



# REGULAR PORT COMMISSION MEETING

Tuesday, February 20, 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 20<sup>TH</sup> day of February 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
Raymond Butler	Commissioner / Secretary
Mike McGuire	Commissioner
Sue Traylor	Commissioner
Larry Nichols	Commissioner

And with the following Commissioners absent:

Robert Knox	Commissioner
Jamie O'Neil	Commissioner

### CONSENT AGENDA

#### 1. APPROVAL OF MINUTES

##### A) MINUTES OF JANUARY 30, 2024 - 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 January 30<sup>th</sup>, 2024, Special Minutes of the Regular Port Commission meeting held on February 20<sup>th</sup>, 2024, are hereby approved.

Seconded by Commissioner Butler

Motion passed by the following vote:

Voting Aye: Alex Davila, Mike McGuire, Raymond Butler, Sue Traylor, and Larry Nichols,

Voting Nay: None

**2. RECEIVE HARBOR MASTER'S INSPECTION / MAINTENANCE REPORT FOR JANUARY 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 January 2024 Inspection Reports of the Regular Port Commission meeting held on February 20<sup>th</sup>, 2024, are hereby approved.

Seconded by Commissioner Butler.

Motion passed by the following vote:

Voting Aye: Alex Davila, Mike McGuire, Raymond Bulter, Sue Traylor, 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

A copy of these reports, in their entirety, can be found in the Port Commission meeting packet dated February 20<sup>th</sup>, 2024.

Agenda item discussed.

No action was taken.

**4. RECEIVE STATUS REPORTS**

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

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

On January 26<sup>th</sup>, we did receive a letter of Permission to Extension the US Army Corps of Engineers Permit to construct these breakwater repairs by December 31, 2029.

Matt Glaze and I have reached out several times to TPWL by phone and by email to get a status on the USFW review but have had no return communications. I copied the Port Commission members on an email I sent on Saturday February 17<sup>th</sup> in which I copied Michael Cloud's office to see if they can help track down the status of this federal review of the project plans.

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

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

From: Mott McDonald:

I wanted to reach out to inform you that our subcontractor, Gray and Pape, is gearing up for the cultural resources data collection effort and is planning to mobilize the project site the week of February 26<sup>th</sup>. Amanda Evans will be on site and the point of contact for this work. I will follow up with you if anything changes with the schedule. As always, you can reach out to Josh Carter or me if you have any questions regarding this.

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

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

We are trying to schedule a meeting with TCEQ, Kim Griffith and myself for next week to look at the next steps with this grant. To clarify, we do have the executed contract for this grant and are working to recap all conversations and decisions made to date to make sure we are all on solid footing with the grant requirements before moving forward with writing the Scope of Work document.

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

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

There have been no new developments. I did reach out to Mr. Webber of Helena by email asking how he was doing getting up to speed and when he would be planning a visit to Port Lavaca. I will let you know when I hear back from him.

**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 from Interim City Manager Weaver:

As previously reported, we have applied to use funds from our CDBG-MIT - Round 2 allocation to fund this project. There is no new information to report. We hope to hear back from GLO regarding our application in March. If awarded, the engineer for this project will be Urban Engineering.

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

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

Received from Joshua Carter of Mott McDonald on February 5<sup>th</sup>: I was able to talk with Kevin Frenzel (GLO) and Abigail Richardson (GLO) this morning. We came to an understanding that we will have GLO remain as the lead if that works best for you. I still need to have a brief follow up with Kevin and Abigail and then I believe Abigail will reach out to you to reconfirm. If its ok, I'll work to get this finalized out with GLO early tomorrow and then Abigail will be back in touch.

I did speak with Abigal Richardson and confirmed that GLO has worked out an agreement with Mott McDonald so that GLO can remain the lead for these CEPRA grant projects and I agreed that is what we wanted. I am waiting for more details from GLO regarding the engineering contract and our payment of our committed matching funds of \$275,000 (\$200,000 of which are coming from a MBMT fund grant).

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

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

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 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) February 5, 2024 - Texas Ports Association meeting in Victoria.
- 2) February 4, 2024 - Tagged nonpaying boats.
- 3) February 28, 2024 – Current lease for Prestige Oysters expires 2/28. New lease pending signatures.

**b) Nautical Landings Building**

- 1) February 28, 2024 – Current lease for Allied Universal expires 2/28. New lease was ratified at the Council meeting held February 12<sup>th</sup>.

