



## PORT COMMISSION MEETING

Tuesday, July 06, 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 07/06/2021 REGULAR PORT COMMISSION MEETING

The agenda having been properly posted, Chairman Alex Davila, called the meeting to order at 10:04 A.M. on Tuesday, July 6, 2021. Members attending were Commissioner David Roberts, Commissioner Mike McGuire, Commissioner Larry Nichols, and Commissioner Jamie O'Neil. City Staff attending were, City Manager Jody Weaver, Finance Director Susan Lang, Harbor Master Jim Rudellat and Rachel Garza.

Absent Member: Commissioner Sue Traylor

Absent Member: Commissioner Michael Kovarek

### CONSENT AGENDA

- 1. CONDUCT ELECTIONS OF OFFICERS AND TAKE ANY ACTION DEEMED NECESSARY.**  
*Motion was made that the Port Commission retain the current officers.*  
*Alex Davila, Chairman*  
*David Roberts, Secretary.*  
*Motion was made by Commissioner Mike McGuire and Seconded by Commissioner Larry Nichols.*  
*Motion Carries.*
- 2. MINUTES OF REGULAR MEETING JUNE 8, 2021.**  
*A motion was made to approve the minutes with the correction to Agenda 1 - Administer Oath of office to newly appointed Commissioners- "Mike McGuire was re-sworn in as a Port Commission Member".*  
*Motion made by Commissioner Larry Nichols, Seconded by Commissioner Mike McGuire.*  
*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 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.*

*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 presented. Presenter Urban Engineering  
*Pending approval, we plan to advertise the project to bid in mid to late July.*
- b) Dredging of Smith Harbor. Presenter Urban Engineering  
*The pre-construction meeting was held 7-1-21. Derrick intends to be onsite the week of July 19 to begin dredging. Once the harbor is deep enough for equipment, they will remove the piling, concrete, boat house, etc.*
- c) Renovations to Nautical Landings Marina Break-water - TPWL Grant. Presenter Urban Engineering.  
*Completed probing and soundings at the existing breakwater site. Scheduled for detailed design mid to late July.*
- d) Improvements to the Nautical Landings Marina Building. Presenter Jim Rudellat  
*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 Trt 16. Presenter Jody Weaver  
*Randy Boyd sent me an email on June 22 reporting that no progress has been made due to all the rain the site has experienced. He stated they will complete the restoration as soon as the weather allows. 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. Presenter Jody Weaver  
*Jody Weaver, City Manager submitted the following report.*
  - *Given the information provided herein and as found in the attached report, CRG Texas respectfully asks that the TCEQ consider exclusion of this site area from further action under TRRP.*

- c) **Proposed Air Burner for Brush Operations and Cleanup at the Harbor of Refuge. Presenter Jody Weaver**  
*We have had no progress in the potential purchase of a tract of land for the Air Burner. I have been in communication with Commissioner David Hall about potential locations. At David's suggestion, I reached out to the Port Authority about land they have near Alamo Beach, but it doesn't look like that is available. David Hall has been out of town this week, but next week I will again discuss with him the possibility of using an area of the Fairgrounds, at least for a temporary location. I may not have any new information to share until after our meeting on Tuesday*
- d) **Coastal Resiliency CDBG-MIT \$13,645,005.00 grant. Presenter Jody Weaver**  
*The Application Summary for the \$13.6M CDBG-MITIGATION GRANT project recently awarded to the City of Port Lavaca. We are expecting to receive the contract from the General Land Office very soon. The third page of this summary provides a conceptual plan of the project. Notice the notation that states "Barge removal activities are expected to occur under the TCEQ RESTORE Act grant already awarded to the City." Progress with respect to the ReStore Act Funding has been very slow and riddled with issues in fine tuning the submittal to the U.S. Treasury. In light of the recent award of the CDBG-MIT grant application, we have been in conversation with GLO and TCEQ and we are proposing to name the GLO as the beneficiary of the allocated ReStore Act Funds instead of the City of Port Lavaca. GLO will move forward in short order with the needed barge removal operations and will be reimbursed whenever the funds are released from the federal government. We will funnel this project through the Port Commission for guidance and recommendations as with other waterfront capital improvement projects. This is a very exciting project. Engineering and Grant Administration were already procured during the application phase, although a cost proposal for the design work must still be negotiated and signed. The engineering firm is Mott McDonald out of Corpus Christi and the grant administrator is KSBR Admin Services (Katy Sellers).*
7. **RECEIVE HARBOR MASTER'S OPERATIONS, PROMOTION/DEVELOPMENT ACTIVITY REPORT. PRESENTER JIM RUDELLAT**
- a) **City Harbor**
- *Miller Seafood working on lease, which is up July 30, 2021.*
  - *Urban Surveying completed survey of track 9. Will discuss under agenda #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.*
- d) **Smith Harbor**
- *Poor Boys Bait, we are working on lease, up August 31, 2021*
  - *Pre-Construction virtual meeting July 1, 2021*
- e) **Harbor of Refuge**
- **Status of discussion with Helena on tariffs**
    - *Helena Agri- Enterprises we had virtual meeting June 11, 2021, Jody Weaver, Jerry Smith, Ward Bloodworth, Louis Rodrigue and Jim Rudellat attended. Helena was in*

