



CITY COUNCIL REGULAR MEETING

Monday, April 08, 2024 at 6:30 PM

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

MINUTES

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

On this the 8th day of April, 2024, the City Council of the City of Port Lavaca, Texas, convened in a regular session at 6:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following members in attendance:

I. ROLL CALL

- | | |
|-----------------|---|
| Jack Whitlow | Mayor |
| Daniel Aguirre | 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:

II. CALL TO ORDER

- Mayor Whitlow called the meeting to order at 6:32 p.m. and presided.

III. INVOCATION

- Councilman Ward gave the invocation.

IV. PLEDGE OF ALLEGIANCE

- Mayor Whitlow – Pledge of Allegiance.

V. PRESENTATION(S) BY THE MAYOR

- Employee Service Award
 - Cyndi Heysquierdo – 20 Years Service - Public Works Department

- Introduction of new City Employees
 - Luke Wright – Code Enforcement Officer - Development Services Department
 - Kateryna Thomas – CIP and Grant Coordinator – Finance Department

VI. COMMENTS FROM THE PUBLIC - *Limited to 3 minutes per individual unless permission to speak longer is received in advance. You may make public comments as you would at a meeting on Zoom by logging on with your computer and/or smart phone as described in the zoom invitation below or on Facebook Live through the comment section, which will be monitored and answered. As appropriate.*

- Mayor asked for comments from the public and the following citizens spoke:
 - Rose Stewart, 161 Seascape, Port Lavaca, TX – Yards and Cleanup
 - Lynn Robles, 25 Koliba Lane, Port Lavaca, TX - Yards and Cleanup
 - Michael D. Clay, 1116 S. Virginia, Port Lavaca, TX – Substandard Bldgs
 - Marina Flores (no other info)

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

- A. Minutes of March 11, 2024 Regular Meeting**
- B. Minutes of March 25, 2024 Special Meeting and Workshop Session**
- C. Review of Credit Card Statement**
- D. Receive Monthly Financial Highlight Report**
- E. Receive Victoria Economic Development Corporation (VEDC) Monthly Report**
- F. Receive Investment Report for Quarter ending March 31, 2024**
- G. Ratify Engagement Letter from Pattillo, Brown & Hill, L.L.P. for Auditing Services of the City's Financials for Fiscal Year ending September 30, 2023**

Motion made by Councilman District 5 Ward

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

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

Seconded by Councilman District 2 Dent

Voting Yea:

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

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

1. **Conduct Public Hearing in accordance with the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, Section 12-291 - Notice (a) and (b), for the following properties listed: (Presenter is Derrick Smith)**
 - (a) **617 S. Ann St.**
 - (b) **126 Haviland**
 - (c) **506 S. Virginia**
 - (d) **306 W. Martin Luther King**
 - (e) **227 Tommy Dr.**

Mayor opened public hearing at 6:53 p.m.

Mayor closed the public hearing at 7:30 p.m.

No action necessary and none taken.

2. **Consider finding that the following properties listed, located in the City of Port Lavaca, Texas, are in violation of the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, following a Public Hearing held on December 11, 2023*. Presenter is Derrick Smith**
 - (a) **617 S. Ann St.**
 - (b) **126 Haviland**
 - (c) **506 S. Virginia**
 - (d) **306 W. Martin Luther King**
 - (e) **227 Tommy Dr.**

**(Author’s Note: Typographical error on “public hearing held on December 11, 2023” was corrected to the public hearing held on April 08, 2024).*

Motion made by Councilman District 2 Dent

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

THAT, in accordance with recommendation of staff, Council hereby finds that the following properties listed, located in the City of Port Lavaca, Texas, are in violation of the City of Port Lavaca Code of Ordinances, Chapter 12 Buildings and Building Regulations, Article IV - Substandard Buildings, following a Public Hearing held on April 08, 2024:

- (a) 617 S. Ann St.
- (b) 126 Haviland
- (c) 506 S. Virginia
- (d) 306 W. Martin Luther King
- (e) 227 Tommy Dr.

BE IT FURTHER RESOLVED, THAT this slate of listed properties are declared substandard and property owners/heirs are allowed ninety (90) days to fix or update.

