

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

On this the 8<sup>th</sup> 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 of Port 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

One Tap Mobile

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

Dial by Your Location

+1 346 248 7799 US (Houston)

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 Ordinances, 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 Ordinances 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.

ATTEST:

\_\_\_\_\_  
Jack Whitlow, Mayor

\_\_\_\_\_  
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 Regular Meeting

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   |

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| 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:<br>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.

/s/ MANDY GRANT, CITY SECRETARY

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