



REGULAR PORT COMMISSION MEETING

Tuesday, July 19, 2022, at 10:00 AM

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 19th day of July 2022, the Port Commission of the City of Port Lavaca, Texas, convened in regular session at 10:00 a.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	Chairman
David Roberts	Commissioner
Mike McGuire	Commissioner
Sue Traylor	Commissioner
Michael Kovarek	Commissioner
Jamie O'Neil	Commissioner
Larry Nichols	Commissioner

CALL TO ORDER:

Chairman Davila called the meeting to order and presided at 10:00 a.m.

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.*

CONSENT AGENDA

1. **APPROVAL OF MINUTES**
 - a) **MINUTES OF JUNE 21, 2022 - 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 minutes of the Port Commission regular meeting held on July 19, 2022, are hereby approved.

Seconded by Commissioner Kovarek.

Motion passed by the following vote:

Voting Aye:

Alex Davila, David Roberts, Mike McGuire, Sue Traylor, Mickael Kovarek, Larry Nichols, and Jamie O'Neil.

Voting Nay: None

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

- A copy of these reports, in their entirety, can be found in the Port Commission's meeting packet.

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 Inspection Report of the Port Commission regular meeting held on July 19, 2022, are hereby approved.

Seconded by Commissioner Kovarek.

Motion passed by the following vote:

Voting Aye:

Alex Davila, David Roberts, Mike McGuire, Sue Traylor, Mickael Kovarek, Larry Nichols, and Jamie O'Neil.

Voting Nay: None

REPORTS

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

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

- A copy of these reports, in their entirety, can be found in the Port Commission's meeting packet.

ACTION ITEMS: RECEIVE STATUS REPORTS**4. ACTION ITEM - RECEIVE STATUS REPORTS****a) Renovations to Nautical Landing Marina Breakwater - Presenter Jody Weaver**

- TPWL contacted Urban Engineering on July 8, 2022 needed some forms signed. We have completed these forms and have been told that all is in order now for the contract to be issued.

b) CDBG-MIT Coastal Resilience Project / Restore Grant - Presenter Jody Weaver

- A copy of the minutes to the engineering kick-off meeting can be found in the Port Commission's meeting packet 6/21/2022.
- No new information about the Restore Grant project.

5. ACTION ITEM - RECEIVE STATUS REPORTS ON SPECIAL PROJECTS**a) Status report of Restoration of Harbor of Refuge Tract 16 - Presenter Jody Weaver**

- The Voluntary Restoration project of the Tract 16 location is complete and closed out. As mentioned at the last Port Commission meeting a second location further north along the shore in what is known as Tract 17A has been identified by TCEQ as an area where the surface was disturbed. Urban Engineering will be surveying the site and working on a Voluntary Restoration Plan for this area.

b) CRG Limited Phase II Environmental Site Assessment of Harbor of Refuge Tracts 16, 17, and 17A - Presenter Jody Weaver

- No new updates

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

- Coastal Bend Demolition completed demoing old freezer plant cement slab June 17, 2022.

b) Nautical Landings Building

- Brown & Root has submitted a bid to make electrical upgrades and wood repairs to building \$95,000.
- G&W Engineering going to write a scope of work for bids.

c) Nautical Landings Marina

- Matt Estes City Attorney awaiting probate.
- Abandon boat – owner found, in process of auctioning boat.

- Horizon Environmental has been onsite 12 times since last PC meeting.
- d) Smith Harbor
- Dredge spoils waiting for it to dry out before shaping up piles.
- e) Harbor of Refuge
- We are going out for competitive bids on the trash clean up.
 - Alcoa completed hauling mulch June 28, 2022.

7. **CONSIDER APPROVAL OF JOB ORDER CONTRACT PROPOSAL FROM BROWN AND ROOT FOR ELECTRICAL SERVICE REPAIRS/UPGRADES TO NAUTICAL LANDINGS BUILDING**

Motion made by Commissioner McGuire

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

THAT, in accordance with recommendation by Port Commission hereby request to City Council to accept proposal from Brown and Root for electrical service repairs and upgrades to the Nautical Landing Building.

Seconded by Commissioner Nichols.

Motion passed by the following vote:

Voting Aye:

Alex Davila, David Roberts, Mike McGuire, Sue Traylor, Mickael Kovarek, Larry Nichols, and Jamie O'Neil

Voting Nay: None

ACTION ITEMS: RECEIVE REPORTS AND DISCUSS STATUS LEASES

8. **DISCUSS SCHEDULED ANNUAL ADJUSTMENT FOR HELENA'S LEASE**

- Helena's Ground Lease Agreement allows for the rent to be adjusted annually on August 1, pursuant to the increase in the Municipal Cost Index as of the latest date published prior to August 1.

Motion made by Commissioner Traylor

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

THAT, in accordance with recommendation by Port Commission hereby request to recommend to City Council to increase Helena Chemical's new MCI rate to eight percent (8%).

Seconded by Commissioner Nichols.

Motion passed by the following vote:

Voting Aye:

Alex Davila, David Roberts, Mike McGuire, Sue Traylor, Mickael Kovarek, Larry Nichols and Jamie O'Neil.

