



## SPECIAL PORT COMMISSION MEETING

Tuesday, April 02, 2024 at 9:30 AM

City Council Chambers | 202 N. Virginia Street, Port Lavaca TX 77979

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### PUBLIC NOTICE OF MEETING

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**The following item will be addressed at this or any other meeting of the Port Commission upon the request of the chairman, any member(s) of Port Commission and/or the City Attorney:**

*Announcement by the Chairman that Port Commission will retire into closed session for consultation with City Attorney on matters in which the duty of the attorney to the Port Commission under the Texas disciplinary rules of professional conduct of the state bar of Texas clearly conflicts with the open meetings act (title 5, chapter 551, section 551.071(2) of the Texas government code).*

**(All matters listed under the Consent Agenda item are routine by the Port Commission and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.)**

### AGENDA

*Port Commission will consider/discuss the following items and take any action deemed necessary.*

#### MEETING PROCEDURE

*Public notice is hereby given that the Port Commission of the City of Port Lavaca, Texas, will hold a special meeting TUESDAY, APRIL 2, 2024 beginning at 09:30 a.m., at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas to consider the following items of business:*

*The meeting will also be available via the video conferencing application "ZOOM".*

*Join Zoom Meeting:*

<https://us02web.zoom.us/j/87032714700?pwd=K3hqTnJLWlBTMlBwY2REM2FRZDc5QT09>

*Meeting ID: 870 3271 4700*

*Passcode: 851467*

*One Tap Mobile*

*+13462487799,,82182482989#,,,,\*912619# US (Houston)*

*Dial by your location*

*+1 346 248 7799 US (Houston)*

**CALL TO ORDER**

**COMMENTS FROM THE PUBLIC** - *(Limited to 3 minutes per individual unless permission to speak longer is received in advance. You may make public comments as you would at a meeting by logging on with your computer and using "Join Zoom Meeting" information on first page of this agenda).*

**ACTION ITEMS: NEW BUSINESS**

- 1. DISCUSS TARIFF COMPARISON STUDY AMONG TEXAS PORTS LED BY PORT COMMISSIONER RAYMOND BUTLER.
  
- 2. REVIEW HELENA AGRI-ENTERPRISES' LEASE AND TARIFF REQUIREMENTS.
  
- 3. DISCUSS TAXES PAID BY LESSEES AND THEIR ALLOCATION.
  
- 4. DISCUSS PORT COMMISSIONS INVOLVEMENT AND PARTICIPATION IN THE MBMT GRANT PROJECT DOWNTOWN WATERFRONT PUBLIC ACCESS IMPROVEMENT PLANS.

**ADJOURNMENT**

**CERTIFICATION OF POSTING NOTICE**

This is to certify that the above notice of a special meeting of The Port Commission of The City of Port Lavaca, scheduled for **Tuesday, April 2, 2024**, beginning at **09:30 a.m.**, was posted at city hall, easily accessible to the public, as of **3:00 p.m. Thursday, March 28, 2024**.

          /s/ Rachel Garza          .

**Rachel Garza**, *Administrative Assistant*

**ADA NOTICE**

The Port Lavaca City Hall and Council Chambers are wheelchair accessible. Access to the building is available at the primary north entrance facing Mahan Street. Special parking spaces are located in the Mahan Street parking area. In compliance with the Americans with Disabilities Act, the City of Port Lavaca will provide for reasonable accommodations for persons attending meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact City Secretary Mandy Grant at (361) 552-9793 Ext. 230 for assistance.

# **COMMUNICATION**

**SUBJECT:** DISCUSS TARIFF COMPARISON STUDY AMONG TEXAS PORTS LED BY PORT COMMISSIONER RAYMOND BUTLER.

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## **INFORMATION:**

TARIFF COMPARISON  
 TEXAS PORTS 03/04/2024  
 WRB

		Port of Victoria (per ton / 2,000 lbs)	WCCND (per ton/2000 lbs)	Port of Harlingen (ton / 2,000 lbs)	Calhoun Port Authority (per ton/2000 lbs)	City of Port Lavaca (per ton/2000 lbs)	Port of Corpus Christi (per ton / 2,000 lbs)	Port of Galveston (per ton / 2,000 lbs)	Port of Brownsville (per ton / 2,000 lbs)	Port of Freeport (per ton / 2,000 lbs)	Port of Texas City (per ton / 2,000 lbs)	Port of Port Arthur (per ton / 2,000 lbs)	Port of Bay City (per ton / 2,000 lbs)	Port of Houston (per ton / 2,000 lbs)	Port of Beaumont (per ton / 2,000 lbs)
MINIMUM CHARGE								\$25.00	\$10.00					\$18.12	\$117.00
GENERAL CARGO N.O.S.															
	General Cargo N.O.S. (ton / 2,000 lbs)	\$2.47	\$2.25	\$1.75	\$0.96		\$3.72	\$2.09	\$1.24		\$2.26	\$2.98		\$4.40	\$3.62
DRY BULK							\$1.58	\$1.37							\$1.73
	Fertilizer (tons)	\$0.47		\$1.25					\$1.24						
LIQUID BULK COMMODITIES															
	Liquid Bulk			\$0.55				0.32 BBL	\$0.25	0.77	\$0.097/BBL		0.12 BBL		\$2.98
	Fertilizers	\$0.33													
	HazMat	\$0.47													
	Biofuels (/ BBL)														
	Chemicals and Petrochemicals (cents per barrel)	\$0.12	\$0.05		\$/TON 0.05		\$0.11								
CRUDE PETROLEUM															
	Crude Petroleum (cents per barrel)	\$0.11	\$0.08	\$0.10			\$0.11		\$0.09						
AGGREGATES															
	Cement						\$1.87								
	Sand	\$1.10	\$1.00				\$1.58		\$0.99						
TRUCKS											21.22/TON	2.98/TON	0.12/BBL		
SEAFOOD/OYSTERS			\$0.50/sack												
DOCKAGE		\$50/OT <74 = 61 75/100=115 101/200=143 201/300=226	<75'=\$50 75/100'=\$100 101/200=\$125 201/300=\$200	\$630 MIN 200/299= 3.37/FT 300/399 = 3.50/FT	Tugs 69.50/D Barges <75 = \$55.44/D 75/250 = \$83.16/D 250/350 = \$97.02/D		200 = 173.51 200/360 = 260.27 BRG = 2,248/D	0-199 = 3.12/FTD 300-399 = 4.10		0-199 = 2.99/FT 200/399 = 3.79 MIN = 183.67		0 - 199 = 2.39 200 - 399 = 4.44 BRG WAIT = \$27.00/D	\$100 / D		
FLEETING			100/125												
RAIL		3 FREE - \$20 /D UNIT - 10 FREE \$5									\$135/D \$105/D - AFT 5D				
HARBOR SAFETY FEE					33.21/Ton 15.81/Ton		169.59								