**c) Nautical Landings Marina**

- 1) February 15, 2024 - abandon sailboat pulled out of the water at HOR.
- 2) January 22, 2024 - Jerry Birkland boat sank. February 15, 2024, pulled out at HOR Pulled up to Gonzales Contracting yard.
- 3) Horizon Environmental has been onsite 13 times since the last PC meeting.
- 4) Cox boat, proceed with sale but having a few problems with paperwork.

**d) Smith Harbor**

- 1) January 23, 2024 – First meeting on the Restore Grant

**e) Harbor of Refuge**

- 1) Encore Dredging - cleaning and moving equipment to track 11. \*\*
- 2) Encore is in the process of purchasing the dredge pipe from Manson.
- 3) Aerial spraying.

**\*\*Reference: e) Harbor of Refuge**

*\*\*1) Encore Dredging cleaning moving equipment to track 11.*

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 for staff to send a demand letter to Encore to make the necessary arrangements to clean up Tract 11 in a months' time. If unable, City will take proper action and invoice Encore for the added expense.

Seconded by Commissioner McGuire.

Motion passed by the following vote:

Voting Aye: Alex Davila, Mike McGuire, Raymond Butler, Sue Traylor, and Larry Nichols,

Voting Nay: None

Motion carries.

**ACTION ITEMS: LEASES**

7. **DISCUSS NEW LEASE AGREEMENT FOR PRESTIGE OYSTERS INC - CITY HARBOR TRACT 10 - PRESENTER JODY WEAVER**

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 accept the proposed 5-year lease with no option to Prestige Oyster Inc.

Seconded by Commissioner Traylor.

Motion passed by the following vote:

Voting Aye: Alex Davila, Mike McGuire, Raymond Butler, Sue Traylor, and Larry Nichols.

Voting Nay: None

Motion carries.

**ACTION ITEMS: NEW BUSINESS**

**8. DISCUSS AND CONSIDER AMENDMENTS TO THE TARIFF 1A WHICH GOVERNS THE RULES AND FEES ASSOCIATED WITH THE WATER WAYS LOCATED IN THE CITY OF PORT LAVACA AND ITS ETJ - PRESENTER JODY WEAVER**

- Recommendations by Alex Davila, Chairman: Tabled until the next Regular Port Commission Meeting.
  
- The following is a memo from Interim City Manager Weaver:

The current rate schedule provides for only a monthly rent for commercial Fishing Vessels. This is because normally we do not have any boat slips available for rent besides those 2 slips next to Big Bear, which are on a monthly rate, but because Tract 9 is not currently leased, recently we had many boats come and go along the dock of Tract 9 for periods of days or weeks. Let's discuss how we want to address this for any future similar occurrence.

The question was brought up about whether we should be collecting tariffs for materials brought in by truck at the Harbor of Refuge. Our current Standard Form Lease states:

**" Section 5.02. Cargo Dockage Charges.** In addition to such Land Rent, Tenant shall pay all dockage charges for Tenant's use applicable under City's Tariffs as those charges accrue. Said charges are due on the first of each month and shall be assessed a late fee if paid after the 10th day of the month."

A close look at the language of the older version of the lease entered into with Helena in 2018, clarifies that the per ton of BULK materials tariff is for "material that crosses the dock".

I recommend we consider adding a specific fee for a "**Bulk product liquid or dry per ton** carried by rail" for clarification and to reflect what has historically been paid by Helena, being the same bulk rate whether it came by barge or rail.

Regarding materials brought by truck, we can discuss this during the meeting on Tuesday. Note: Helena is still paying the \$1,000/month use of rail fee, which is intended to pay toward maintaining the rail.

## COMMENTS

### 9. COMMENTS FROM THE COMMISSIONERS.

Agenda item discussed.

No action necessary.

## ADJOURNMENT

Commissioner Nichols made a motion to adjourn the meeting.

Commissioner Butler seconded this motion.

Motion passed by the following vote:

Voting Aye: Alex Davila, Mike McGuire, Raymond Butler, Sue Traylor, and Larry Nichols

Voting Nay: None

The meeting was adjourned at 11:13 a.m.

These minutes were approved on March 19, 2024.

ATTEST:

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Alex Davila, Chairman

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Rachel Garza, Admin Assist.