



PORT COMMISSION REGULAR MEETING

Tuesday, September 07, 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 09/07/2021 REGULAR PORT COMMISSION MEETING

The Agenda having been properly posted, Chairman Alex Davila called the meeting to order at 10:06 A.M. on Tuesday, September 7, 2021. Members attending were Commissioner David Roberts, Commissioner Mike McGuire, Commissioner Sue Traylor, 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.

Absent Member: Commissioner Larry Nichols

Absent Member: Commissioner Michael Kovarek

CONSENT AGENDA

1. MINUTES OF REGULAR MEETING AUGUST 3, 2021.
A motion was made to approve the minutes by Commissioner Mike McGuire, Seconded by Commissioner David Roberts.
Motion Carries.
2. 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**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

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

Equalizer – Jody Weaver, City Manager and Jim Rudellat, Harbor Master will reach out to Equalizer regarding past due amount owed on rent and tariff payment.

Susan Lang, Finance Director will provide a Profit and Loss Report to the Commissioners for the past months once audit has been completed.

No action necessary and none taken.

3. RECEIVE REPORT ON COUNCIL ACTION ON CHANGES TO APPENDIX A OF THE CODE OF ORDINANCES - FEE, RATES AND CHARGES

Jody Weaver, presented to Council on August 8 regarding the Port Commission's recommendation for the Rate Schedule for Chapter 54. The adopted the rates as recommended except they changed it to \$833/month (\$10,000 per year) for the use of the Rail Spur at the Harbor of Refuge.

5. RECEIVE STATUS REPORTS OF CAPITAL IMPROVEMENT PROJECTS

- a) Upper Docks at City Harbor

The project is currently in the bidding phase. The Prebid conference was held 8/26/21 and bids will be opened 9/7/21.

- b) Dredging of Smith Harbor

The contractor began dredging August 24. They are approximately 30 - 40% complete with the dredging.

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

The plans were sent to TPWD on August 12 for their review. In addition, the TPWD sent some documents to be filled out and returned. We are working through those forms at this time.

- 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.*

- e) CDBG-MIT Coastal Resilience Project / Restore Project

Jessica Carpenter, Director of Development Services has been assigned the lead on this project. She is working with Kim, GLO and TCEQ to get Kim on board to provide her expertise to us in finishing the application as well as administer the implementation of the project. Preliminarily, we're looking at around a \$15,000 fee, which will be reimbursed by the grant.

6. RECEIVE STATUS REPORTS ON SPECIAL PROJECTS

- a) Voluntary Restoration of disturbed final cover at the Harbor of Refuge Tract 16.
Randy Boyd has not begun working on this. At the end of July, he still needed things to dry out more in order to complete the restoration work. 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.
- b) Limited Phase II Environmental Site Assessment of Harbor of Refuge Tracts 16, 17, and 17A.
John Hogue with CRG reports that the submittal has been assigned a tracking number in the Central Registry of TCEQ. There is a due date of November 1. Based upon previous experience, I wouldn't expect to hear anything from them until just before this due date.
- c) Proposed Air Burner for Brush Operations and Cleanup at the Harbor of Refuge.
Air Burner
Received a copy of the closure survey for the Calhoun County Landfill, where the recycle center is now. Informal conversations with Judge Meyer and Commissioner Lyssey and we're optimistic that we can work together to locate the air burner at this location for the use of the City and the County. I am putting together some information and ideas and plan to meet with the Commissioners in the next few weeks. I hope to be prepared to get authorization from Council to purchase the air burner on either a Special meeting on Sept 27 or the regular meeting in October.
- Cleanup at the Harbor of Refuge**
*Republic will accept (no cost) any wood chips that we can deliver to them in Victoria. Philip Gonzales will get an estimate of what it would cost to haul the chips to Victoria. Quoted: \$150-\$200/30-yard load. Mike Reeves (Republic) told me that the recently chipped brush amounted to approximately 12,500 CY.
Example: $12,500 / 30 = 417 \text{ hauls} \times \$150 = \$62,550$*

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

- a) City Harbor
*Miller Seafood lease was executed July 13, 2021.
Pre bid for high dock was August 26, 2021.
Marvelous Gardens is going to cut grass spray weeds at track 9.*
- 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
*Dominic Diodato, we are awaiting court date.
Matt Estes awaiting Probate.
Horizon Environmental been onsite 0 times since last PC meeting.*
- d) Smith Harbor
*Poor Boys Bait, lease is at legal counsel for review.
Dredging, Derrick Construction started work August 23, 2021.*

e) Harbor of Refuge

Diamond K track evaluation done May 27, 2021.

Bid awarded to Diamond K, \$18,298.00, for the requited work.

On September 2, 2021, Gonzales Contracting cleared an area to place material from Smith Harbor.

RECEIVE REPORTS AND DISCUSS STATUS OF LEASES

8. NEW LEASE FOR SUITE 4, NAUTICAL LANDINGS OFFICE BUILDING

Motion to execute the lease for Something More Media with the following terms: Rent \$690.00 includes electricity. One (1) year lease with One (1) year option to extend; Hold over (150%) penalty and improve default provisions. Motion was made by Commissioner Mike McGuire and Seconded by Commissioner Sue Traylor. Motion Carries.

9. NEW LEASE OF TRACT 9 AND 10 CITY HARBOR

The city is considering reducing this right-of-way width to 25 ft with a widening at the east end, as shown on the attached sketch. The road base in the width will be maintained in order to continue to provide public access to your property. The purpose of the reduction of this right-of-way width would be to provide one continuous tract of land along the three sides of the concrete bulkhead, suitable for leasing.

10. DISCUSS STATUS OF LEASE FOR TRACT 3, 11 AND 12 AT HARBOR OF REFUGE

Port Commission's recommendation to send T.W. LaQuay a 60-day notice that this lease will not be renewed once it expires on December 31, will be on the City Council agenda for October 11, 2021.

11. REPORT ON HIRING SPECIAL COUNSEL ON ENFORCEMENT OF LEASE CONTRACTS.

Council took no action on hiring outside Counsel on enforcement of lease contracts.

Motion to re-address to Council the need to hire Special Counsel for Port Commission Tenants that reflect conflict of interest with the City Attorney on enforcement of Contract Leases.

Motion was made by Commissioner Mike McGuire, and Commissioner Sue Traylor.

Motion Carries.

COMMENTS

12. COMMENTS FROM 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 11:43 A.M.