**SPECIAL PORT COMMISSION MEETING:**

**DATE:** 03/27/2024  
**TO:** PORT COMMISSION  
**SUBJECT:** 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	\$0.125
	Bulk product liquid or dry per ton	\$0.79
	Public Dock Space	
	Per day per barge up to 200 LF	\$200.00
	Per day per barge greater than 200 LF	\$250.00
	Harbor of Refuge	
	Dockage Space - LF/month	\$4.00
	Use of Rail Spur - LS/month	\$1,000.00
	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	
	Transient rate < 35 ft.	\$15.75
	Transient rate > 35 ft.	\$21.00
	Commercial Fishing Vessel Dockage Rate:	\$175.00
	First 25 ft. in length per month	
	For each additional foot of length > 25 ft. per month	\$5.00

# **COMMUNICATION**

**SUBJECT:** REVIEW HELENA AGRI-ENTERPRISES' LEASE AND TARIFF REQUIREMENTS.

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**INFORMATION:**

## Jody Weaver

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**From:** Jody Weaver  
**Sent:** Monday, April 1, 2024 5:52 PM  
**To:** Alex H. Davila  
**Cc:** Jim Rudellat; Jack Whitlow  
**Subject:** FW: Opinion Letter on the Helena Ground Lease  
**Attachments:** Opinion Letter on Helena Ground Lease issues.pdf

Attached please find an opinion letter written by Sandra Witte regarding tomorrow's agenda item #2. I did further clarify with her that Helena's lease language would allow for Helena to be obligated to pay the rail use fee in the tariff in addition to any invoices for rail maintenance.

To date (since the execution of Helena's current lease), the City has spent \$81,365.97 on rail improvement services from Diamond K including quarterly inspections).

Helena is paying the monthly rail fee and with the April payment, will have paid \$27,825.00 to date.

Recall, in September 2020, Council had adopted a rail fee of \$75/railcar/day, but after talks with Helena, Council amended this to \$10,000/year in September 2021 and then \$12,000/year in September 2023.

See you in the morning.

JoAnna P. "Jody" Weaver, P.E.

Interim City Manager

Phone: 361-552-9793

Mobile: 361-827-3601

Email: [jweaver@portlavaca.org](mailto:jweaver@portlavaca.org)

202 N. Virginia Street Port Lavaca, Texas 77979



CITY OF PORT LAVACA  
TEXAS



A Certified Scenic City

**From:** Sandra Witte <[sandra.witte@portlavacalaw.com](mailto:sandra.witte@portlavacalaw.com)>  
**Sent:** Monday, April 1, 2024 4:41 PM  
**To:** Jody Weaver <[jweaver@portlavaca.org](mailto:jweaver@portlavaca.org)>  
**Cc:** Anne Marie Odefey <[amo@portlavacalaw.com](mailto:amo@portlavacalaw.com)>; Tricia Koenning <[tricia@portlavacalaw.com](mailto:tricia@portlavacalaw.com)>  
**Subject:** Opinion Letter on the Helena Ground Lease

Jody,

Please see my opinion letter on the Helena Ground lease issues. Please contact me if you have any questions.



ROBERTS, ODEFEY, WITTE & WALL, LLP  
Attorneys At Law

Anne Marie Odefey  
Sandra Witte  
Board Certified Property Owners Association Law  
Texas Board of Legal Specialization  
Carly W. Wall

John T. Villafraña  
Dennis Arriaga  
David Roberts, 1945-2022

ATTORNEY-CLIENT PRIVILEGE

April 1, 2024

VIA Email Only [jweaver@portlavaca.org](mailto:jweaver@portlavaca.org)  
Ms. Jody Weaver, Interim City Manager  
City of Port Lavaca  
202 N. Virginia  
Port Lavaca, Texas 77979

Re: Legal Opinion on railroad provisions in the  
Ground Lease Agreement between the City of Port  
Lavaca, Texas and Helena Agri-Enterprises, LLC

Dear Jody:

I have received your request for a legal opinion regarding Helena Agri-Enterprises, LLC's obligations with regard to rail services under the Ground Lease Agreement dated September 10, 2018 ("Lease"). Specifically, the query pertains to whether Helena is mandated to cover the expenses for replacing the culvert under the railroad to ensure its functionality and if Helena is responsible for maintenance costs incurred during the Lease term. After examining the Lease, I've identified Article 7 as the primary section that governs the pertinent issues, and I have emphasized the relevant clauses.

