



REGULAR PORT COMMISSION

Tuesday, April 19, 2022 at 10:00 AM

City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

MINUTES

THE STATE OF TEXAS §
COUNTY OF CALHOUN §
CITY OF PORT LAVACA §

On this the 19th day of April, 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
Jamie O'Neil	Commissioner
Larry Nichols	Commissioner

And with the following Commissioner(s) absent:

Michael Kovarek	Commissioner
-----------------	--------------

Constituting a quorum for the transaction of business, at which time the following business was transacted:

CALL TO ORDER:

Chairman Davila called the meeting to order and presided at 10:11 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.*

- No Comments from the Public.

CONSENT AGENDA:

1. APPROVAL OF MINUTES
 - a) MINUTES OF MARCH 15, 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 March 15, 2022 are hereby approved.

Seconded by Commissioner Traylor

Motion passed by the following vote:

Voting Aye:

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

Voting Nay: None

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

Harbor Master Rudellat presented Commissioner with an Inspection and Maintenance Report for the following facilities:

- Nautical Landings Marina (NLM) and Smith Harbor
 - Dock A: there are six dock boxes with broken hinges and Three boxes missing.
 - Dock A: there are two 6' sections of rub rail damaged.
 - Dock A: fifteen broken cleats.
 - Dock B: two broken cleats.
 - April 8, 2022 Hayes Electric replaced bad 120 Volt GFI receptacles, Breaks One 50 AMP Plug, One 30 AMP Plug and Lights and Sensors on Power Stations.
- Nautical Landings Building (NB)
 - April 5, 2022 Barefoot Construction Upgraded the front Nautical Landings sign.
 - April 4, 2022 Hayes Electric was called out for the lights in Suite 2 and they found low voltage, the problem was in a disconnect and it was replaced. G&W Engineers is also working on a scope of work for the electrical upgrade.
 - January 28, 2022 roof leak appeared over Suite 2.
 - Working on plans for the front parking lot and sidewalk.
- Harbor of Refuge
 - April 6, 2022 Lester Contracting completed the voluntary restoration with the exception of replanting the Spartina grass.
 - April 6, 2022 found some damage to the vertical timber at the offset in bulkhead "design problem" damage was done before installing fenders.
 - April 13, 2022 Rexco hauled six loads of mulch for Alcoa to the mud pits in Point Comfort.
- City Harbor
 - April 6, 2022 American Commercial was called out and replaced a bad fan motor on AC System at Wild Reef Seafood.
 - September 27, 2021 Staff Concrete was awarded contract to replace some of the upper dock concrete and construct ADA access.
 - November 10, 2021 at 10:00 a.m. there was a pre-construction meeting at City Hall.

- March 18, 2022 Staff Concrete completed high dock, handrail & ADA ramp.
- Marvelous Gardens should have the sod put down behind Scullys the week of April 18, 2022.

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.

4. RECEIVE STATUS REPORTS OF ON-GOING PROJECTS

City Harbor:

- a) Repair of hill at Scully's – Presenter is Jim Rudellat

Nautical Landings:

- b) Renovations to Nautical Landing Marian Breakwater - Presenter is Matt Glaze
- c) Improvements to the Nautical Landings Marina Building - Presenter is Jim Rudellat

Smith Harbor:

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

Interim City Manager Weaver advised Commissioners that at the Council meeting on March 14, 2022, Council approved the professional services agreement (PSA) with our grant administrator KSBR. The engineering PSA will be ready for approval on April 25, 2022 as it is taking longer than expected to get GLO approval of the contract wording. As we have discussed previously, once the engineering contract is executed, Mott MacDonald will begin work to apply for the Army Corps of Engineers permit which is expected to take at least a year to secure.

By way of review, the project scope includes the construction of breakwaters/living shorelines and enhancing the shorelines by creating marsh habitats and oyster reefs-fish habitats. The project is proposed to extend from near the tip of Fisher Harbor up to near the Bayfront Peninsula and then from the north side of the peninsula up to near Scullys.

