portlavaca.org

#### Initials

- I am a resident or part of a community group in the City of Port Lavaca requesting to borrow item(s) from the Lawn Library for residential beautification. Community Group applicants require a letter with letterhead from community group and or 501(c3) certificate.
- \_\_\_\_\_ • I am responsible to pick up item(s) on the day and time reserved. Borrowed item(s) will be returned on the day and time indicated.
- \_\_\_\_\_ • I am responsible for any injury to self or damage to my property or the property of others occurring from the use of the Lawn Library equipment/tools.
- \_\_\_\_\_ • I am responsible for the use of tools by others/third party.
- \_\_\_\_\_ • I am 18 years of age or older.
- \_\_\_\_\_ • Power tools that require fuel (gas or oil mixture) will be loaned with an accompanying gas/oil mixture. I am required to purchase my own gas/oil mixture, if depleted, in accordance with the instructions and user manual for the tool/equipment (please refer to photo of gas/oil mixture).
- \_\_\_\_\_ • I agree to store tools in a secure location protected from potential theft and inclement weather.
- \_\_\_\_\_ • I will not use tools for Commercial, Agricultural use or for any financial gain.
- \_\_\_\_\_ • I agree that a \$50 late fee will be charged to the water account on file beginning on the 3<sup>rd</sup> day and will be penalized for 6-months with no access to the program.
- \_\_\_\_\_ • Tools that are not returned or returned damage and/or in non-working order, then 50% of the cost of replacements will be charged to the water account number listed above. Damage of the Tools above and beyond the "normal use" is your responsibility.
- \_\_\_\_\_ • By taking possession of the item(s), I am certifying I am capable of using and transporting the item(s) in a safe and proper manner.
- \_\_\_\_\_ • Borrower is responsible for any injury to self or damage to his/her property or the property of others occurring from the use of the Lawn Library equipment/tools.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date