



PORT COMMISSION REGULAR MEETING

Tuesday, August 03, 2021, 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 §

MINUTES OF 08/03/2021 REGULAR PORT COMMISSION MEETING

The Agenda having been properly posted, Chairman Alex Davila called the meeting to order at 10:05 A.M. on Tuesday, August 3, 2021. Members attending were Commissioner David Roberts, Commissioner Mike McGuire, Commissioner Sue Traylor, Commissioner Larry Nichols, Commissioner Michael Kovarek, and Commissioner Jamie O'Neil. City Staff attending were, City Manager Jody Weaver, Finance Director Susan Lang, Harbor Master Jim Rudellat and Rachel Garza. Visitors in attendance Matt Glaze, Urban Engineering.

CONSENT AGENDA

1. MINUTES OF REGULAR MEETING JULY 6, 2021
*A motion was made to approve the minutes by Commissioner Mike McGuire, Seconded by Commissioner Larry Nichols.
Motion Carries*
2. MINUTES OF THE SPECIAL MEETING JULY 21, 2021
*A motion was made to approve the minutes by Commissioner Mike McGuire, Seconded by Commissioner Larry Nichols.
Motion Carries*
3. RECEIVE HARBOR MASTER'S INSPECTION / MAINTENANCE REPORT
*Checklist submitted by Jim Rudellat, Harbor Master.
Commissioners discussed this agenda item.
No action necessary and none taken.*

REPORTS

4. RECEIVE FINANCIAL REORTS 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

Account Aging Report: Jim Rudellat, Harbor Master will continue to follow up on all past due all accounts.

City Manager's Office will start addressing the late fees on past due leases.

Cable One Inc. – Jody Weaver, City Manager and Susan Lang, Finance Director will reach out to Cable One regarding past due amount.

No action necessary and none taken.

5. RECEIVE STATUS REPORTS OF CAPITAL IMPROVEMENT PROJECTS

a) Upper Docks at City Harbor

Plans are ready to bid.

Plan to advertise to bid 8/11/21, open bids 9/2/21.

b) Dredging of Smith Harbor

Urban was notified by the contractor that their schedule was delayed to the amount of rain that occurred in early July. I'm waiting to hear the revised schedule.

c) Renovations to Nautical Landings Marina Break-water - TPWL Grant

Discussed preliminary plans with City staff. Evaluating alternative designs to minimize costs due to increase in lumber prices. Preparing to send to the TPWD for review and comment to allow bidding.

d) Improvements to the Nautical Landings Marina Building

Working on facelift on front building — removed old plants and repairing sign.

Victor Fredrickson working on a scope to replace the doors.

6. RECEIVE STATUS REPORTS ON SPECIAL PROJECTS

a) Voluntary Restoration of disturbed final cover at the Harbor of Refuge Tract 16.

Jim Rudellat and Jody Weaver drove around RLB's lease, on July 23 and took some photos. Have reached out to Mr. Boyd and sent him the pictures asking for an update on their schedule for clearing the property by the end of September. I directed attention to a photo of several unlabeled rusting metal drums of particular concern that needs to be addressed now. I also asked for an update to the schedule for completing the Voluntary Restoration, now that we've had a period of dry weather. Recall that the scope includes providing 18" of clay soil and 6" of topsoil over an area of about 150' x 95' and graded to drain.

Motion was made to turn the lease over to the City Attorney, Anne Marie Odefey and move forward.

RECUSED – Commissioner David Roberts

AYES: Commissioner Mike McGuire and Commissioner Sue Traylor

NAYS: Commissioner Larry Nichols, Commissioner Michael Kovarek, Commissioner Jaime O'Neil
Motion Fails.

b) Limited Phase II Environmental Site Assessment of Harbor of Refuge Tracts 16, 17, and 17A.

The Phase II Environmental Site Assessment has been submitted to TCEQ, but to date, we have had no Communication with TCEQ. CRG Environmental is going to reach out to TCEQ to see if anyone has been assigned to it yet.

c) Proposed Air Burner for Brush Operations and Cleanup at the Harbor of Refuge.

I have had a conversation with Commissioner Hall and was able to confirm that the fairgrounds can be ruled out as a potential site for the air burner. I have reached out to Charles Hausman to confirm the same regarding any of the acreage that the Port owns near Magnolia/Alamo Beach off of Hwy 316. We looked into some land at the north end of Village Road, but the fear was it was too close to current and future residential areas. We have identified a tract about 4.5 miles northwest of town that we are considering. Republic has preliminarily said it would probably be OK, so next step is to contact TCEQ to see if HWY right-of-way can be within the 300 ft buffer zone. Republic is scheduled to chip all of the brush that has been collected out at the Harbor of Refuge sometime during the month of August. Republic has told me that they will accept any and all chips we can take to them at the Victoria Landfill. Philip Gonzales estimates that it'll cost around \$200 per trip and each trip would carry on average 35 cubic yards of chips. I'm waiting on an estimate from Republic on how many yards of chips we expect out of this year's brush and will go back into my notes to see how many yards we generated last year to come up with an estimated cost for consideration.