Voting Nay: None

ACTION ITEMS: NEW BUSINESS

9. **REVIEW DRAFT 2022-2023 FISCAL YEAR BUDGET FOR PORT AND HARBORS FUND**

The Port Operating Fund is a proprietary fund. It provides operations and maintenance for the ports and harbors. Revenues are generated through rentals of the harbor and dock facilities. The Port Fund encompasses the following activities:

- Rental of dock and harbor facilities
- Maintenance of dock, harbor facilities and channel
- Maintain associated buildings and physical assets
- Alternative funding options to upgrade the facilities

10. **REVIEW DRAFT 2022-2023 BUSINESS PLAN AND 2021-2022 ACCOMPLISHMENTS FOR PORT AND HARBORS FUND**

2022-2023 Business Plans (Objectives)

- Work with engineer on preliminary design and permitting for the CDBG — MIT Coastal resilience living shoreline 13.5-million-dollar project.
- Complete Breakwater project at Nautical Landings Marina.
- Continue working on Smith Harbor Improvements.
- Continue marketing Port properties.
- Complete electrical repairs to Nautical Landings Building.
- Continue Maintaining Lease agreements at facilities.
- Support economic development.
- Continue working on Texas Marina designation (Clean Harbors) for NLM
- Continue cleaning at Harbor of Refuge & stabilize shoreline.
- Perform quarterly inspections of the rail spur at the Harbor of Refuge

2021-2022 Accomplishments of Prior Year Business Plans

- Accepted as a corporate member of the Texas Ports Association
- Completed Repairs to Nautical Landing Marina.
- Completed Low Dock at City Harbor.
- Completed Scully's Bulkhead.
- Completed dredging of Smith harbor.
- Completed some repairs to NLB.
- Completed a Voluntary Restoration of a disturbed area at Tract 16 of the Harbor of Refuge
- Completed a Modified Phase II Environmental Site Assessment of Tracts 16, 17, 17A of the Harbor of Refuge
- Performed a Phase 1 Environmental Site Assessment of the entire Harbor of Refuge site south of the channel

11. DRAFT 5-YEAR CAPITAL IMPROVEMENT PLAN FOR PORT AND HARBORS FUND

CAPITAL IMPROVEMENT PLAN

TARGET TOTAL FOR CIP projects using reserves

2020/21			2021/22	2022/23	2023/24	2024/25	2025/26
	\$71,030 for CIP + 92,000 (already included in the \$717,000 in CIP) =	\$	463,030				

PORT REVENUE

Nautical Landings	2020/21	ACTUAL Spent/encumbered to date	Remaining	2021/22	2022/23	2023/24	2024/25	2025/26
TPWL Breakwater Match	\$ 125,000	\$ -	\$ 125,000	\$ 42,000				
Facelift to Building and replace doors	\$ 80,000	\$ 11,365	\$ 68,635	carry over				
Parking Lot Improvements				\$ 110,000				
Dredge NL Marina							\$ 80,000	
Smith Harbor	2020/21				2022/23	2023/24	2024/25	2025/26
Dredging of Smith Harbor	\$ 450,000	\$ 345,500	\$ 104,500					
Hire Consultant to develop Master Plan	\$ 50,000	\$ -	\$ 50,000	carry over				
Improvements Smith Harbor				\$ 110,000				
Improvements to Smith Harbor					375,000	\$ 375,000		
City Harbor	2020/21				2022/23	2023/24	2024/25	2025/26
Construct new bulkhead near Scully's/finger pier improvements	\$ 180,000							
Replace Lower Dock (N.J.C. portion for FEMA reimbursement)	\$ 360,000	\$ 234,361						
Repairs to Evelyn's Seafood Dock							\$ 220,000	
Harbor of Refuge	2020/21			2021/22	2022/23	2023/24	2024/25	2025/26
Shoreline Protection along east side of Tracts 16, 17, 17A				\$ 200,000				
Bulkhead at Harbor of Refuge								
Total Port Revenue Fund Reserves	\$ 1,245,000			\$ 462,000	\$ 375,000	\$ 375,000	\$ 300,000	\$ -

CLOSED SESSION

12. **ANNOUNCEMENT BY THE CHAIRMAN THAT THE PORT COMMISSION WILL RETIRE TO CLOSED SESSION**

FOR CONSULTATION WITH CITY ATTORNEY ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE PORT COMMISSION, UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS, CLEARLY CONFLICTS WITH THE OPEN MEETINGS ACT, IN ACCORDANCE WITH TITLE 5, CHAPTER 551, SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE

Chairman Alex Davila announced that Port Commission would “Pass” on closed session.

No Action necessary and none taken.

13. **RETURN TO OPEN SESSION AND TAKE ANY ACTION NECESSARY ON ITEM DICUSSED IN CLOSED SESSION**

Chairman Alex Davila announced that there would be no action taken.

No Action necessary and none taken.

COMMENTS

14. **COMMENTS FROM COMMISSIONERS**

No Comments.

ADJOURNMENT

Commissioner Roberts made a motion to adjourn the meeting.

Commissioner McGuire seconded this motion.

Motion passed by the following vote:

Voting Aye:

Alex Davila, David Roberts, Mike McGuire, Sue Traylor, Mickael Kovarek, Larry Nichols and Jamie O'Neil.

Voting Nay: None

Meeting adjourned at 11:50 a.m.

These minutes were approved on August 16, 2022.

ATTEST:

Alex Davila, Chairman

Rachel Garza, Admin. Assistant