**Article 7. Fencing, Rail Service and Utilities.** Tenant shall, at its sole cost and expense, provide for appropriate fencing for the Leased Premises which shall become a permanent fixture on the Lease Premises. **Tenant shall, at its sole cost and expense, provide for whatever additional services and utilities it may desire, including but not limited to railroad services for the Leased Premises and water, both potable and nonpotable, fire water, gas, electricity, telephone, sewage treatment, waste water collection and drainage and any other utilities or similar services used in or on the Leased Premises, but shall have no obligation to provide such services or utilities except as needed by Tenant. Tenant may, at its sole option, receive railroad services for the Leased Premises.** Tenant shall be responsible for

2206 Highway 35 North  
P.O. Box 9  
Port Lavaca, TX 77979

361.552.2971  
361.552.5368 FAX  
[www.portlavacalaw.com](http://www.portlavacalaw.com)

106 N. Main St.  
Suite 200  
Victoria, TX 77901



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all costs and charges in connection therewith and agrees to pay the same promptly as such charges accrue, and to protect, indemnify and hold City harmless from and against any and all liability for any such costs or charges.

After examining these clauses, it is clear that Helena is not obligated to cover expenses for bringing rail services to the Leased Premises unless it chooses to utilize such service. Should Helena decide to opt for rail services, then it would be accountable for the associated costs. Nevertheless, this decision rests solely with Helena, and the City cannot compel them to utilize rail service. As such, you cannot require Helena to repair the culvert if they choose to not use the rail service.

The next question is whether or not Helena is obligated to pay the maintenance costs associated with the rail service incurred by the City since September 10, 2018, that being the commencement date of the Lease with Helena.

Under Article 7, pertaining to additional services, it states that Tenant, only if it chooses to use an additional service, such as rail service, shall be responsible for all costs and charges in connection therewith. Tenant is required to pay for such costs and charges promptly as such charges accrue. My opinion is that Helena would be responsible for any of the maintenance charges incurred by the City for the railroad during the period Helena was using the rail service. However, the absence of invoicing for these services as they accrued raises a potential impediment for collection as it could be a term of the Lease that it had to be billed as it accrues. While the Lease specifically requires the City to bill all Dockage Charges (tariff charges) as they accrue, Article 7 does not have the same exact provision for billing costs for additional services as they accrue but it does require that Tenant shall promptly pay as such charges accrue. This creates a potential argument by Helena that the City was required to timely bill for such charges in order to collect them.

In summary, Helena is not required to pay for the repair of the culvert to make the rail service useable, if it chooses to not use the rail service. Helena is required to pay any tariff charges for the rail spur, as those are Dockage Charges under the Lease, but the City needs to discuss if these can be charged if there is no useable rail service. Helena is responsible for all costs associated with receiving rail services during the time the rail spur was usable under the Lease, but as previously mentioned, there's a potential argument that the City was required to invoice the rail costs promptly as they accumulated to ensure collection of the same.

If you would like to discuss this matter further, do not hesitate to contact me.

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April 1, 2024

Respectfully submitted,

ROBERTS, ODEFEY, WITTE & WALL, LLP



Sandra Witte

SW/li

# **COMMUNICATION**

**SUBJECT:** DISCUSS TAXES PAID BY LESSEES AND THEIR ALLOCATION.

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**INFORMATION:**



# **COMMUNICATION**

**SUBJECT:** DISCUSS PORT COMMISSIONS INVOLVEMENT AND PARTICIPATION IN THE MBMT GRANT PROJECT DOWNTOWN WATERFRONT PUBLIC ACCESS IMPROVEMENT PLANS.

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**INFORMATION:**

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**CITY OF PORT LAVACA**

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**MEETING:** APRIL 2, 2024 **AGENDA ITEM** \_\_\_\_\_

**DATE:** 3.27.2024

**TO:** PORT COMMISSION BOARD MEMBERS CC: JIM RUDELLAT, HARBOR MASTER

**FROM:** JODY WEAVER, INTERIM CITY MANAGER

**SUBJECT:** **MBMT GRANT – DOWNTOWN WATERFRONT PUBLIC ACCESS IMPR.**

**BACKGROUND:**

The Port Commission has been discussing improvements to the parking lot behind Nautical Landings for a few years. In order to budget adequate funds to include landscaping and sidewalks, the adopted FYE24 Capital Improvement plan shows a total of \$300,000 budgeted for the Nautical Landings Parking Lot improvements. Recognizing that this parking lot will be used as public parking for downtown in addition to parking for building tenants, this cost was equally split between Ports & Harbors and the General Fund, as approved by Council.

- September 19, 2023, I approached the Port Commission about the idea of making application to the Matagorda Bay Mitigation Trust for a project that would be consistent with the adopted Downtown Waterfront Master Plan which would make improvements to the area around Poor Boy Bait to include some bulkhead, public walkway, a deck for fishing and crabbing, transient public boat slips. The Port Commission endorsed the idea of applying for a grant. At that meeting, I commented that the parking lot would not be concrete, but instead asphalt and that parts of the parking lot will be impervious and that we were working with the Clean Coast Texas program to help in the design of such.
- October 9, 2023, I approached Council about the idea of using the \$300,000 budgeted in the CIP for this parking lot improvements as a committed match for the grant application, which would increase the chances of being awarded the grant. In the discussion, it was recognized that these funds were in the FY2025/26 budget and if we were successful with the grant, the actual expenditure of these funds could possibly be needed a year earlier in the FY 24/25 year. Council voted to commit \$300,000 matching funds for the Parking Lot Improvements.
- October 17, 2023, I reviewed the submitted application with the Port Commission. I mentioned that I was not able to include any bulkheading in front of Poor Boy Bait because I was cautioned that the scoring committee generally will not approve the use of grant dollars within leased property. I also provided the budget, mentioning that Council had approved a commitment of a \$300,000 match.