Seconded by Councilman District 5 Ward

Voting Yea:

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

3. Consider approval of the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year ending September 30, 2023, prepared by the Audit Firm of Pattillo, Brown & Hill, L.L.P. Presenter is Jody Weaver

Mr. Pattillo of the Audit Firm of Pattillo, Brown & Hill, L.L.P. was in attendance via Zoom and went over the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year ending September 30, 2023.

Motion made by Councilman District 3 Tippit

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

THAT, Council hereby approves the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year ending September 30, 2023, prepared by the Audit Firm of Pattillo, Brown & Hill, L.L.P.

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

4. Consider request from the Port Lavaca Events Committee for a variance to the Code of Ordinance CH 32 Parks and Recreation, Article IV Park Regulations, Sec. 32-72 Park Rules Established (7) Parking or Loitering in public parks after 11:00 p.m. is prohibited; (regarding operating hours of Bayfront Peninsula Park on June 14, 15, and 16, 2024). Presenter is Tania French

Events Coordinator French advised Council that the Port Lavaca Juneteenth Committee has been diligently coordinating efforts for this year's celebration and is excited about the opportunity to commemorate this significant occasion with the community.

In previous years, many attendees of the Juneteenth celebration have enjoyed socializing and engaging in recreational activities, such as playing cards, at George Adams Park overnight. While this has been a cherished tradition for attendees, the committee has come to realize that it is not in compliance with park regulations, particularly at the Bayfront Peninsula Park, where the park closes at 11 p.m. unless individuals are fishing.

To accommodate the tradition of overnight socializing during Juneteenth celebrations, the committee seeks a variance for the weekend of June 14-16, 2024 to allow for overnight fellowship, games, etc. The committee would secure overnight security to ensure safety and compliance with other park regulations.

We believe that granting this variance will enable us to uphold the spirit of Juneteenth and provide an opportunity for our community both past and present, along with visitors, to come together in celebration and unity.

Motion made by Councilman District 3 Tippit

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

THAT, in accordance with recommendation of staff, Council hereby approves request from the Port Lavaca Events Committee for a variance to the Code of Ordinance CH 32 Parks and Recreation, Article IV Park Regulations, Sec. 32-72 Park Rules Established (7) Parking or Loitering in public parks after 11:00 p.m.is prohibited; (regarding operating hours of Bayfront Peninsula Park on June 14, 15, and 16, 2024).

Seconded by Councilman District 6 Barr

Voting Yea:

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

5. Consider request from the Port Lavaca Events Committee for a parade procession from George Adams Park to Bayfront Peninsula Park to celebrate Juneteenth, on Sunday, June 16, 2024, waiver of permit fees and assistance with traffic control. Presenter is Tania French

Events Coordinator French advised Council that this year marks the 50th anniversary of the Port Lavaca Juneteenth event. To honor this occasion and commemorate this significant milestone in our community's history, the Juneteenth committee is striving to align activities with this year's theme: "50 Years Standing Strong: Celebrating Our Past, Present, and Future."

With this goal in mind, the Juneteenth committee proposes integrating George Adams Park, an integral component of our heritage, into this year's celebrations. Our aim is to honor our heritage, acknowledge our progress, and envision a future filled with promise and possibility and the committee suggests beginning Sunday, June 16th festivities at George Adams Park followed by a parade before concluding at Bayfront Peninsula Park.

The proposed parade holds particular significance as it serves as a symbolic representation of honoring history while embracing the future. The main highlights of the Sunday events include:

- 1) Commencement at George Adams Park: The day will begin with a gathering at George Adams Park, where speakers will reflect on the historical significance of Juneteenth and offer prayers for continued unity and progress in our community.
- 2) Parade Procession: Following the opening ceremonies at George Adams Park, there will be a parade procession to Bayfront Peninsula Park. Metaphorically, this parade will act as a beacon, illuminating the path forward and laying the foundation for future generations to follow embodying our commitment to progress and continuity. We anticipate it will be a memorable experience.

- 3) Culmination at Bayfront Peninsula Park: The celebration will culminate at Bayfront Peninsula Park, where attendees will have the opportunity to partake in the annual fish fry and attend a church service. These activities will provide a meaningful conclusion to the weekend's festivities, fostering fellowship and camaraderie among all attendees.

In light of these plans, the committee respectfully requests approval from the Port Lavaca City Council for the following:

- Permission to conduct the parade procession from George Adams Park to Bayfront Peninsula Park.
- Assistance with traffic control measures to ensure the safety and smooth flow of the parade route.

