



# REGULAR PORT COMMISSION MEETING

Tuesday, August 15, 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 15<sup>th</sup> day of August 2023, the Port Commission of the City of Port Lavaca, Texas, convened in regular session at 10:06 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
Sue Traylor	Commissioner
Robert Knox	Commissioner
Jaimie O'Neil	Commissioner

And with the following Commissioner absent:

Raymond Butler	Commissioner / Secretary
Larry Nichols	Commissioner

## CONSENT AGENDA

### 1. APPROVAL OF MINUTES

- a) MINUTES OF JULY 18, 2023 - REGULAR MEETING
- b) MINUTES OF JULY 25, 2023 - SPECIAL MEETING
- c) MINUTES OF AUGUST 1, 2023 - SPECIAL 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 and Special Meeting held on August 15<sup>th</sup>, 2023, are hereby approved.

Seconded by Commissioner Traylor.

Motion passed by the following vote:

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

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 August 15<sup>th</sup>, 2023, are hereby approved.

Seconded by Commissioner Traylor.

Motion passed by the following vote:

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

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 August 15, 2023.

Agenda item discussed.

No action was taken.

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

Comments from Jody Weaver: Apparently TPWL has about 40 projects "Stuck" in the approval process. TPWL personnel are working to identify what the hold-up is and get it corrected asap. Hopefully, this is a sign that we should have clearance to bid this project out very soon.

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

The following is a memo, in its entirety, from Josh Carter, PE, Ports and Coastal Portfolio Mgr.:

We received the draft habitat survey results. It turns out there is a large live oyster reef on the southern end of the site and the proposed alignment goes right over it, so we will need to revise the configuration of the breakwater in that location to avoid the direct impacts. We're now waiting to get full results of Geotech borings back to see if there are any other considerations to avoid before we work on a revision to the alignment. I believe we'll get Geotech data back this week. Then we will need to do some checking with modeling to be sure a revised alignment will provide same performance for the city. This won't take a long time but will take several days. We'd like to set up a time to show you a few potential variations in layout before we begin working on modeling but are not quite ready for that yet. Happy to discuss if you'd like. Based on this, permit application will be delayed for some time until we can get a revised alignment in order.

Our team is progressing with the Cultural Resources investigation that will be required as part of regulatory approval for the project. Our subconsultants Gray and Pape are working on preparing a draft antiquities permit application to the Texas Historical Commission (THC). Part of that application is identifying landowners of the areas where the work will occur; we have 100% of the on-land portions of the work on City property. I wanted to verify that you are the appropriate point of contact (POC) to identify as the property owner on the permit application?

Also, for both the THC antiquities permit and for the USACE 10/404 permit, is it correct to assume the city will be the applicant? We will have our regulatory team act as the agent for the application and be the POC for the permitting process.

**Restore:** State is shut down until September 1, 2023.

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

Comments from Jody Weaver: Attached are the plans for the Culvert replacement project which is being advertised today with a bid opening of September 6, 2023. I have been in communication with the railroad, and I am submitting this for their review and approval. I offered to pay \$5,055 above the \$1,055 application fee for an expedited review within 15 days, but I been assured that they will get the review back to us asap without paying that additional fee. The submittal and payment will go out this afternoon.

**5. RECEIVE STATUS REPORTS ON SPECIAL PROJECTS**

- a) Status report regarding Voluntary Restoration Project II at the Harbor of Refuge  
- Presenter Jody Weaver

Jody Weaver, Interim City Manager advised Commissioners, there is no new information to report except that the CDBG-Mitt fund applications are due October 20, 2023. We are to be allocated about \$9.1M, we must still apply for the funding to assure compliance with the grant requirements. Mott McDonald has been executed for the CDBG-MIT project, however an RFQ for qualifications for engineering was solicited for more flexibility with this project and others.

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

Interim City Manager advised Commissioners, no new updates, waiting on TCEQ.

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

- 1) AIMS Companies are scheduling a time to CCTV the outfall – 2 weeks out from 7/13

**B) Nautical Landings Building**

- 1) 12 June 2023 Barefoot Construction commenced work on the new electric service.  
AEP connected new electric service July 28, 2023.
- 2) Received letter from Spiretek International requesting a new lease for 2024.  
Lease expires October 31, 2023

**C) Nautical Landings Marina**

- 1) Matt Estes boat sank Tuesday May 9, 2023 - contracted to have it refloated.
- 2) Abandon boat – no updates
- 3) Horizon Environmental has been onsite 15 times since last PC meeting.