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

a) City Harbor

Miller Seafood has the lease, which is up July 30, 2021.

b) Nautical Landings Building

Working on facelift on front building — removed old plants and repairing sign.

Victor Fredrickson working on a scope to replace the doors.

c) Nautical Landings Marina

1) Dominic Diodato, we are awaiting court date.

2) Matt Estes awaiting Probate.

3) Abandon boat

4) Horizon Environmental been onsite 3 times since last PC meeting

d) Smith Harbor

1) Poor Boys Bait, we are working on lease and awaiting a copy of his DBA, up August 31, 2021

2) Dredging, Derrick Construction they are behind schedule due to weather.

e) Harbor of Refuge

1) Helena Agri- Enterprises, are waiting on communication back from them on tariff rates.

*2) Diamond K track evaluation done May 27, 2021, bid the required work Diamond K \$18,298.00
Lone Star Railroad Contractors \$18,775.00. Awarded to Diamond K.*

3) Chief Rangnow has researched and made the decision on the cameras for the Harbor of Refuge.

RECEIVE REPORTS AND DISCUSS STATUS OF LEASES

8. NEW LEASE FOR POOR BOY'S BAIT AT SMITH HARBOR

I (Jody Weaver) am proposing that there is no increase in \$1300/month rental rate for Poor Boys Bait Stand in exchange for a commitment from Poor Boys to place a minimum half page ad in the Fall and Summer Visitors Guide of each year during the term of the lease. This is currently a value of approximately \$1,000 per year. Note a \$1,000 increase amounts to 6.4% over the current lease, but these advertising dollars are a win-win for both the City and Poor Boys. The city may not directly see this increase in cash payments of rent, but will see benefit in increased tourism and dollars spent in the city, not only at Poor

Boys, but at gas stations, restaurants, hotels, etc. Following the first year, the rent would be adjusted per the Municipal Cost Index with a 2% minimum and 5% maximum. I will work with Mr. Reyna to provide a sign-in sheet for out-of-town patrons so we can all see where his customers are coming from.

*Motion to accept a two (2) year lease to Mr. Asensio Reyna with an MCI max of five percent (5%).
Motion was made by Commissioner Mike McGuire and Seconded by Commissioner Michael Kovarek.
Motion carries.*

9. NEW LEASE OF TRACT 9 AND 10 AT CITY HARBOR

*After the last meeting when the Port Commission recommended reducing the right-of-way of the road in Tract 9 from 50 ft to 25 ft in width, I realized that additional width will be required at the east end in order to enter the adjoining property through the existing gate. (See the attached sketch).
The next step is to make formal notification to the adjoining landowner of the City's intent to reduce to right-of-way to see if he has any concerns. We will get this accomplished next week. If in fact there is plan to fence in the boundary of Tract 9, or we cannot work out an access easement with the future tenant, we will need to widen the road base to provide a driveway within this 25 ft to access the adjoining property*

Recommendation was made to reduce the right-of-way to 22.5 ft.

10. DISCUSS STATUS OF LEASE FOR T.W. LAQUAY MARINE, LLC FOR TRACT 3, 11 AND 12 AT THE HARBOR OF REFUGE

*Motion was made to authorize City Council to send T.W. LaQuay a 60-day notice of a Non-Lease Renewal.
Motion was made by Commissioner Sue Traylor and Seconded by Commissioner Mike McGuire.
Motion Carries.*

Recuse – Commissioner David Roberts

Motion to recommend to City Council to hire Griffin, Marek and Knaupp to represent on enforcement of lease contracts.

*Motion was made by Commissioner Mike McGuire and Seconded by Commissioner Sue Traylor
Motion carries.*

Recuse – Commissioner David Roberts

ACTION ITEMS: NEW BUSINESS

11. DISCUSS AMMENDMENTS TO APPENDIX A – FEES, RATES AND CHARGES FOR CHAPTER 54 WATERWAYS

*Motion was made to accept the proposed changes to the Chapter 54 Waterway's Tariffs in the Code of Ordinance with one change to the Rail Spur to read One-Thousand dollars-(\$1000.00) per month.
Motion was made by Commissioner Sue Traylor and Seconded by David Roberts.
Motion carries.*

<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
	Water and Trash Included in, all rentals If paid annually, will discount one month's rental	
	Transient rate < 35 ft.	\$15.75
	Transient rate > 35 ft.	\$21.00

12. REVIEW THE 2021-2022 PROPOSED BUDGET AND FIVE (5) YEAR CAPITAL IMPROVEMENT PLAN FOR THE PORT REVENUE FUND

Commissioners discussed this agenda item.

No action necessary and none taken.

13. COMMENTS FROM THE COMMISSIONERS

No Comments.

ADJOURNMENT

A motion was made by Commissioner David Roberts to adjourn the meeting. It was seconded by Commissioner Mike McGuire. The meeting was adjourned at 12:09 P.M.