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**CITY OF PORT LAVACA**

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The Matagorda Bay Mitigation Trust did award the project to the City of Port Lavaca and at the Council meeting on February 12, Council approved the contract with the Matagorda Bay Mitigation Trust for \$400,000 toward the proposed Downtown Waterfront Public Access Improvement Project with an estimated total cost of \$700,000.

This project was discussed at a recent Green Infrastructure Workshop hosted by the City of Port Lavaca and presented by GLO Clean Coast Texas and we are making plans to apply for Clean Coast Texas grant funding to go towards the \$100,000 budget in this project for Green Infrastructure drainage elements for the parking lot improvements.

Urban Surveying performed the topographic survey needed for engineering design earlier this week.

COVER SHEET

MATAGORDA BAY MITIGATION TRUST  
REQUEST FOR PROPOSALS (RFP)

For  
2023-24 Funding Cycle Projects

**RFP # 2023-2024-1**

Due October 16, 2023 5:00 P.M. C.S.T.

Respondent

**City of Port Lavaca**



**202 N. Virginia Street  
Port Lavaca, Texas 77979**

Prepared by

JoAnna P. Weaver, P.E.  
Interim City Manager  
City of Port Lavaca  
Contact phone: 361-827-3601  
Contact fax: 361-552-6062  
Contact email: [jweaver@portlavaca.org](mailto:jweaver@portlavaca.org)



PART IV



MATAGORDA BAY MITIGATION TRUST

**Deadline:**  
**October 16, 2023**  
**At 5:00 PM**  
Please contact Steven J. Raabe,  
with any questions.  
Trustee@mbmTrust.com

**APPLICATION FORM - 2023-2024 Funding Cycle**  
(Please address all questions. Include additional pages if necessary)

1. Program/project contact information:

Name of Lead Investigator/Program Manager:  
**JoAnna P. Weaver, P.E.**  
Name of organization:  
**City of Port Lavaca**  
Physical address:  
**202 N. Virginia Street, Port Lavaca, TX 77979**  
Mailing address (include mail code if applicable):  
**same**  
Email address: **jweaver@portlavaca.org**  
  
Telephone number: **361-552-9793**  
  
Fax number: **361-552-6062**  
  
Name of Project Manager or Authorized Representative,  
if appropriate: **JoAnna P. Weaver, P.E.**  
  
Email address for Project Manager or Authorized Representative:  
**jweaver@portlavaca.org**

Check the funding priority that applies to your proposed project:

**General Call:**  
 Public Education  
 Youth Camps  
 Land for Pollution Prevention  
 Public Access Improvement  
 Environmental Research  
 Environmental Advocacy  
 Habitat Restoration

**Specific Call:**  
 Public Access Improvement

\*Note: Notifications will be sent electronically

2. Applicants must be classified as a government or non-profit organization. Provide Federal Tax ID number or IRS Letter of Determination: **Federal Tax ID# 74-6001927**

3. Program/project name: **CITY OF PORT LAVACA DOWNTOWN WATERFRONT PUBLIC ACCESS IMPROVEMENTS**
4. Implementation and conclusion dates of program/project: These proposed dates are assuming execution of a MBMT Contract by March 2024.
  - March 2024 – City Council to approve an engineering Task Order with Urban Engineering (FIRM Reg. No. 160) to apply for COE permit and prepare engineering plans and specifications and bid documents for the project.
  - March 2026 – 100% Project Completion

5. Amount requested: **\$400,000**

6. Proposed project summary (100 words or less)

**This project will construct three (3) transient boat slips and an ADA compliant dock for fishing and crabbing in Smith Harbor. The project includes a lighted 10-ft wide concrete shared use path for walking/biking along the waterfront to connect the dock and boat slips to the existing shared use path and other amenities in Bay Front Peninsula Park. To provide safe and accessible access to these improvements, the project also includes renovations to an existing parking area and adding vegetated strip filters and other green infrastructure to filter storm runoff into the bay from the pavement.**

7. Brief history and mission statement of the proposing organization (150 words or less):

**The City of Port Lavaca is the county seat of Calhoun County and part of the Victoria, Texas Metropolitan Statistical Area. It was incorporated in 1919 with a Home-Rule charter and a “council-manager” form of government. The 2020 census population county of the city is 11,557. The mission of the City of Port Lavaca is to make Port Lavaca a desirable place to live through quality services, responsible use of public resources, and a progressive attitude toward community development. With enthusiasm, integrity and vision, we will maintain a safe environment and continually improve the quality of life for all citizens.**

8. Describe the need for or value of the project and how it addresses the selected funding priority.

**Funding this project would provide the public free, safe access to Smith Harbor and Lavaca Bay, being a part of our Downtown Waterfront area. The shoreline inside of Smith Harbor does not currently allow for safe public use of this area because these shorelines are severely eroded. Providing safe dock space for people to use for both fishing and crabbing as well as temporarily mooring their boat would give the public free access to enjoy recreational activities on Lavaca Bay. The proximity of the fishing**

**and crabbing dock would also make this area accessible to wheelchair bound anglers. The lighted shared use path along Lavaca Bay connecting Smith Harbor to Bayfront Peninsula Park would allow people to have a safe walk/bike travel corridor between Smith Harbor and Bayfront Peninsula which could be used for both wildlife viewing as well as providing a safe pathway for students to walk on while participating in education activities in the area.**

