



REGULAR PORT COMMISSION MEETING

Tuesday, October 15, 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 15TH day of October 2024, the Port Commission of the City of Port Lavaca, Texas, convened in a regular session at 10:03 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
Sue Traylor	Commissioner
Larry Nichols	Commissioner
Jamie O'Neil	Commissioner

And with the following Commissioners absent:

Raymond Butler	Commissioner / Secretary
----------------	--------------------------

CONSENT AGENDA

1. APPROVAL OF MINUTES

A) MINUTES OF SEPTEMBER 17, 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 September 17th, 2024, minutes of the Regular Port Commission meeting held on October 15th, 2024, are hereby approved.

Seconded by Commissioner Traylor

Motion passed by the following vote:

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

Voting Nay: None

Motion carries.

2. RECEIVE HARBOR MASTER'S INSPECTION / MAINTENANCE REPORT FOR SEPTEMBER 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 September 2024 Inspection Reports of the Port Commission Regular meeting held on October 15th, 2024, are hereby approved.

Seconded by Commissioner Traylor

Motion passed by the following vote:

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

Voting Nay: None

Motion carries.

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 October 15th, 2024

Agenda item discussed.

No action was taken.

4. CITY MANAGER'S REPORTS.

- City Harbor Flood Light billing: The current bill at \$0.06287/kwh is \$339.45. The bill for the HPS lights at this same energy rate was \$624.88, so a savings of \$285/month.
- TPWL Grant – Renovations to the Nautical Landings Marina Breakwater: Julie Dillard, the TPWL Boat and Target Range Grant Manager told me on Monday that “Fish & Wildlife Service confirmed that they had sent to U.S. Fisheries all of the follow-up information they had requested last month and that FWS expects to hear something from U.S. Fisheries “any day now”, but do not have a firm timeline for a response.” U.S. Fisheries is whose approval is holding everything up.
- CDBG-MIT Coastal Resilience Living Shoreline Project
See latest Project Status Report and update on the USACE permit application attached
- ReStore (clean-up of old barge(s) in Smith Harbor)
Our consultant Kim Griffith is working on the environmental permit application and the bid documents.
- CDBG-MIT Round 2 Application for use of funds No new information.
- Replacement of culverts under rail at Corporation Ditch (Harbor of Refuge)
No new information
- GLO CEPRA GRANT: No update information from GLO on progress.
- MBMT Grant Downtown Waterfront Public Access Improvement:
The COE permit has been submitted and we have submitted Status Report 1 (attached) and requested reimbursement 1 for \$25,200.00.
- Wetlands and Waters of the U.S. Delineation – 70 acres at the Harbor of Refuge.
CRG Texas has submitted a draft report which is attached.
 - From John Hogue: To summarize, 3 broad classes of wetlands totaling 37.7 acres of these were identified. Of that, 0.38 acres of wetland were found to fall beyond USACE and EPA jurisdiction. Two of these, wetlands B and C totaling .36 acres are located within a disposal / placement area. The larger area adjacent to the Bay would be regulated. The remainder of the site area is upland and not subject to USACE regulation.

5. RECEIVE HARBOR MASTER'S OPERATIONS, PROMOTION/DEVELOPMENT ACTIVITY REPORT**a) City Harbor**

- 1) September 9, 2024, have a signed lease from Mike Hooks Dredging. Slip CH2 & CH3 .4 acres for parking \$1050 month.
- 2) September 12, 2024, US Army Corps needing to long term slips.

b) Nautical Landings Building

- 1) Working on building improvements lighting, two cupolas and storefront at the south end of the building.

c) Nautical Landings Marina

- 1) Horizon Environmental has been onsite 14 times since the last PC meet.

d) Smith Harbor

- 1) No updates

e) Harbor of Refuge

- 1) August 14, 2024, CRG was onsite to start wetland delineation so we can commence leveling & spreading dirt.
- 2) August 27, 2024, LCI delivering material from Alamo Heights Road project.
- 3) Weed control spraying.

ACTION ITEMS: NEW BUSINESS**6. DISCUSS NEW LEASE AGREEMENT FOR ENCORE DREDGING PARTNERS, LLC HOR TRACT 3 - PRESENTED BY JODY WEAVER**

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

The current lease of Tract 3 in HOR to Encore Dredging will expire on November 30, 2024. As of the latest MCI increase effective October 1, 2024, they are currently paying \$3,076.68/month for this 4.3-acre tract, which includes a metal building. The tract has adjacent access to 463.15 LF of public dock, although currently most of this length is unavailable due to the barge being placed there.

In previous leases of this tract, the monthly dockage fee was charged in lieu of daily dockage rates with the agreement that this monthly rate privilege could be revoked at any time if any issues of conflict arose with other vessels

paying a daily rate. The Port Commission needs to discuss whether this offer is to continue once the barge is moved.

We have received the following communication from Encore. The previous lease was for One year with a One-Year option (which was taken).

From: Hillary Franke <hfranke@encoredp.com>

Sent: Friday, October 11, 2024 12:07 PM

To: Rachel Garza <rgarza@portlavaca.org>

Cc: Jim Rudellat <irudellat@portlavaca.org>; Mark Slider <mslider@encoredp.com>

Subject: RE: Request for new lease agreement / HOR Tract 3

Good afternoon,

Encore Dredging Partners (Inland Dredging Company) would like to request a new lease agreement for Harbor of Refuge - Tract 3.

We understand the new rates need to be negotiated and we are open to longer leasing terms that we currently have.

Would you please coordinate a meeting at your convenience where we can discuss these items?

Thanks,

Hillary Franke

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 negotiate a three (3) lease with Encore Dredging Partners, LLC, with an annual MCI increase and review the property rates.

Seconded by Commissioner O'Neil.

Motion passed by the following vote:

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

Voting Nay: None

Motion carries.

ACTION ITEMS: NEW BUSINESS

**7. DISCUSS STATUS REPORT FROM THE TARIFF DEVELOPMENT COMMITTEE
- PRESENTER JODY WEAVER**

Jody Weaver, Interim City Manager, advised the Port Commission that Appendix A Chapter 54 Waterways Rate and Fees were approved by Council effective October 1st, 2024. She also advised the Port Commission that she had reached out to a firm for a consultation with a Maritime Attorney regarding the Tariff Circular Draft.

COMMENTS

8. COMMENTS FROM COMMISSIONERS

Agenda item
discussed.

No action necessary.

ADJOURNMENT

Commissioner Nichols made a motion to adjourn the meeting.

Commissioner O'Neil seconded this motion.

Motion passed by the following vote:

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

Voting Nay: None

The meeting was adjourned at 10:49 a.m.

These minutes were approved on September 19, 2024.

ATTEST:

Alex Davila, Chairman

Rachel Garza, Admin Assist.