



# REGULAR PORT COMMISSION MEETING

Tuesday, March 19, 2024, 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 19<sup>th</sup> day of March 2024, the Port Commission of the City of Port Lavaca, Texas, convened in a regular session at 10:04 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
Mike McGuire	Commissioner
Robert Knox	Commissioner
Larry Nichols	Commissioner
Sue Traylor	Commissioner

And with the following Commissioners absent:

Raymond Butler	Commissioner / Secretary
Jamie O'Neil	Commissioner

### CONSENT AGENDA

#### 1. APPROVAL OF MINUTES

##### A) MINUTES OF FEBRUARY 20, 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 February 20<sup>th</sup>, 2024, Regular Minutes of the Regular Port Commission meeting held on March 19<sup>th</sup>, 2024, are hereby approved.

Seconded by Commissioner Traylor

Motion passed by the following vote:

Voting Aye: Alex Davila, Mike McGuire, Sue Traylor, Robert Knox, and Larry Nichols.

Voting Nay: None

**2. RECEIVE HARBOR MASTER'S INSPECTION / MAINTENANCE REPORT FOR FEBRUARY 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 February 2024 Inspection Reports of the Regular Port Commission meeting held on March 19<sup>th</sup>, 2024, are hereby approved.

Seconded by Commissioner Traylor.

Motion passed by the following vote:

Voting Aye: Alex Davila, Mike McGuire, Sue Traylor, Robert Knox, and Larry Nichols.

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 - \*\*Motion

A copy of these reports, in their entirety, can be found in the Port Commission meeting packet dated March 19<sup>th</sup>, 2024.

\*\* Reference – 3: f) Profit and Loss Cash Flow Report

Motion made by Commissioner McGuire

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

THAT, Chairman Davila, makes recommendation for staff to seek alternative services for housekeeping and maintenance supplies for Nautical Landing Building.

Seconded by Commissioner Traylor.

Motion passed by the following vote:

Voting Aye: Alex Davila, Mike McGuire, Sue Traylor, Robert Knox, and Larry Nichols,

Voting Nay: None

Motion carries.

#### 4. RECEIVE STATUS REPORTS

##### a) Renovations to Nautical Landings Marina Breakwater - Presenter Jody Weaver

- The following is a memo from Interim City Manager Weaver:

Below is the latest communication from Texas Parks and Wildlife regarding the back-and-forth review by the US Fish & Wildlife Service of the NMFS Endangered Species Act Section 7 requirements for the reconstruction of the breakwater in Nautical Landings. For further background, attached is the email string covering November 16, 2023 -January 8, 2024.

Julie is our newest contact with TPWL on this grant (our third). She has sent the latest of our responses back to USFWS. I spoke with her this morning, and she says that she will contact USFWS weekly for an update until we receive approval or MORE comments that we must address. The USFWS is out of Albuquerque, NM. Julie tells me that the reviewer is relatively new in this job but has been responsive to her. He is responsible for reviews of projects in 4 states.

So once FWS state it is good for complete review, then Julie will have to send it through the TPWD biologists for review, once they sign off on it, it then gets sent back to FWS for final signatures. So, we're still looking at some time.

Julie is going to keep me updated weekly. If we do not get any response within the next 2 weeks, I will reach out again to Mark Longoria to see if Congressman Cloud's office could provide a nudge to USFWS. As you recall it was USFWS that we waited a year for approval on the reconstruction of the Lighthouse Beach Fishing Pier. We've already

had several back-and-forth reviews, so TVVPL thinks we should be very near final approval.

I recognize that there are some that believe the fault of this delay rests at my feet. I have worked with Federal and State grants for over 40 years. Grants are great, but they do take time and any project, regardless of funding, which requires Army Corps of Engineers and/or USFW approval I have found can take years.

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

- Josh Carter, Coast and Harbor Engineering and Andi Binion, Triton Environmental presented a power point presentation update to the Port Commission board.
- The following is a memo from Interim City Manager Weaver:

On March 7<sup>th</sup>, our engineering consultants attended a pre-application meeting with the USACE for this project. Also

- Current and pending Action Items
- USACE and other Regulatory Next Steps
- Completed Project Tasks

Andi Binion with Triton Environmental Solutions is a subconsultant of Mott McDonald's charged with coordinating the regulatory coordination. She has been designated the City's agent through the permitting.

- A copy of the Monthly Progress Report from Mott McDonald and the Port Lavaca Living Shoreline Project USACE Pre-Application can be found in the Port Commission meeting packet dated March 19<sup>th</sup>, 2024.

**c) Restore Project - Presenter Jody Weaver**

- The following is a memo in its entirety, from Interim City Manager Weaver:

Samantha Litchke is the Grant Specialist from TCEQ that is working with us on this grant. She is working on a "Limited Waiver" document that will allow us to get reimbursed for expenses that are spent by our consultant Kim Griffith to prepare the "Work Plan." Without the Waiver, expenses incurred prior to the approval of the "Work Plan" are not eligible for reimbursement.

We do not anticipate this will take much longer and once given then OK to proceed, Kim has told me she could have the Work Plan complete within a few weeks.

**d) Culvert Replacement Project #P-2024-019 (CDBG-MIT Round 2 application) - Presenter Jody Weaver**

- There have been no new developments.

**5. RECEIVE STATUS REPORTS ON SPECIAL PROJECTS****a) Status report regarding Voluntary Restoration Project II at the Harbor of Refuge (CDBG-MIT Round 2 application) - Presenter Jody Weaver**

- The following is a memo in its entirety, from Interim City Manager Weaver:

I checked in with our Grant Administrator KSBR to see if they have heard anything regarding our application to use the CDBG-MIT Round 2 allocation. As previously reported, we have applied to use funds from our CDBG-MIT Round 2 allocation to fund this project.