9. List the goals and objectives of the proposed project:
- **To provide free, safe and accessible public access to Lavaca Bay, and educational opportunities about our beautiful Downtown Waterfront for people of all ages and abilities, consistent with the City's recently adopted Downtown Waterfront Master Plan.**
  - **To provide free, safe and accessible public dock space for fishing and crabbing in Lavaca Bay or simply enjoying and learning about the wildlife and ecosystems of the bay.**
  - **To provide free public boat slips for use by transient boaters while purchasing local bait caught by Calhoun County Commercial Fishermen, visiting nearby downtown shops and restaurants, or enjoying the various waterfront amenities offered at the Bayfront Park.**
  - **To provide Shared Use access along the Lavaca Bay shoreline (walking/biking) to/from the proposed Smith Harbor public amenities to the existing Shared Use Path and public amenities in Bayfront Park, which includes a Veterans Memorial, wetlands/birding viewing areas, playground, restrooms, boat ramp, picnic areas, fishing pier, and seasonal public events.**
  - **To encourage the use of green infrastructure by providing varying examples of such in the design/construction of the parking area renovations, with corresponding educational signage to show the public how the green infrastructure protects the water quality in Lavaca Bay. The City of Port Lavaca has signed a Memorandum of Understanding with the Texas General Land Office Clean Coast Texas Program. The Clean Coast Texas Team has committed to assist the City of Port Lavaca with the design, and possibly also some funding, of the green infrastructure and educational components of this project.**
  - **To provide safe access to view future litter catchers proposed to be installed in Nautical Landings Marina, along with educational signs about marine pollution and how to prevent it. The City plans to submit a letter of intent in November 2023 to NOAA to submit a grant application in March 2024 under the Marine Debris Program.**
10. Describe the methods to be used in the proposed project. Please provide a list of tasks, deliverables and milestones. Please indicate what permits or authorizations are needed to implement project, if any, and if those have been secured:

The project will be completed using contract engineering/construction administration services and contract construction services. City Staff will provide construction contract administration and maintain communication with MBMT as well as provide inspection services to supplement that provided by engineer. A permit from the Corps of Engineers will be required for the public fishing dock and transient boat slips construction and has not been secured. All work is on property owned by the City of Port Lavaca.

- March 2024 – City Council approves an engineering Task Order with Urban Engineering (FIRM Reg. No. 160) to apply for COE permit and prepare engineering plans and specifications and bid documents for the project.
- March 2025 – Receive COE Permit for construction and bid project.
- June 2025 – Issue Notice to Proceed to Construction Contractor
- January 2026 – Substantial Completion of Project construction
- March 2026 – 100% Project Completion

11. Describe the impact the project will have on the areas it benefits and the longevity of those benefits.

The City of Port Lavaca purchased Smith Harbor in 2019 and recently completed a Master Plan Study to envision how this area, along with the other City-owned lands along the shoreline, can be developed to provide enhanced safe public access to the Downtown Waterfront area. The Master Plan envisions Smith Harbor with a focus on passive recreation and education. A copy of this plan can be downloaded from <https://cleargov.com/texas/calhoun/city/port-lavaca/dashboards/935/community-development>. At present, Smith Harbor is not used much by the public because there is no safe way to access the water. This project would not only give the public safe, free access to Smith Harbor and Lavaca Bay, it would also give wildlife viewers a safe place to walk or bike along the bay between Smith Harbor and the Bayfront Peninsula Park. The project can be expanded with future phases once Poor Boy Bait is moved further to the east and would be a great first step toward the implementation of the adopted Master Plan. The addition of green infrastructure and education signage will give students as well as adults an opportunity to see how green infrastructure can be used to protect the environment. The estimated lifespan of the various components of the project with proper maintenance is 20 to 30 years.

12. Attach vitae or resume of Lead Investigator/ Program Manager of the proposed project. *See attachment "D" JoAnna P. Weaver, P.E. Interim City Manager resume*

Matagorda Bay Mitigation Trust  
RFP for 2023-2024 Funding Cycle Projects

Item #4.

13. Financial information:

- a) Total budget for this project: \$700,000
  
- b) Matching funds (in-kind services or cash)  
*(Not required but desirable for proposals in response to the general call for proposals. Insert the 60% match from GLO or other funding for proposals in response to the specific call for proposals):* \$300,000
  
- c) Amount being requested from the Trust \$400,000

14. Please provide a task and expense budget. Note: Indirect/overhead costs are limited to 15% of salaries charged to the project.

ESTIMATE OF PROBABLE COST BY CONSTRUCTION CONTRACT					
City of Port Lavaca					
Downtown Waterfront Public Access Improvements					
PREPARED BY: URBAN ENGINEERING					
October 13, 2023					
ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
1.	Mobilization, Insurance and bonds	1	LS	\$ 30,000.00	\$ 30,000.00
2.	Barricading and Traffic Control	1	LS	\$ 10,000.00	\$ 10,000.00
3.	Vinyl Bulkhead (including Pilings and Tie-Rods)	125	LF	\$ 850.00	\$ 106,250.00
4.	Construct Timber Finger Pier (30 ft long x 5 ft wide) including pilings	1	EA	\$ 25,000.00	\$ 25,000.00
5.	Construct Timber Viewing/Fishing/Crabbing deck with handrail	1	LS	\$ 80,000.00	\$ 80,000.00
6.	Additional timber piles	10	EA	\$ 1,500.00	\$ 15,000.00
7.	Concrete 10 ft wide Shared Use Path	6250	SF	\$ 15.00	\$ 93,750.00
8.	Concrete 5 ft concrete sidewalk	1650	SF	\$ 15.00	\$ 24,750.00
9.	Rehabilitate existing parking area	3200	SY	\$ 20.00	\$ 64,000.00
10.	Two course surface treatment	3200	SY	\$ 6.00	\$ 19,200.00
11.	Curb stops				\$ 10,000.00
12.	Pavement striping				\$ 2,000.00
13.	Green Space infrastructure				\$ 100,000.00
14.	Shared Use Path/Parking Area Lights	6	EA	\$ 5,000.00	\$ 30,000.00
15.	Educational signage				\$ 15,050.00
	<b>Subtotal</b>				<b>\$ 625,000.00</b>
	Engineering Surveying, Testing & Permitting				\$ 75,000.00

