



## REGULAR PORT COMMISSION MEETING

Tuesday, November 15, 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 15<sup>th</sup> day of November 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	Commissioner / Chairman
David Roberts	Commissioner / Secretary
Mike McGuire	Commissioner
Michael Kovarek	Commissioner
Jamie O'Neil	Commissioner
Larry Nichols*	Commissioner

And with the following Commissioner absent:

Sue Traylor	Commissioner
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\* Commissioner Nichols left at 11:02 am during Agenda #9.

#### CALL TO ORDER:

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

#### CONSENT AGENDA

##### 1. APPROVAL OF MINUTES

- MINUTES OF OCTOBER 18, 2022 - REGULAR MEETING.
- MINUTES OF NOVEMBER 08, 2022 - SPECIAL 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 November 15<sup>th</sup>, 2022, 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.**

- A copy of these reports, in their entirety, can be found in the Port Commission's meeting packet dated November 15, 2022.

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 November 15, 2022, 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
- 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 November 15, 2022

Agenda item discussed.

No action was taken.

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

- No new updates.

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

- Still waiting on the TPWL contract CDBG-MIT Coastal Resiliency  
Attached is a copy of the October 2022 Mott MacDonald Progress Report.  
A copy of this report can be found in the Port Commission Packet dated November 15, 2022.  
Below is a link to Mott MacDonald's presentation on the Coastal Engineering Analysis performed and the Alternatives being considered which was presented at a meeting on November 4, 2022.  
<https://cleargov.com/texas/calhoun/city/port-lavaca/projects/7897/living-shoreline-breakwater-glo-cdba-mit-coastal-resiliency-grant>

**RESTORE**

- No new update. Still waiting on the TCEQ contract.

**c) Discuss property values and evaluations - Presenter Jody Weaver**

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, makes recommendation to expand the scope for Valdrige to include all of City Harbor, Nautical Landings Marina, Nautical Landings Marina Building, Smith Harbor, and all the holdings at the Harbor of Refuge including the waste site and gun range.

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

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

- The response to TCEQ regarding the Notice of Violation dated October 21, 2022, is due on November 20.
- Urban Engineering is working on a Request for a Voluntary Restoration of the areas that have been disturbed and will submit that by the end of this week.

- Encore is moving off of the property beginning November 15 and hopes to be off before Christmas and certainly before the end of the year. Encore has agreed to the terms recommended by Port Commission. Terms: 3-years, \$2500.00 with actual MCI.
- I have confirmation that all 3 of the shoreline protection projects we submitted for the 2023 GLO Coastal Resiliency Master Plan have been approved for inclusion. The call for GLO CEPRA grants will be in March with a due date in June, which can be used to construct shoreline protection along this bank. We are also expecting several million dollars of CDBG-MIT funds that could be used for this shoreline protection as well.

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

- On November 2<sup>nd</sup> we received a request from TCEQ to submit an "Affected Property Assessment Report". Our consultant John Hogue explains that an APAR is a more detailed evaluation and presentation of the data that has been taken. He expects this will require some additional groundwater monitoring. I have received CRG's proposal for the APAR Report and additional sampling for \$15,210.00. I will authorize this additional work which is due to TCEQ at the end of January.

A copy of the letter from TCEQ dated November 2, 2022; Email from John Hogue of CRG Environmental; CRG proposal for APAR Prep and Sampling can be found in the Port Commission's meeting packet dated November 15, 2022

6. **RECEIVE HARBOR MASTER'S OPERATIONS, PROMOTION/DEVELOPMENT ACTIVITY REPORT**

a) City Harbor

- City Manager is working on bid proposal for Track 9 & 9A to be put in the paper.

b) Nautical Landings Building

- Derrick Smith Director of Development is putting a scope of work together for the electrical upgrade, the cupola and north wall repairs to go out for bids.

c) Nautical Landings Marina

- Matt Estes - City Attorney awaiting probate.
- Abandon boat found owner. In process of auctioning boat.
- Horizon Environmental has been onsite 10 times since last PC meeting.

d) Smith Harbor

- Dredge spoils waiting for it to dry out before shaping up piles.

e) Harbor of Refuge

- Aerial spraying
- Matt Glaze with Urban Engineering is working on the voluntary restoration on track 17A.

**RECEIVE REPORTS AND DISCUSS STATUS OF LEASES****7. DISCUSS LEASE OF TRACT 7, 8 AND 11 AT CITY HARBOR.**

Motion made by Commissioner Nichols

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

THAT, in accordance with recommendation by staff, Port Commission hereby authorizes Wild Reef Seafood to maintain on a month-to-month basis at the current rate until May 1, 2023.

Seconded by Commissioner Kovarek.

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

**8. DISCUSS LEASE OF TRACT 3 AND 11 AT HARBOR OF REFUGE.**

Interim City Manager Weaver informed Commissioners that Tract 3 is unavailable to lease due to arrested materials being in the building and the liability it would cause if it were to be rented while the materials are still there. We are working with the attorney and all other parties to be compensated for the fact that this property can't be leased as of yet.

Interim City Manager Weaver advised Commissioners that Tract 11 has been leased effective November 15, 2022.

**9. DISCUSS LEASE OF TRACT 9 AND 9A, AT CITY HARBOR.**

Interim City Manager Weaver provided the Commissioners with a copy of the RFP for 9 and 9A. Advertisement will be in the Port Lavaca Wave beginning November 16, 2022.

Chairman Davila requested we expand our advertisement to other areas, Galveston and Corpus Christi area.

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

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

No Action necessary and none taken.

**11. RETURN TO OPEN SESSION AND TAKE ANY ACTION NECESSARY ON ITEM DISCUSSED IN CLOSED SESSION.**

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

**COMMENTS**

**12. COMMENTS FROM THE COMMISSIONERS.**

No comments.

**ADJOURNMENT**

Commissioner McGuire made a motion to adjourn the meeting.

Commissioner Butler seconded this motion.

Motion passed by the following vote:

Voting Aye:

Alex Davila, Mike McGuire, Michael Kovarek, Raymond Butler, and Jamie O'Neil.

Voting Nay: None

Meeting adjourned at 11:01 a.m.

These minutes were approved on December 20, 2022.

ATTEST:

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Alex Davila, Chairman

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Rachel Garza, Admin. Assistant