The total budget for the grant funds is as follows:

Construction	\$	11,648,175.00
Engineering	\$	1,109,350.00
Environmental	\$	100,000.00
Administration	\$	787,480.00
Total	\$	13,645,005.00

RESTORE: (update provided by former Development Services Director Jessica Carpenter, who is collaborating with us on this grant as a consultant).

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

It has been several months since City of Port Lavaca (CoPL) had submitted the RESTORE application for the sunken barges to Texas Commission on Environmental Quality (TCEQ). In this bucket there are three (3) projects. CoPL application was the second of the three projects to be submitted. TCEQ has reviewed the Copel application for the sunken barge removal project. There were application revisions and budgetary revisions. TCEQ's review was to ensure the application and budget was satisfactory to be submitted to U.S. Treasury, as this is the funding source for the grant. After several back-and-forth revisions and discussions, the CoPL application has been deemed complete and satisfactory to be submitted to U.S. Treasury along with the other two projects in this mitigation fund bucket.

The next steps under the U.S. Treasury review process will be to provide the letter of non-significance from the Texas Historical Commission. I have already reached out to request this letter. As well as, to update and complete the environmental checklist. There were significant gaps under the initial submittals and reviews. I am currently working on the environmental checklist. There is clear direction from TCEQ as to what it should contain and the resources to provide this information. If it is deemed a Subject Matter Expert (SME) must provide some of the checklist information this will be addressed as the checklist is processed. The procurement questionnaire is also underway by the CoPL Finance Department. There is a 3-month to 4-month window to complete the aforementioned supplemental documents while under the U.S. Treasury review process.

There is also the matter of barges just outside the boundary of Smith Harbor that will be remaining after this RESTORE barge removal grant project is completed. I have communicated with both the Texas General Land Office (GLO) and the National Oceanic & Atmospheric Administration (NOAA) to see if there is priority for these entities to remove the remaining sunken barges. GLO has the Derelict Vessel Removal program. There is tangible interest in removing the remaining barges by GLO under this program. I will have ongoing communications with GLO until a priority list or written confirmation of removal is established for CoPL. NOAA has a Marine Debris Removal grant program. I have researched and communicated to understand if the sunken barges remaining would qualify under the NOAA program. Under this Marine Debris Removal grant there is the Abandoned and Derelict Vessel program. This would be a competitive grant. It does appear that the remaining sunken barges would be applicable under this NOAA competitive grant; however, I am confident GLO will prioritize removal of the remaining sunken barges, but I am not eliminating a second opportunity for another grant through NOAA.

e) Disposal of Dredge Materials at Smith Harbor - Presenter is Jim Rudellat

f) Moorings for Poor Boy's Bait – Presenter is Jim Rudellat

Harbor of Refuge:

g) Heavy Truck Route - Presenter Jody Weaver

h) Train Crossing, escort and monitoring for hazardous cargos – Presenter is Joe Reyes

Fire Chief Reyes advised Commissioners that Helena chemical, located at South Virginia occasionally performs a chemical process called "reacting". Prior to performing this process, several rail cars are brought in through the City of Port Lavaca via railroad.

These rail cars contain hazardous materials in the form of Anhydrous Ammonia and Phosphoric Acid. Helena Chemical does notify us, via email and phone, when they plan to bring the hazardous material through the city. The Fire Department does attempt to escort the rail cars through the city when possible. Daily duties such as incident response, hydrant maintenance, training, and building inspections do hinder that attempt at times. The Fire Department maintains a close working relationship with Helena Chemical. We have held multiple training events to familiarize Fire Department personnel on the operation of equipment used in the reaction process, as well as emergency shut-down procedures. The rail car operators maintain speeds, during travel through the city, which are safe for the rail cars in the event of an accident or the event a rail car was to derail.

i) Emergency response training and preparedness – Presenter is Joe Reyes

Fire Chief Reyes advised Commissioners that all Fire Department personnel are trained and State-Certified in hazardous materials operations and awareness. In the event actions required are beyond their scope of training they would request assistance from the closest hazardous material technician team. As for an incident involving the specific chemicals being brought in by Helena Chemical they would refer to the recommended initial actions suggested the Emergency Response Guidebook to mitigate the situation. The Emergency Response Guidebook is a guidebook for first responders during the initial phase of a dangerous goods/hazardous materials transportation incident.