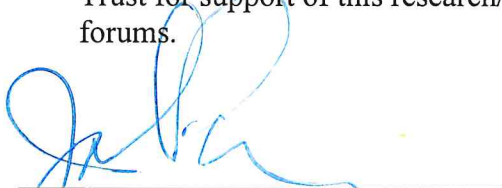
**TOTAL ESTIMATED PROJECT COST \$ 700,000.00**



Page 21

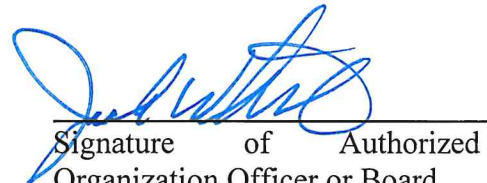
Should the Matagorda Bay Mitigation Trust fund this project, the undersigned agrees:

- a. To enter into a contract specifying the terms and conditions of the engagement.
- b. To designate where any dissertation or thesis can be accessed by the Matagorda Bay Mitigation Trust if applicable (e.g., website, publication source, etc.);
- c. To provide digital images of project activities; and
- d. To provide evidence of full and proper credit to the Matagorda Bay Mitigation Trust for support of this research/project in all publications and other appropriate forums.



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Signature of Lead Investigator/  
Program Manager



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Signature of Authorized  
Organization Officer or Board  
Officer

Submittal Date: 10.16.2023

Submit completed applications to (PDF file size limit: 15MB):

<https://www.mbmtrust.com/rfps/>

## PART V - ATTACHMENTS

All Attachments are to be returned with Submittal

**ATTACHMENT A - SUBMISSION EXCEPTIONS/CLARIFICATIONS**

Any exceptions taken or clarifications made to this RFP must be itemized on the lines below. Additional pages may be added as needed. If there are no exceptions or clarifications, please indicate “NONE” and sign where indicated at the bottom of the page.

Item # Description

- 1 General Terms and Conditions Section III.B: Add to start of para. “To the extent allowed by Texas law”
- 2 General Terms and Conditions Section X.A: Add “TEXAS” before “LAW” in first sentence.
- 3. General Terms and Conditions Section X.B.: Add “TEXAS” before “LAW” in the first sentence.
- 4 General Terms and Conditions Section XIX: Add to the start of the para.: “To the extent allowed by Texas law,”

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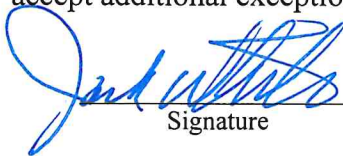


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The above exceptions and clarifications (and any additional pages identified) are the ONLY exceptions/clarifications to the specifications. I understand that the Trust may not accept additional exceptions produced after final submission of this response.



Signature

Mayor, City of Port Lavaca

Respondent

10.16.2023

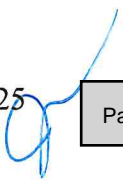
Date

**No Exceptions are taken to this RFP.**

Signature

Respondent

Date





**ATTACHMENT B -ACKNOWLEDGMENT**

The undersigned agrees this submission becomes the property of the Matagorda Bay Mitigation Trust (Trust) after the published submission deadline.

The undersigned affirms they have familiarized themselves with the specification, drawings, exhibits and other documents; the local conditions under which the work is to be performed; satisfied themselves of the conditions of delivery, handling and storage of materials and equipment; and all other matters that will be required for the work before submitting a response.

The undersigned agrees, if this submission is accepted, to furnish any and all items/services upon which prices are offered, at the price(s) and upon the terms and conditions contained in the specification. The period for acceptance of this submission will be 120 calendar days from the filing deadline noted herein unless a different period is noted.

The undersigned affirms that they are duly authorized to execute this contract, that this submission has not been prepared in collusion with any other Respondent, nor any employee or representative of the Trust, and that the contents of this submission have not been communicated to any other Respondent or to any employee or representative of the Trust prior to this submission.

Respondent hereby assigns to the Trust any and all claims for overcharges associated with this contract which arise under the antitrust laws of the United States, 15 USCA Section 1 et seq., and which arise under the antitrust laws of the State of Texas, Tex. Bus. & Com. Code, Section 15.01, et seq.

The undersigned affirms that they have read and understand the specifications, all exhibits, and attachments contained in this RFP package.

The undersigned agrees that the RFP package posted on the website are the official specifications and shall not alter the electronic copy of the RFP package, without clearly identifying changes.

The undersigned understands they will be responsible for monitoring the Trust Website at: <https://www.mbmtrust.com/rfps/> to ensure they have downloaded and signed all addendum(s) required for submission with their response.

In submitting a response to the Trust, the Responder offers and agrees that if the response is accepted, the Responder will convey, sell, assign or transfer to the Trust all rights, titles and interest in and to all causes to action it may now or hereafter acquire under the Anti-trust laws of the United States and the State of Texas for price fixing relating to the particular commodities or services purchased or acquired by the Trust. At the Trust's discretion, such assignment shall be made and become effective at the time the Trust tenders final payment to the Responder.

Acknowledge receipt of following addenda to the RFP:


Addendum No 1 Dated _____	Received _____
Addendum No 2 Dated _____	Received _____
Addendum No 3 Dated _____	Received _____

I certify that I have made no willful misrepresentations in this submission, nor have I withheld information in my statements and answers to questions. I am aware that the information given by me in this submission will be investigated, with my full permission, and that any misrepresentations or omissions may cause my submission to be rejected.