KSBR has not heard anything other than that GLO is behind. If awarded, the engineer for this project will be Urban Engineering.

**d) Status report regarding GLO CEPRA Grant - Presenter Jody Weaver**

- The following is a memo in its entirety, from Interim City Manager Weaver:

GLO CEPRA GRANTS (HARBOR OF REFUGE SHORELINE PROTECTION)  
Attached are copies of the draft workplan received from the GLO for the Harbor of Refuge project. These will be used to write up the CEPRA Project Cooperation Agreement (CPCA). Joshua Carter, the project engineer, has submitted a Scope of Work to GLO **and they are** reviewing that.

Abigail Richardson is the CEPRA Project Manager for the GLO for this project. She tells me that the project is progressing. Recall this is an engineering project at this point — not construction yet. We will be applying for construction dollars under a future year's grant cycle.

It is my understanding that once the CPCA is executed, then we will submit our \$275,000 match payment (\$200,000 from MBMT fund grant and \$75,000 from General Fund reserves).

- A copy of the CEPRA Project No. 1783 Work Plan can be found in the Port Commission meeting packet dated March 19<sup>th</sup>, 2024.

**c) MBMT Grant Project Downtown Waterfront Public Access Improvement - Presenter Jody Weaver**

- The following is a memo in its entirety, from Interim City Manager Weaver:

Matt Glaze with Urban Engineering reports that the survey crew is scheduled to be on site for the topographic survey around March 21 or 22.

At the Council meeting on February 12, Council approved the contract with the Matagorda Bay Mitigation Trust for \$400,000 toward the proposed Downtown Waterfront Public Access Improvement Project with an estimated total cost of \$700,000. Half of the match funds will come from the General Fund and the other half from the Ports & Harbors fund.

At this same meeting the Council approved Urban Engineering Task Order No. 36 in the fixed fee amount of \$75,000 for the engineering design, surveying, permitting, bidding, and contract administration. The first \$50,000 of this will be paid for with MBMT trust dollars.

This project was discussed at a recent Green Infrastructure Workshop hosted by the City of Port Lavaca and presented by GLO Clean Coast Texas, and we are making plans to apply for Clean Coast Texas grant funding to go towards the \$100,000 budget in this project for Green Infrastructure drainage elements for the parking lot improvements.

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

### **a) City Harbor**

- 1) 8 March 2024 sent Prestige Oysters new lease. Awaiting signature.
- 2) Track 11 building redo flooring. \*\*Motion (1)

### **b) Nautical Landings Building**

- 1) 27 Feb. 2024 Allied Universal signed new lease, awaiting the original signature page.

### **c) Nautical Landings Marina**

- 1) 15 MARCH 2024 abandon sailboat and Estes boat have been crushed & hauled to dump.
- 2) Horizon Environmental has been onsite 14 times since the last PC meeting.
- 3) Cox boat, Auction started 13 MARCH 2024 ending 20 MARCH 2024

### **d) Smith Harbor**

\*\*No updates

### **e) Harbor of Refuge**

- 1) 14 MARCH 2024 Gulf Hydrographic & Coastal Consulting (Eddie Fisher) Helping with the COE permit.
- 2) 1 MARCH 2024 Sent Demand letter to Encore Dredging to clean tracks 16,17 & 17A.
- 3) Talking to Zach Chester with Manson Dredging (dredge pipe
- 4) Aerial spraying – will depend on the weather. \*\* Motion (2)

(1)

\*\* Reference – Agenda 6: City Harbor – Section a:2

Motion made by Commissioner Nichols

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

THAT, Chairman Davila, makes recommendation to authorize staff to make the added improvements to replace the floor at the old Evelyns Building in contingency that The Federation of Southern Cooperative sign a five (5) year lease.

Seconded by Commissioner Traylor

Motion passed by the following vote:

Voting Aye: Alex Davila, Mike McGuire, Sue Traylor, Robert Knox, and Larry Nichols,

Voting Nay: None

Motion carries.

(2)

\*\* Reference – Agenda 6: Harbor of Refuge – Section e:4

Motion made by Commissioner McGuire

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

THAT, Chairman Davila, makes recommendation to authorize staff to move forward with aerial spraying of the old land fill property.

Seconded by Commissioner Nichols

Motion passed by the following vote:

Voting Aye: Alex Davila, Mike McGuire, Sue Traylor, Robert Knox, and Larry Nichols.

Voting Nay: None

Motion carries.

**ACTION ITEMS: NEW BUSINESS**

7. **DISCUSS TARIFF COMPARISON STUDY AMONG TEXAS PORTS LED BY PORT COMMISSIONER RAYMOND BUTLER.**  
Tabled to the next Regular Port Commission Meeting.
  
8. **REVIEW HELENA AGRI-ENTERPRISES' LEASE AND TARIFF REQUIREMENTS.**  
Tabled to the next Regular Port Commission Meeting.
  
9. **DISCUSS TAXES PAID BY LESSEES AND THEIR ALLOCATION.**  
Tabled to the next Regular Port Commission Meeting.

**COMMENTS**

10. **COMMENTS FROM THE COMMISSIONERS.**  
Agenda item discussed.  
No action necessary.

**ADJOURNMENT**

Commissioner Nichols made a motion to adjourn the meeting.

Commissioner Traylor seconded this motion.

Motion passed by the following vote:

Voting Aye: Alex Davila, Mike McGuire, Sue Traylor, Robert Knox, and Larry Nichols.

Voting Nay: None

The meeting was adjourned at 11:40 a.m.

These minutes were approved on April 16, 2024.

ATTEST:

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Alex Davila, Chairman

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Rachel Garza, Admin Assist.