



# REGULAR PORT COMMISSION MEETING

Tuesday, June 18, 2024, at 3:00 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 18<sup>TH</sup> day of June 2024, the Port Commission of the City of Port Lavaca, Texas, convened in a regular session at 3:01 p.m. in the regular meeting place in City Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas, with the following Commissioners in attendance:

### ROLL CALL:

Alex Davila	Commissioner / Chairman
Raymond Butler	Commissioner / Secretary
Mike McGuire	Commissioner
Sue Traylor	Commissioner
Robert Knox	Commissioner
Jamie O'Neil	Commissioner
Larry Nichols	Commissioner

### CONSENT AGENDA

#### 1. APPROVAL OF MINUTES

##### a) MINUTES OF MAY 21, 2024 - REGULAR MEETING

Motion made by Commissioner McGuire

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

THAT, the May 21<sup>st</sup>, 2024, minutes of the Regular Port Commission meeting held on June 18, 2024, are hereby approved.

Seconded by Commissioner Butler

Motion passed by the following vote:

Voting Aye: Alex Davila, Raymond Butler, Mike McGuire, Sue Traylor, Larry Nichols, Robert Knox, and Jamie O'Neil.

Voting Nay: None

**2. RECEIVE HARBOR MASTER'S INSPECTION / MAINTENANCE REPORT FOR MAY 2024.**

Motion made by Commissioner McGuire

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

THAT, the Harbor Master's May 2024 Inspection Reports of the Port Commission Regular meeting held on June 18<sup>th</sup>, 2024, are hereby approved.

Seconded by Commissioner Butler

Motion passed by the following vote:

Voting Aye: Alex Davila, Raymond Butler, Mike McGuire, Sue Traylor, Larry Nichols, Robert Knox, and Jamie O'Neil.

Voting Nay: None

## REPORTS

**3. RECEIVE FINANCIAL REPORTS OF PORT REVENUE FUND**

- a) Tariff Report
- b) Account Aging Report
- c) Payment Report
- d) Revenue and Expenditure Report
- e) Balance Sheet / Property Tax Distribution
- f) Profit and Loss Cash Flow Report

- A copy of these reports, in their entirety, can be found in the Port Commission meeting packet dated June 18<sup>th</sup>, 2024.

Agenda item discussed.

No action was taken.

**4. REVIEW US. ARMY CORPS OF ENGINEERS PUBLIC NOTICE NO. SWG-2024-00114, REGARDING THE PROPOSED LIVING SHORELINE PROTECTION PROJECT FROM FISHER HARBOR TO NEAR SCULLY'S**

The application for an Army of Corps of Engineer's permit has been submitted and the COE has published it for public comments. The deadline is July 8. On Friday, I emailed the Port Commission and Council a link to the publication. A comment letter to the COE in support of the project certainly wouldn't hurt.

## 5. CITY MANAGER'S REPORT.

### **City Harbor Flood Light billing:**

There still has been no change in the billing for the Flood lights at the Harbor of Refuge since we switched them to LED in December. I've asked Vee Strauss to see if she can track this down and will again work with GEXA on our end to get this resolved. Once we get the billing corrected, I will work with GEXA to get credit for the months since the new lights were installed mid-December.

### **Financial posting of Property Tax Revenue:**

As you recall, Council adopted a budgetary policy for the 2024-25 Fiscal year which states "It will be the general policy of the City that 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".

Brittney and I have discussed this, and our plan is to include revenue in the Ports & Harbors 2024-25 Budget from the general fund equal to the amount of 2023 tax dollars collected from Port Commission lease properties. At the end of each year, as we look at the budget for the next fiscal year, we will compare the actual tax dollars collected versus what was budgeted and consider any needed adjustment as we then budget the next fiscal year's revenue based upon the prior year's collections on these leased properties.

### **TPWL Grant – Renovations to the Nautical Landings Marina Breakwater:**

All the environmental documentation has been submitted to NOAA US Fisheries for final approval. I was told on May 15, that this could take 6 months. I then contacted the offices of both Congressman Cloud and Senator Cornyn for any help they could provide. Last week, I did get a response from Senator Cornyn's office with a copy of the response they received from NOAA US Fisheries basically saying that for anything different than "normal" to happen, an expedited request would need to be submitted and included the lengthy list of requirements for that. The request is not coming from us, and technically I don't think it's coming from TPWL either. I believe it's from the Texas Fish & Wildlife Service. Anyway, we'd have to convince the submitter to resubmit this as an expedited review, which will take time to prepare time and then it will take more time for the request for an expedited review to be reviewed, which may or may not be approved and all this may actually delay things longer than if we just wait. So, we're just going to wait and keep touching bases with them to hopefully move it along in less than 6 months. (Maybe Congressman Cloud's office will have better luck).

**ReStore (clean-up of old barge(s) in Smith Harbor)**

The Workplan has been prepared and submitted by our consultant Kim Griffith. We are awaiting approval by TCEQ before moving forward with bid package preparation or meeting any other environmental requirements that may arise.