**NAME AND ADDRESS OF RESPONDENT:**

City of Port Lavaca  
202 N. Virginia Street  
Port Lavaca, TX  
77979  
77979  
Tel. No. 361-552-9793

**AUTHORIZED REPRESENTATIVE:**

Signature   
Date 10.16.2023  
Name Jack Whitlow  
Title Mayor  
Email jwhitlow@portlavaca.org



THIS DOCUMENT IS PRELIMINARY AND WAS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF MATT A. GLAZE, P.E., TEXAS NO. 99253 ON 10/16/23. IT IS NOT TO BE RELIED UPON AS A COMPLETE ENGINEERING DOCUMENT.

**CITY OF PORT LAVAVA - DOWNTOWN WATERFRONT ACCESS IMPROVEMENTS**

MATAGORDA BAY MITIGATION TRUST GRANT EXHIBIT



2004 N. Commerce, Victoria, Texas 77901 · urbanvictoria.com · TREF# F-160

ATTACHMENT C SHEET 2/3

VICINITY MAP

CITY OF PORT LAVACA DOWNTOWN WATERFRONT AREA



This is copied from the last page of the Downtown Waterfront Masterplan to show the location of the proposed project within the overall Downtown Waterfront area. Existing currently, within the Bayfront Peninsula Park, is a 1.0 mile walking trail and a 0.5 mile 10-ft wide shared use path to which this project is proposed to extend. Future extensions of this Shared use path will take it further south to connect to Commerce Street at Austin Street. The complete adopted plan can be downloaded at the following link: <https://cleargov.com/texas/calhoun/city/port-lavaca/dashboards/935/community-development>

ATTACHMENT C SHEET 3/3



Looking North from Seawall at location of proposed future fishing/crabbing dock and transient boat slips. Photo taken 10.15.2023



Looking Northeast from Seawall at location of proposed future fishing/crabbing dock and transient boat slips. Photo taken 10.15.2023

**JoAnna P. "Jody" Weaver, P.E.**

Interim City Manager of the City of Port Lavaca, Texas  
 202 N. Virginia Street  
 Port Lavaca, Texas 77979  
 361-827-3601 cell  
[jweaver@portlavaca.org](mailto:jweaver@portlavaca.org)

<u>Education</u>	Bachelor of Science in Civil Engineering with Management, 1980 Ohio Northern University, Ada Ohio
<u>Registration</u>	Registered Professional Engineer, 1987 State of Texas No. 61535
<u>Professional Awards and Honors</u>	<ul style="list-style-type: none"> <li>• Paul Harris Fellow Award, 2001, Port Lavaca Rotary Club</li> <li>• Young Engineer of the Year Award, 1984, TSPE Victoria, TX</li> </ul>
<u>Professional Training</u>	<ul style="list-style-type: none"> <li>• various TCEQ and TWDB training seminars over the past 40 years</li> <li>• Continuing Education at TCEQ Annual Water Conference</li> <li>• Continuing Education at Texas Municipal League Annual conferences</li> </ul>
<u>Community Involvement</u>	<ul style="list-style-type: none"> <li>• Port Lavaca Rotary Club since 1997</li> <li>• Co-Chairman/ Children's Director Port Lavaca Main Street since 1998</li> <li>• Member of GLO Technical Advisory Council</li> <li>• Past Member YMCA Board of Directors</li> <li>• Past Calhoun County Library Board member</li> <li>• Chairman of the Building Committee for the Calhoun County Library</li> </ul>
<u>Community Awards and Honors</u>	<ul style="list-style-type: none"> <li>• Port Lavaca Chamber of Commerce Woman of the Year, 2009 + 2019</li> <li>• Victoria Advocate "Advocate of the Month," February 2009</li> <li>• United Methodist Church Victoria District Spirit of Discipleship Award, 2008</li> <li>• Port Lavaca Chamber of Commerce Community Service Award, 2007</li> <li>• United Methodist Church Victoria District Christian Witness and Service Award, 2007</li> </ul>

Employment History

April 2020 to present **Interim City Manager**

I was appointed Interim City Manager after the previous City Manager retired at the onset of COVID. I was selected based upon my 42 years of experience in and around the City and my love and long-term involvement in the community. Although I have lived and worked in and with the City for over 40 years, I must use the "Interim" title until I physically move into the City limits per the City Charter. As City Manager, I still am involved in managing the large Capital Improvement and Federally/State funded projects including a \$13.5M Living Shoreline project being funded by a CDBG-Mitigation grant; and a \$5.2M CDBG-Disaster Recovery grant project.

August 2017 – March 2020 **City Engineer/Economic and Community Development Coordinator**  
 202 N. Virginia Street, Port Lavaca, Texas 77979

Exactly 10 days after my start date with the City of Port Lavaca, Hurricane Harvey came ashore and cause millions of dollars of damage to the City's infrastructure and amenities. As City Engineer, I worked extensively with FEMA, insurance, engineers, contractors and City Council and staff to recover and rebuild. Projects I managed include the repair/reconstruction of two fishing piers, a boat ramp dock and Nautical Landings Marina docks, the restoration of the Formosa Wetlands Walkway, the City Harbor concrete docks, the Bauer Community Center and many other smaller projects throughout the City. I was also the Project Manager for several Capital Improvement projects including projects funded with State and Federal grant dollars such as the Texas Parks and Wildlife, Texas Department of Agriculture, and the U.S. Department of Commerce.

