



REGULAR PORT COMMISSION MEETING

Tuesday, September 19, 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 19th day of September 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
Sue Traylor	Commissioner
Robert Knox	Commissioner
Larry Nichols	Commissioner

And with the following Commissioner absent:

Jaimie O'Neil	Commissioner
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CONSENT AGENDA

1. APPROVAL OF MINUTES

a) MINUTES OF AUGUST 15, 2023 - REGULAR MEETING

Motion made by Commissioner McGuire.

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

THAT, the minutes of the Port Commission, Regular Meeting held on September 19th, 2023, are hereby approved.

Seconded by Commissioner Traylor.

Motion passed by the following vote:

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

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 Special Meeting held on September 19th, 2023, are hereby approved.

Seconded by Commissioner Traylor.

Motion passed by the following vote:

Voting Aye: Alex Davila, Raymond Butler, 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

A copy of these reports, in their entirety, can be found in the Port Commission's meeting packet dated September 19, 2023.

Agenda item discussed.

No action was taken.

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

- Jody Weaver, Interim City Manager advised Commissioners, there is no new information at this time.

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

- Jody Weaver provided the board with a copy of the updated presentation that Mott McDonald shared on September 13th, regarding the project. Mott McDonald had to do some redesign when the Habitat Survey found that there were live oyster reefs conflicting in some areas with the proposed layout. They plan to meet with the COE in October and submit the permit application in November.
- Copies of this report can be found in the September 19, 2023, packet.

c) Restore Project - Presenter Jody Weaver

- Jody Weaver, Interim City Manager advised Commissioners, there is no new information at this time.

d) Culvert Replacement Project #P-2024-019 - Presenter Jody Weaver

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

As you recall in April, the Port Commission made a recommendation to Council to solicit bids to replace the culvert in Corporation Ditch under the railroad in the Harbor of Refuge. In June, the City Council approved Urban Engineering Task Order #32 to prepare bid documents. Plans were prepared to install 2 ea. 96" polymer coated Galvanized corrugated pipe. This allows for increased runoff that will come with future development.

We submitted the plans for UPRR review in accordance with our 1971 Track Agreement on 8.09.23.

Bids were opened on Wednesday September 6. Although we were anticipating at least two bids, only one was received from Lester Contracting, Inc. A bid tabulation is attached.

The Base Bid of \$749,850 is for the pipe specification that is specified by Union Pacific (8 Gauge thickness and comes only from Illinois with a lead time of 10-12 weeks). Alternate Bid No. 1 is for an alternate pipe specification that meets railroad E80 loading but is less expensive and is more available with a lead time of 4-6 weeks. We were unable to get any feedback from the railroad regarding the alternate pipe specification prior to bidding, so we bid both alternatives.

Lester Contracting states that once they have the pipe, the actual work will take approximately 30 days.

Our request for approval to use the alternate pipe spec has been submitted to UPRR engineering, but we do not anticipate a response until next week. My contact at UPRR stated that as long as the pipe meets the required E80 loading then it will probably be OK, but it is not his call.

Financial Impact:

The adopted FY 2023-24 Capital Improvement Plan has \$300,000 budgeted for this culvert work, so we will require another \$449,850 or \$339,850 from General Fund Reserves depending upon which alternate we are able to construct.

I have provided the bid tabulation to Helena and asked them to let us know how they can participate financially. They have an internal meeting scheduled for early next week to discuss. City Council voted to table a decision on a construction contract award until September 25 to provide time to hear back from Helena Chemical.

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

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

As you recall, TCEQ has approved our plan, which was prepared earlier this year by Urban Engineering, to construct a Voluntary Restoration of the shoreline along the east side of the Harbor of Refuge site which had been previously disturbed by a tenant. The attached Draft Opinion of Probable Cost for this project shows a cost of about \$426,000. Staff has proposed that we apply to GLO to use part of our \$9.1M allocation of CDBG-MIT dollars to fund this project.

We recently went out for Engineering RFQ's to select an engineer for this proposed project. A selection committee comprised of myself, Public Works Director Wayne Shaffer and Harbor Master Jim Rudellat reviewed and scored the 7 SOQ's received. The committee scored Urban Engineering the highest for this experience category (B) Shoreline erosion protection/restoration including coordination with TCEQ Municipal Solid Waste.