**CDBG-MIT Round 2 Application for use of funds**

(Voluntary Restoration II and Culvert replacement at the Harbor of Refuge):

I had a meeting with KSBR (our grant administrator) and GLO yesterday to receive clarification on several RFI's that GLO has requested. It sounds like these RFI's are being asked of all applicants to help satisfy any future queries to GLO from HUD. The good news is at least someone has started to look at the application.

**Replacement of culverts under rail at Corporation Ditch (Harbor of Refuge)**

As you recall, we have made an application to utilize part of our allocation of CDBG-MIT funds to construct this project. See the comments above regarding the status of the grant application. Because the structural condition of the culverts has continued to deteriorate to the point that if we were to have a significant rain event this summer, the culverts may have caused upstream flooding, we contracted with Diamond K to remove a portion of the rail and then the Public Works Department rented equipment to remove the culverts to eliminate any potential obstruction.

**GLO CEPRA GRANT:** GLO is working with Mott McDonald for our two projects: 1) engineering phase for the shoreline protection projects at the Harbor of Refuge (Ports & Harbors) and 2) engineering study phase for shoreline protection and upgrades to protective groins at the Lighthouse Beach. (Lighthouse Beach Fund). The GLO is performing all the management of these two projects. There is an initial project meeting and site visit scheduled for June 26 with Mott McDonald and the GLO for the shoreline protection project at the Harbor of Refuge. We have paid our \$275,200 match, \$200,000 of which will be reimbursed by the Matagorda Bay Mitigation Trust Fund. We will submit for reimbursement as soon as the check clears the bank.

**Navarez Restaurant:** I am often asked for updates on this commercial construction project upland of Smith Harbor. I can report that construction is ongoing. They have removed their construction fence that was encroaching into the access easement on the lower level. There are some noted construction deficiencies that must be corrected before the construction is approved, including the approved plans were not followed such that the stairs to the restaurant level do not have a proper landing and the door swing is in the wrong direction.

**6. RECEIVE HARBOR MASTER'S OPERATIONS, PROMOTION/DEVELOPMENT ACTIVITY REPORT****a) City Harbor**

- 12 June 2024 placed add in the paper bid to lease track 9 & 9A.

**b) Nautical Landings Building**

- Working on building improvements lighting, two cupolas and storefront

on the south end of the building.

**c) Nautical Landings Marina**

- Horizon Environmental has been onsite 13 times since the last PC meeting.
- Working on dock improvements valves, lighting, cleats & lighting power washing deck boards.

**d) Smith Harbor**

- Harbor and parking lot improvements (Jody Weaver)

**e) Harbor of Refuge**

- Dredge pipe has been sold to Encore Dredging, has been pulled out water.
- 22 May 2024 will put ad in Port Lavaca Wave (Public Auction Lash Barges)  
We had two bids – (1) Glick Equipment LP. \$25,000  
(2) Encore Dredging \$15,000.
- Aerial spraying Precision Flying they have their chemical Rep. develop a recipe.
- 16 May 2024 Diamond K disassemble moved the track above the drainpipes.  
(Pipes have been Removed by Public Works.)

**ACTION ITEMS: NEW BUSINESS**

**7. RECEIVE AND DISCUSS STATUS REPORT FROM THE TARIFF DEVELOPMENT COMMITTEE.**

Jody Weaver provided the board with a DRAFT Tariff Circular NO 1 for Ports and Harbors.

- A copy of this draft can be found in the Port Commission meeting packet dated June 18<sup>th</sup>, 2024.

**8. SET DATE FOR BUDGET WORKSHOP TO DISCUSS THE 2024-2025 PORTS AND HARBORS BUDGET.**

Motion made by Commissioner McGuire

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

Commissioner Davila recommends a Special Port Commission Meeting for July 9<sup>th</sup>, 2024, to discuss tariffs and the 2024-2025 budget for Ports and Harbors.

Seconded by Commissioner Butler

Motion passed by the following vote:

Voting Aye: Alex Davila, Raymond Butler, Mike McGuire, Sue Traylor, Larry Nichols, Robert Knox, and Jamie O'Neil.

Voting Nay: None

## **COMMENTS**

### **9. COMMENTS FROM THE COMMISSIONERS.**

Agenda item discussed.

No action necessary.

## **ADJOURNMENT**

Commissioner Butler made a motion to adjourn the meeting.

Commissioner Traylor seconded this motion.

Motion passed by the following vote:

Voting Aye: Alex Davila, Raymond Butler, Mike McGuire, Sue Traylor, Larry Nichols, Robert Knox, and Jamie O'Neil.

Voting Nay: None

The meeting was adjourned at 4:30 p.m.

These minutes were approved on July 12, 2024.

ATTEST:

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Alex Davila, Chairman

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Rachel Garza, Admin Assist.