By weaving together elements of remembrance, celebration, and anticipation, we will create a Juneteenth event that honors our past, celebrates our present, and embraces our future, while also promoting inclusivity and community engagement within Port Lavaca.

Motion made by Councilman District 6 Barr

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

THAT, in accordance with recommendation of staff, Council hereby approves request from the Port Lavaca Events Committee for a parade procession from George Adams Park to Bayfront Peninsula Park to celebrate Juneteenth, on Sunday, June 16, 2024, waiver of permit fees and assistance with traffic control.

Seconded by Councilman District 5 Ward

Voting Yea:

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

6. **Consider First reading of an Ordinance (G-2-24) of the City of Port Lavaca amending the basic Traffic Control Devices Ordinance G-6-86, Section 3, by adding new street locations in Burkeshire, Marshall Meadow and Seagull Subdivisions; Repeal Clause and effective date. Presenter is Jody Weaver**

Police Chief Rangnow advised Council that the request is to add additional traffic control devices (Stop Signs) in the Burkeshire, Marshall Meadows, and Seagull subdivisions. Several citizens have voiced concern about the lack of traffic control in this area. Citizens have noted vehicular speeds have increased due to lack of traffic control at the various intersections in said subdivisions. I recommend implementing traffic control signage at the following intersections:

- Meadowview Drive @ Bauer Drive (replace current yield sign with stop sign.)
- Suncrest Drive @ Bauer Drive (replace current yield sign with stop sign.)
- Avalon Avenue @ Bauer Drive (replace current yield sign with stop sign.)
- Burkedale Drive @ Elizabeth Street (replace current yield sign with stop sign.)

- Springwood Lane @Elizabeth Street (place stop sign on northside Springwood Lane)
- Suncrest Drive @ Avalon Avenue (place stop signs on north and south side of Suncrest.)

Motion made by Councilwoman District 4 (Mayor Pro Tem) Padron

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 the First reading of an Ordinance (G-2-24) of the City of Port Lavaca amending the basic Traffic Control Devices Ordinance G-6-86, Section 3, by adding new street locations in Burkeshire, Marshall Meadow and Seagull Subdivisions; Repeal Clause and effective date..

Seconded by Councilman District 5 Ward

Voting Yea:

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

7. Consider First reading of an Ordinance (G-3-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes; Chapter 50 Water basic rates; and providing an effective date. Presenter is Jody Weaver

Interim City Manager advised Council that when the City last increased the Water Base Rate in early 2023, the rate had been increased by \$0.38 to account for the then-planned 2022 Series Bond funding of \$393,688.79 to supplement the American Rescue Plan Act (ARPA) funds to pay for the Water Systems Improvement project (GST and HSPS). As you recall, the bids came in about \$2M over budget and as a result, we have committed a total amount of \$2,436,108.99 of the 2022 Series Bond funds to go towards this project (an increase of \$2,042,420.20).

Therefore, to collect adequate revenue from the water customers to pay for the proportional share of the 2022 Series debt service payments, we are proposing to increase the Base Water Rate by \$1.97 as follows:

Water Bond Series 2022 Funding	+ 5% interest rate on the Bonds	Divided by 20 years	Divided by 12 months	Divided by 4,545 customers	Less \$0.38 already added in 2023
\$2,436,108.99	\$2,557,914.44	\$127,895.72	\$10,657.98	\$2.34	\$1.97

Ms. Phyllis Boone, of 805 S. Colorado Street in Port Lavaca, was in attendance and voiced her concerns of the increased water rates. She said the increase is difficult because she is on a fixed income.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with the recommendation of staff, Council hereby approves the First reading of an Ordinance (G-3-24) of the City of Port Lavaca amending the Code of Ordinances, Appendix A - Fees, Rates and Changes; Chapter 50 Water basic rates; and providing an effective date.

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

8. Consider Resolution No. R-040824-1 of the City of Port Lavaca for the American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funding (SLFRF) Financial Management Policies & Procedures. Presenter is Jody Weaver

Motion made by Councilman District 2 Dent

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

THAT, in accordance with the recommendation of staff, Council hereby approves Resolution No. R-040824-1 of the City of Port Lavaca for the American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funding (SLFRF) Financial Management Policies & Procedures, a copy which is on file in the office of the City Secretary, in its entirety.