May 2007 – July 2017

**Sr. Project Engineer**  
**G&W Engineers, Inc.**  
 205 W. Live Oak, Port Lavaca, Texas 77979

As a Sr. Project Civil Engineer, I have designed and managed the construction phase of various water, wastewater and development projects, as well as consulted with several regional cities and utility districts as District Engineer, including Port O'Connor Improvement District, Victoria County WCID No. 1 (Bloomington), City of Ganado and the City of La Ward. Development projects I have designed or oversaw the design of include a 20 acre fourplex development in Bay City, a commercial strip center and a Dollar General in Bay City, and the Texas Lakeside RV Resort in Port Lavaca. I have extensive experience working with grant writers to prepare applications for and design and administer the construction phase of various state and federally funded water, sewer and drainage improvement projects.

2002 to May 2007

**City Engineer**  
**City of Port Lavaca, Texas**  
 202 N. Virginia, Port Lavaca, Texas 77979

As the City Engineer, I was responsible for the project management of all municipal capital improvements projects. I designed and prepared the construction plans and specifications for most projects of \$100,000 or less. For projects greater than \$100,000 I would oversee the design performed by consultant engineering firms. I consulted with the City Building Official and Planning Board with regard to planning and development issues of the City. I consulted with the Utility Director with regard to water and wastewater issues and compliance with TCEQ. I answered directly to the City Manager and consulted with him on various topics concerning the City. Typical projects I designed during my tenure as City Engineer include: the Animal Shelter on Stringham Road, Camper's Recreation Room and outdoor showers at Lighthouse Beach, Brookhollow Estates Butterfly Park (TPWL grant), New Restrooms at Tilley, George Adams, and Lighthouse Beach Parks; Lana Park street rehabilitation, Waterline replacement on El Camino Real; Village Road Lift Station Rehabilitation; New Tilley Street sidewalk; Pavilion and Master site plan at George Adams and Tilly Parks; Right Turn Lane on Tilley St.; Re-roof of City Hall; and the Courtesy Dock at Lighthouse Beach (TPWL grant). I gained extensive experience applying for and working with various grant-funded projects including TxCDBG, TCF, GLO-CMP, TPWL, and CLAP.

1993 to 2001

**Project Engineer/Public Works Division Manager**  
**Testengeer, Inc.**  
 3777 Hwy 35 South, Port Lavaca, Texas

During my eight years with Testengeer, I was responsible for the commercial and public works projects brought into this predominantly industrial engineering firm. Between 1994 and 1998, I was the Manager of the Public Works Division, until the department was dissolved. I continued to work on such projects, but also in conjunction with civil projects in the area industrial plants. Projects I designed included the Calhoun County Little Chocolate Bayou Park (TPWL grant), Alamo Beach and Crestview Subdivision wastewater systems (TCDP grants), the renovation of the Memorial Medical Plaza, the Matagorda County Bird Sanctuary, and the restoration of the Matagorda Island Lighthouse.

1989 to 1992

**Technical Director**  
**Port Enterprises, Inc.**  
 Port Lavaca, Texas

In addition to providing technical expertise on various construction projects for this large commercial roofing company, I was the Company Safety Director. I established and implemented a comprehensive safety policy, including employee training and random job-site safety inspections. I also prepared cost estimates for bid and shop drawings and product data for submittal. I was acting office manager during 1991.

1986 to 1989

**Public Works Director  
City of Port Lavaca  
Port Lavaca, Texas 77979**

As Public Works Director I was responsible for utilities, streets, building inspections, and planning. Under my immediate direction were the Utility Director, the Building Inspector, the Department Secretary, and the Street Superintendent. I performed administrative duties, reviewed construction plans, and advised the Planning Board and City Council. I completely revised the permit application and filing processes and rewrote the Subdivision Ordinance, much of which is still in use today. During my tenure, the Fire Station and Bauer Community Center were constructed, as well as the preliminary stages of the master drainage plan. I prepared drawings and assisted the City Manager in the preparation of the COE permit application for Lighthouse Beach. During my three years as Public Works Director, I prepared a periodic newsletter for the public works employees entitled "The Public Worker."

1985 to 1986

**Estimator  
Port Enterprises, Inc.  
Port Lavaca, Texas 77979**

As an estimator for this large commercial roofing company, I attended pre-bid conferences, took field measurements, calculated quantities, estimated labor, and prepared and submitted competitive bids.

1980 to 1985

**Civil Engineer  
ITG Construction and Engineering, Inc.  
Port Lavaca, Texas 77979**

I was involved in the design and/or construction of various residential and light commercial construction projects. I designed an 80-acre subdivision, including street lay-out and water, wastewater, lift station and storm sewer design in Port Lavaca. The development, however, was never constructed.

Personal Married to Larry Weaver, a retired employee of Calhoun County Precinct 4; mother of 3 young women ages 38, 35, and 32; grandmother of 5; born in Columbus, Ohio and has called Port Lavaca/Calhoun County home since 1980.

References

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Russell Cain	Russell Cain Real Estate	361-552-6313
Richard Meyer	County Judge	Richard.meyer@calhouncotx.org
Tania French	Something More Media	361-552-9788
Anne Marie Odefey	ROWW, Attorneys	361-552-2971
Ken Lester	Lester Contracting, Inc.	361-552-3024

Other references available upon request.

3/3

#### D. SPECIAL DOCUMENTS

**Victoria Engineering, Inc. dba Urban Engineering, 2004 N. Commerce Street Victora, Texas 77901, has assisted city staff with the preparation of the project scope sketch and construction estimate for this application, under a general engineering services contract with the City of Port Lavaca. If awarded this grant, the City of Port Lavaca will approve a Task Order under this general services contract to prepare and submit the required Corps of Engineers permit application, the engineered plans and specifications for bidding, as well as construction phase engineering services.**

**The Engineering Firm Registration number issued by the Texas Board of Professional Engineers for Victoria Engineering, Inc. dba Urban Engineering is FIRM #160.**