5. RECEIVE STATUS REPORTS ON SPECIAL PROJECTS

a) Voluntary Restoration of Harbor of Refuge Tract 16 . Presenter is Jody Weaver

Interim City Manager Weaver advised Commissioners that Lester Contracting completed the restoration project earlier this week. The Corps of Engineers has notified us that they will require some Spartina grass be replanted. We are waiting on the Corps to send us a planting plan so we can make plans to accomplish this. I will be working with Matt to submit the proper documentation to Texas Commission on Environmental Quality (TCEQ) to close this project out.

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

• Limited Phase II Environmental Site Assessment:

Interim City Manager Weaver presented Commissioners with an email from John Hogue regarding the supplemental work for the Limited Phase II Environmental Site Assessment and the updated response to Texas Commission on Environmental Quality (TCEQ). The report itself is over 130 pages, so I will post it on the Port Commission dashboard of our ClearGov site and provide a link from the Port Commission page of the City website.

• Wetlands Determination in the old landfill area of the Harbor of Refuge:

A copy of the Preliminary Waters of the U.S. investigation report is attached and is also uploaded to the dashboard. Three are some wetlands identified. Should we have the opportunity to lease the areas which are not currently leased, we will need to disclose the location of the wetlands with a copy of this report and if the City and/or a lease would like to bring fill into the area for development, a COE of engineer's permit would be required along with mitigation. Such mitigation could be planting more spartina grass at some location.

c) Cleanup at the Harbor of Refuge. Presenter is Jim Rudellat**6. RECEIVE REPORT OF HARBOR MASTER'S OPERATIONS, PROMOTION DEVELOPMENT ACTIVITY****a) City Harbor****b) Nautical Landings Building****c) Nautical Landings Marina****d) Smith Harbor****e) Harbor of Refuge**

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

ACTION ITEMS: NEW BUSINESS**7. CONSIDER RENTAL RATES & TERMS FOR LEASES.**

Section Number	Subject	Fee Amount
	<i>Tariffs:</i>	
	Oysters per sack	\$0.00
	Oysters per barrel	\$0.00
	Shrimp per ton	\$0.00
	Crude/condensate per barrel	\$0.10
	Crude/condensate per ton of bulk	\$0.65
	Public Dock Space	
	Per day per barge	\$200.00
	Harbor of Refuge	
	Dockage Space - LF/month	\$3.30
	Use of Rail Spur - LS/month	\$833.00
	Marina Rates	
	Dockage Space - LF/month	\$6.30
	110 v. 30-amp Connection :. per month	\$52.50
	220 V. 50-amp Connection - per month	\$105.00
	<i>Water and Trash Included in all rentals</i>	
	<i>If paid annually, will discount one month's rental.</i>	
	Transient rate < 35 ft.	\$15.75
	Transient rate > 35 ft.	\$21.00

Staff recommends that all new leases and slip rentals require payment via automatic bank draft.

No Action necessary and none taken.

8. CONSIDER LATE FEES ON ALL LEASES.

No Action necessary and none taken.

9. **HEAR REPORT FROM CALHOUN COUNTY CHIEF APPRAISER ON TAX APPRAISALS AT THE HARBOR OF REFUGE.**

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. appoint an Ad Hoc Committee consisting of Interim City Manager Jody Weaver and Commissioner Larry Nichols to work with Calhoun County Chief Tax Appraiser Jesse Hubbell in evaluating property at the Harbor of Refuge.

Seconded by Commissioner Roberts

Motion passed by the following vote:

Voting Aye:

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

Voting Nay: None

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

- **For consultation with City Attorney on matters 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 Davila announced that Port Commission would retire into closed session at 11:40 a.m.

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

Chairman Davila announced that Port Commission was back in open session at 11:55 a.m.

No Action necessary and none taken.

ADJOURN

Commissioner McGuire made a motion to adjourn the meeting.

Commissioner Nichols seconded this motion.

Motion passed by the following vote:

Voting Aye:

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

Voting Nay: None

Meeting Adjourned at 11:55 a.m..

These minutes were approved on May 17, 2022.

ATTEST:

Alex Davila, Chairman

Mandy Grant, City Secretary