The City Council approved a resolution Monday night to select Urban Engineering from this RFQ solicitation. We are working with Grant Administrator KSBR on this application which is due on October 20.

Copies of these draft documents can be found in the September 19, 2023, packet.

- Opinion of Probable Cost
- General Location Map
- Restoration Exhibit.

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

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

We received the attached approval letter from TCEQ on August 15. Note in the 4th paragraph that TCEQ states that TRRP Standard B Commercial/Industrial has been attained and no post response action care is required.

TCEQ requires that we establish "institutional control" of the site, in other words memorialize the "commercial/industrial" designation with a deed restriction. They do not want any residential development on these tracts. Attached is the draft Environmental Deed Notice prepared by CRG, which will cover the 74 acres described in the landfill closure document.

Copies of these documents can be found in the September 19, 2023, packet.

- TCEQ Approval of the Affected Property Assessment Report (APAR) Draft copy of the required Environmental Deed Notice

c) Discuss proposed submittal of proposal to Matagorda Bay Mitigation Trust in response to Request for Proposals #2023-2024-01 - Presenter Jody Weaver

Comments from Interim Jody Weaver, Matagorda Bay Mitigation Trust has opened a request for proposals. The project that I have identified is to make some enhancements to the Poor Boy's Bait area. Propose the following:

- Bulkhead in front of Poor Boy's Bait area
- 8 or 10 ft public walkway
- deck for fishing and crabbing
- provide 4 transient public dock spaces – recreational only.
- deck for leisure.

A copy of the handout for Request of Proposals can be found in the September 19, 2023, packet.

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

A) City Harbor

- 1) AIMS Companies have scheduled CCTV to scan storm drains on September 20, 2023.

B) Nautical Landings Building

- 1) June 12, 2023, Barefoot Construction commenced work on the new electric service and siding replacement.
- 2) Received letter from Spiretek International requesting a new lease for 2024. Current Lease expires October 31, 2023

C) Nautical Landings Marina

- 1) Matt Estes boat sank Tuesday May 9, 2023, have contracted to have it refloated.
- 2) Abandon boat – no updates.

- 3) Horizon Environmental has been onsite 18 times since the last PC meeting.

D) Smith Harbor

- 1) Dredge spoils – no updates

E) Harbor of Refuge

- 1) LCI has been hauling fill material & stockpiling.
- 2) Encore Dredging cleaning moving equipment to track 11.
- 3) RR drain culvert replacement bid opening September 6, 2023, received one bid LCI.
- 4) Contacted by Jason Svetlik with Simplot about available property to lease.
- 5) Dredge pipe west shoreline – trying to contact the owner.
**Chairman Alex Davila task Robert Know, Jody Weaver and Jim Rudellat to draft a demand letter.
- 6) Aerial spraying – no updates

Motion made by Commissioner Knox.

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

THAT, Chairman Davila, makes recommendation to propose to Council to eliminate the option to provide Liveaboard's at the Nautical Landings Marina.

Seconded by Commissioner McGuire.

Motion passed by the following vote: Voting Aye: Alex Davila, Mike McGuire, Raymond Butler, Sue Traylor, Robert Knox, and Larry Nichols.

Voting Nay: None

RECEIVE REPORTS AND DISCUSS STATUS OF LEASES

7. DISCUSS NEW LEASE AGREEMENT FOR SPIRETEK INTERNATIONAL
- PRESENTER JODY WEAVER

Port Commission made a recommendation to staff to add janitorial service to Spiretek's new lease agreement and table until the next Regular Port Commission Meeting on October 17, 2023.

COMMENTS

8. COMMENTS FROM THE COMMISSIONERS.

Agenda item discussed.

No action necessary.

ADJOURNMENT

Commissioner Nichols made a motion to adjourn the meeting.

Commissioner McGuire seconded this motion.

Motion passed by the following vote:

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

Voting Nay: None

The meeting was adjourned at 11:50 a.m.

These minutes were approved on October 17, 2023.

ATTEST:

Alex Davila, Chairman

Rachel Garza, Admin. Assistant