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

Seconded by Councilman District 6 Barr

Voting Yea:

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

9. Consider Resolution No. R-040824-2 of the City of Port Lavaca for the American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funding (SLFRF) Standards of Conduct and Conflict-of-Interest (COI) Policy. Presenter is Jody Weaver

Motion made by Councilman District 5 Ward

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

THAT, in accordance with the recommendation of staff, Council hereby approves Resolution No. R-040824-2 of the City of Port Lavaca for the American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funding (SLFRF) Standards of Conduct and Conflict-of-Interest (COI) Policy, a copy which is on file in the office of the City Secretary, in its entirety.

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

Seconded by Councilman District 6 Barr

Voting Yea:

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

10. **Consider Resolution No. R-040824-3 to adopt the Budgetary and Financial Management Policies for FY 2024-2025. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that as a pre-cursor to the annual budget process, the Budgetary & Financial Management Policies of the City were reviewed by the Finance Committee on February 06, 2024, with no changes being recommended by the committee. At the Council Workshop on March 25, 2024, one clarification of the Beach and Port Revenue Operating Fund was suggested as follows:

- **Beach and Port Revenue Ports and Harbors Operating Fund**
 - It will be the general policy of the City that the fees collected will be spent on maintenance and capital improvements of the facilities, grounds, and other structures of the respective funds. The general fund tax dollars will not be used for these purposes, except as a loan from the General Fund to the Beach or Port & Harbors Fund, approved by Council.

Port Commission Recommendation:

On April 02, 2024, at a Special Port Commission Meeting, the Port Commission made the following recommendation with a 5 to 1 vote:

- *The Port Commission recommends to the City Council to transfer all Property Taxes that are collected from Port Commission leased properties to the Ports and Harbors Fund to be allocated to the Port Commission for expenditure.*

An alternate edit to the Budgetary & Financial Management Policies to reflect this recommendation, should Council decide to approve, is as follows:

- **Beach Operating Fund**
 - It will be the general policy of the City that the fees collected will be spent on maintenance and capital improvements of the Beach Fund facilities, grounds, and other structures. The general fund tax dollars will not be used for ~~this~~ these purposes, except as a loan from the General Fund to the Beach Fund, approved by Council..
- **Ports and Harbors Fund**
 - It will be the general policy of the City that the fees collected will be spent on maintenance and capital improvements of the Ports and Harbors Fund facilities, grounds, and other structures. Annually, an amount equal to the sum of all property taxes collected from Port Commission leased properties shall be transferred from the General Fund to the Ports and Harbors Fund for which sum will be spent on maintenance and capital improvements of the Port facilities, grounds, and other structures. No other general fund tax dollars will be used for this purpose, except as a loan from the General Fund to the Ports and Harbors Fund, approved by Council.

Motion made by Councilman District 2 Dent

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

THAT, in accordance with the recommendation of staff, Council hereby approves Resolution No. R-040824-3 to adopt the Budgetary and Financial Management Policies for FY 2024-2025, with the altered edited portion as presented by Interim City Manager, a copy which is on file in the office of the City Secretary, in its entirety.

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

Seconded by Councilman District 5 Ward

Voting Yea:

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

11. **Consider Resolution No. R-040824-4 to approve the annual review of the City’s Investment Policy and Strategy ending March 31, 2024. Presenter is Jody Weaver**

Interim City Manager Weaver advised Council that as a requirement of the Texas Public Funds Investment Act and as per the City’s Investment Policy and Strategy, the City shall perform an annual review of the investment policy. On February 06, 2024, the City’s Finance & Investment Committee convened to review the current investment policy and found it to be adequate for the City’s needs without any changes.

Motion made by Councilman District 5 Ward

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

THAT, in accordance with the recommendation of staff, Council hereby approves Resolution No. R-040824-4 to approve the annual review of the City’s Investment Policy and Strategy ending March 31, 2024, a copy which is on file in the office of the City Secretary, in its entirety.

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

Seconded by Councilman District 6 Barr

Voting Yea:

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

12. **Consider request of the Police Department to declare three (3) fleet vehicles as surplus and authorize the disposal of said vehicles by releasing to Enterprise Fleet Management to auction off. Presenter is Colin Rangnow**

Police Chief Rangnow advised Council the Port Lavaca Police Department requests approval to declare the following vehicles as surplus and release said vehicles to Enterprise Fleet Management to auction off. Said vehicles were the last patrol units the City purchased.

