



REGULAR PORT COMMISSION MEETING

Tuesday, April 18, 2023 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 18th day of April 2023, the Port Commission of the City of Port Lavaca, Texas, convened in regular session at 10:02 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	Commissioner / Chairman
Raymond Butler	Commissioner / Secretary
Mike McGuire	Commissioner
Michael Kovarek	Commissioner
Larry Nichols	Commissioner
Jaimie O'Neil	Commissioner

And with the following Commissioner absent:

Sue Traylor	Commissioner
-------------	--------------

CONSENT AGENDA

1. APPROVAL OF MINUTES

a) MINUTES OF MARCH 21, 2023 - 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 Regular Minutes and Workshop Minutes of the Port Commission regular meeting held on April 18th, 2023, are hereby approved.

Seconded by Commissioner Butler.

Motion passed by the following vote:

Voting Aye: Alex Davila, Mike McGuire, Larry Nichols, Michael Kovarek, Raymond Butler, and Jamie O'Neil.

Voting Nay: None

2. RECEIVE HARBOR MASTER'S INSPECTION / MAINTENANCE REPORT

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 March 21st, 2023, are hereby approved.

Seconded by Commissioner Butler.

Motion passed by the following vote:

Voting Aye: Alex Davila, Mike McGuire, Larry Nichols, Michael Kovarek, Raymond Butler, 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's meeting packet dated April 18, 2023

Agenda item discussed.

No action was taken.

4. RECEIVE STATUS REPORTS**a) Renovations to Nautical Landings Marina Breakwater - Presenter Jody Weaver**

Matt Glaze reports that Texas Parks and Wildlife has requested another revision to the Section 7 evaluation (Endangered Species requirements). We are waiting for the approval of these revisions. Once we receive that approval, there will be about 2 months or so of review time for the US Fish & Wildlife Service before we will receive authorization to bid.

b) Discuss property values and evaluations - Presenter Jody Weaver

Richard Jander reports that his restructured estimates will be available next week. Jody Weaver, City Manager, will email a copy to the Commissioners.

5. RECEIVE STATUS REPORTS ON SPECIAL PROJECTS**a) Status report regarding TCEQ inspection in June 2022 of Tract 17 and 17Ar - Presenter Jody Weaver**

- TCEQ Municipal Solid Waste did recently approve our application to "Disturb the surface of the landfill", which Urban Engineering prepared on our behalf. The application proposes completion with this "regrading" in about a year. Subsequently, TCEQ enforcement has now closed our Notice of violation case, so everything is good, but we need to begin working towards completion of this regrading project.

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

- As you recall CRG prepared and submitted an Affected Property Assessment Report to TCED on our behalf. We have had no response yet from TCEQ.

c) Project #9250 of the Texas Coastal Resiliency Master Plan and associated GLO CEPRA Grant application - Presenter Jody Weaver

- 2023 - Coastal Resiliency Master Plan is now live on the GLO's website.
<https://www.glo.texas.gov/coast/coastal-management/coastal-resiliency/resources/files/2023-tcrmp-overview.pdf>

This is a link to the overview and lists Project #9250 in Region 2 as being included. This project has three parts: Shoreline protection for the east side of the old landfill; the east (bay) side of the peninsula that protects the Harbor of Refuge and the east side of the wetland's areas at the south tip of the Harbor of Refuge track. I am working with Mott McDonald to prepare and submit a CEPRA grant application for these projects. They are not charging a fee to prepare this application.

Mott McDonald to prepare and submit a CEPRA grand application for these projects.

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

- 1) Miller Seafood lease will need letter by end May to exercise second option.
- 2) Big Bear lease up June 30, 2023.
- 3) Track 9 & 9A – may need a realtor to advertise.
- 4) Track 7, 8 & 11 – may need a realtor to advertise.
- 5) March 31, 2023, disposable oil boom out at City Harbor storm drain.
- 6) Getting pricing for CCTV Inspection for City Harbor storm drain.

B) Nautical Landings Building

- 1) Barefoot Construction commenced work on February 16, 2023

C) Nautical Landings Marina

- 1) Matt Estes City Attorney awaiting probate.
- 2) Abandon boat – Meet with Axis to discuss disposal of the boat.
- 3) Horizon Environmental has been onsite 15 times since the last PC meeting.

D) Smith Harbor

- 1) Dredge spoils getting cost to shape up piles.

E) Harbor of Refuge

- 1) LCI has been hauling fill material & stockpiling.
 - 2) Encore Dredging cleaning moving equipment to track 11.
 - 3) Clean up trash on track 3.
 - 4) Rail Spur repair & rain pipes under rail. **Motion Made**
- Comments from Jody Weaver, Interim City Manager will reach out to Brown and Root to prepare a purchasing cooperative price with engineering.
- 5) Aerial spraying – no updates.
 - 6) Illegally disposing of drywall - Code Enforcement located owner of license plate and issued citation.

Reference: E) Harbor of Refuge

4) Rail Spur repair & rain pipes under rail. **Motion Made**

Motion made by Commissioner Butler

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

THAT, Chairman Davila, task Jody Weaver, Interim City Manager, and staff the following:

- Advise Helena Chemical of the condition and quality of the rail.
- Advise City Council of the urgency for repairs and necessary funding.
- Collect bids and proposals as soon as possible.
- Call a special meeting to move forward to finalize scheduling of repairs.

Seconded by Commissioner McGuire.

Motion passed by the following vote:

Voting Aye: Alex Davila, Mike McGuire, Larry Nichols, Michael Kovarek, Raymond Butler, and Jamie O'Neil.

Voting Nay: None

ACTION ITEMS: LEASES

7. **New Lease Agreement for City Harbor Tract # SLIP CH1 with adjacent land to Big Bear Shrimp and Seafood, LLC. - Presenter Jody Weaver**

Attached is a draft Standard Lease Agreement for Slip CH1 and adjacent land at the City Harbor, with a draft Exhibit A.

As shown in the proposed exhibit, there is 923 sf of land where the steps and the building are. The magenta line is the property line of Scully restaurant, and you can see the 15 ft public access easement across their parking lot to get to this leased tract. It is my understanding that Big Bear does occasionally access the boat slip via Curtis Miller's lease with Mr. Miller's approval.

For consideration:

- Per the Valdrige report, on average, the Miller lease is 0.22 per sf of land with no additional valuation for boat slips.
- Poor Boy pays \$0.20 per sf plus \$250 per shrimp boat slip.

So, if we agree that the location of Poor Boys is more of a prime location than Slip CH1, and we use \$0.15 per sf + \$250 for the slip, that equals \$388.45. (He currently pays \$361.12)

I am proposing a 2-year lease with one or more options to extend either once for another 2 years or twice at one-year each. Each anniversary would come with an MCI increase — either straight MCI or min 2% max 5%.

- Comments from Chairman Davila, table until next Regular Port Commission Meeting.

COMMENTS

8. COMMENTS FROM COMMISSIONERS.

No comments.

ADJOURNMENT

Commissioner Butler made a motion to adjourn the meeting.

Commissioner Nichols seconded this motion.

Motion passed by the following vote:

Voting Aye:

Alex Davila, Mike McGuire, Michael Kovarek, Raymond Butler, Larry Nichols and Jamie O’Neil.

Voting Nay: None

The meeting was adjourned at 11:35 a.m.

These minutes were approved on May 16, 2023.

ATTEST:

Alex Davila, Chairman

Rachel Garza, Admin. Assistant