**D) Smith Harbor**

- 1) Dredge spoils, Barefoot Construction

**E) Harbor of Refuge**

- 1) LCI has been hauling fill material & stockpiling.
- 2) Encore Dredging cleaning moving equipment to track 11.
- 3) Urban Engineering is working on task order #32 for RR drain culvert replacement - Engineering is completed.
- 4) Aerial spraying – no updates.

**ACTION ITEMS: LEASES****7. DISCUSS NEW LEASE AGREEMENT FOR SPIRETECK INTERNATIONAL - PRESENTER JODY WEAVER**

- Tabled until the next Regular Port Commission Meeting 9/19/2023.

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

Spiretek's lease is up on October 31, 2023, and they have requested a new lease. Their current lease provides for an increase per the MCI on October 1 with a min 2% - 5% max increase. Looking at how the MCI is trending vs last year, it appears that we will be applying the 2% minimum increase on October 1, which will bring their monthly payment to \$1,912.50.

The attached spreadsheet provides the current Nautical Landings Office Building leases, showing our internal calculations of how the total monthly amount collected is distributed between rent and utilities. *Note: Edward Jones' lease breaks this out in the lease document, but the others just pay a lump sum amount which includes utilities.*

**CURRENT RENTAL RATES FOR SPIRETEK:**

Suite 2 (1440 sf): (Spiretek) Currently this space is leasing for an overall rent of \$1.37/SF. (Suite 2 has a view of the bay, and access to the deck from the adjoining hallway). As of October 1, the rent will increase in accordance with the MCI with a 2% minimum which will bring the rent to \$1.39/SF overall.

We are proposing for consideration a starting rent for a new lease of \$1.40/sf as shown in the attached spreadsheet. This would increase each year by the MCI or provide a 2% min/5% max.

**8. DISCUSS PROPERTY VALUES AND AMENDMENTS TO CHAPTER 54 WATERWAYS APPENDIX A - FEES, RATES AND CHARGES FOR FY 2023-2024. PRESENTER - JODY WEAVER**

Comments from Jody Weaver: Council approved the first reading for the new proposed tariff rates for FY 2023-2024.

## CHAPTER 54—WATERWAYS

Section Number	Subject	Fee Amount
	<i>Tariffs:</i>	
	Oysters per sack	\$0.00
	Oysters per barrel	\$0.00
	Shrimp per ton	\$0.00
	Crude/condensate per barrel	<del>\$0.10</del> <b>\$0.125</b>
	<del>Crude/condensate per ton of bulk</del> <b>Bulk product liquid or dry per ton</b>	<del>\$0.65</del> <b>\$0.79</b>
	Public Dock Space	
	Per day per barge <b>up to 200 LF</b>	\$200.00
	<b>Per day per barge greater than 200 LF</b>	<b>\$250.00</b>
	Harbor of Refuge	
	Dockage Space – LF/month	<del>\$3.30</del> <b>\$4.00</b>
	Use of Rail Spur – LS/month	<del>\$833.00</del> <b>\$1,000.00</b>
	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 <del>If paid annually, will discount one month's rental</del>	
	Transient rate < 35 ft.	\$15.75
	Transient rate > 35 ft.	\$21.00
	<b>Commercial Fishing Vessel Dockage Rate: first 25 ft in length per month</b>	<b>\$175.00</b>
	<b>For each additional foot of length &gt; 25 ft per month</b>	<b>\$ 5.00</b>

## COMMENTS

## 9. COMMENTS FROM COMMISSIONERS.

Agenda item discussed.

No action necessary.

## ADJOURNMENT

Commissioner Traylor made a motion to adjourn the meeting.

Commissioner McGuire seconded this motion.

Motion passed by the following vote:

Voting Aye:

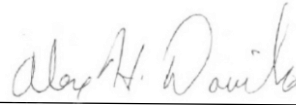
Alex Davila, Mike McGuire, Robert Knox, Sue Traylor, and Jamie O'Neil.

Voting Nay: None

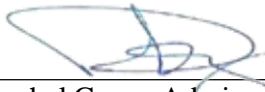
Meeting adjourned at 11:37 a.m.

These minutes were approved on September 19, 2023.

ATTEST:



Alex Davila, Chairman



Rachel Garza, Admin. Assistant