Police Department:

Vehicle	Year	Make/ Manufacturer	Model	VIN Serial No.	Mileage
3785	2020	Ford	Explorer	1FM5K8ABXLGC14578	16,040
3632	2019	Ford	Explorer	1FM5K8ARXKGA63366	76,173
3631	2019	Ford	Explorer	1FM5K8ARXKGA63365	92,576

Motion made by Councilman District 5 Ward

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

THAT, in accordance with the recommendation of staff, Council hereby approves request of the Police Department to declare the following (3) fleet vehicles as surplus:

Vehicle	Year	Make/ Manufacturer	Model	VIN Serial No.	Mileage
3785	2020	Ford	Explorer	1FM5K8ABXLGC14578	16,040
3632	2019	Ford	Explorer	1FM5K8ARXKGA63366	76,173
3631	2019	Ford	Explorer	1FM5K8ARXKGA63365	92,576

BE IT FURTHER RESOLVED that Council also authorizes the disposal of said vehicles by releasing to Enterprise Fleet Management to auction off.

Seconded by Councilman District 1 Aguirre

Voting Yea:

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

13. **Consider approval of Change Order #4 of Community Development Block Grant – Disaster Relief (CDBG-DR) Phase 2 Streets and Drainage Improvement project in the amount of \$17,586.21. Presenter is Jody Weaver**

Public Works Director Shaffer advised Council that Change Order No. 4 for the Community Development Block Grant – Disaster Relief (CDBG-DR) Phase 2 Streets and Drainage Improvement project increases the current contract amount by \$17,586.21. As described below, the final contract amount is \$12,012.31 above the original contract price (0.26% increased).

Change Order No. 1: *included a 90-day extension*

- *Resolved quantity additions and subtractions due to items encountered/not encountered in the field or deemed not necessary like sodding or mailbox and sign removal/relocation; added \$44K for Nueces St sanitary sewer replacement that had to be done to resolve an unknown sewer conflict (discovered there were two parallel sewer mains in same road) with proposed storm sewer installation, added Mar-Mac couplings and collars that were required due to pipe material change under the TxDOT maintained road (Virginia St) to go from RCP to HDPE (occurred at both MLK and Chestnut crossing of Virginia and was part of TxDOT Utility Permit Requirements).*
- ***Net decrease in project cost of -\$3,880.50***

Change Order No. 2:

- *Took out the Onyx surface treatment and some RC-250 prime and pavement repair and added in cement treating/prime (MC-30) the roads that were not to be fully reconstructed but only receive seal coat and Onyx.*
- ***Net decrease in project cost of -\$1,693.40***

Change Order No. 3:

- *Included a 30 day time extension only*

Change Order No. 4: 12-day time extension,

- *Added a small amount of additional sidewalk due to tie-in locations/slopes to residences, resolved quantity for portions of Alice Wilkins and South Streets for cement treat and priming in Change Order No. 2.*
- *Net increase in project cost of \$17,586.21*

All four change orders combined result in a **net increase of Phase 2 cost of \$12,012.31 (0.26%)**.

Phase 1 final construction cost decreased from original cost by \$74,941.00; so combined Phase 1 and 2 final construction cost is a decrease of \$62,928.69.

Approval of the Final Pay Request and Release of Retainage will be presented to Council at the Special Meeting on April 29, 2024.

Staff recommends approval of Change Order No. 4, as presented, in the amount of \$17,586.21.

Motion made by Councilman District 1 Aguirre

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

THAT, in accordance with the recommendation of staff, Council hereby approves a Change Order #4 from CivilCorp of the Community Development Block Grant – Disaster Relief (CDBG-DR) Phase 2 Streets and Drainage Improvement project in the amount of \$17,586.21.

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

Seconded by Councilman District 2 Dent

Voting Yea:

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

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

Mayor Whitlow announced that there would not be a closed session.

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

There was no closed session.

IX. ADJOURNMENT

Mayor asked for motion to adjourn.

Motion made by Councilman District 6 Barr

Seconded by Councilwoman District 4 (Mayor Pro Tem) Padron

Voting Yea:

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

Meeting adjourned at 8:22 p.m.

These minutes were approved on May 13, 2024.

ATTEST:

Mandy Grant, City Secretary

Jack Whitlow, Mayor