*the middle of their busy season, they promised that they would put some information together and share with us on tariff rates at their other facilities.*

- Review quarterly railroad inspection report dated May 21, 2021
  - *Diamond K track evaluation done May 27, 2021, needs repairs made within next six months waiting on cost proposal.*

## RECEIVE REPORTS AND DISCUSS STATUS OF LEASES

8. NEW LEASE WITH MILLER SEAFOOD  
*Motion was made to recommend Option-3 to City Council.  
Motion made by Commissioner Larry Nichols, Seconded by Commissioner Mike McGuire.  
Motion Carries.*
9. NEW LEASE OF TRACT 9 AND 10 AT CITY HARBOR  
*Jody Weaver, City Manager reported on the status of the survey.  
Commissioners discussed this agenda item. Tabled until August 3, 2021, Regular Port Commission Meeting.  
No action necessary and none taken.*
10. NEW LEASE FOR POOR BOYS BAIT AT SMITH HARBOR  
*Tabled until August 3, 2021, Regular Port Commission Meeting.*

## ACTION ITEMS: NEW BUSINESS

11. CONSIDER RECOMMENDATION TO CITY COUNCIL TO AMEND ORDINANCE NO. 8-16-85 TO REDUCE THE RIGHT-OF-WAY WIDTH OF LEONARD BUREN ROAD IN CITY HARBOR.  
*Motion to accept the recommendation to reduce the Right-of-Way of Leonard Buren Road to a 25-foot easement.  
Motion made by Commissioner Larry Nichols, Seconded by Commissioner Jamie O'Neil.  
Motion Carries.*
12. DISCUSS AMENDMENTS TO THE CURRENT AND STANDARD LEASE DOCUMENT.  
*Motion to accept the current and standard lease with the one change of the MCI.  
Motion made by Commissioner Larry Nichols, Seconded by Commissioner David Roberts.  
Motion Carries.*
13. DISCUSS AMENDMENTS TO CHAPTER 54 WATERWAYS APPENDIX A - FEES, RATES AND CHARGES.  
*Jody Weaver, City Manager advised Commissioners the fees will be changing in conjunction with the budget.  
Commissioners discussed this agenda item. Tabled until August 3, 2021, Regular Port Commission Meeting.  
No action necessary and none taken.*
14. DISCUSS AND REVIEW PROJECTS FOR 5-YEAR CAPITAL IMPROVEMENT PLAN.  
*Commissioners discussed this agenda item.  
No action necessary and none taken.*  
  
*Tabled until July 21, 2021, Budget Workshop - Special Port Commission Meeting*

15. ANNOUNCEMENT BY THE CHAIRMAN THAT THE PORT COMMISSION WILL RETIRE TO CLOSED SESSION.

*Chairman Alex Davila, announced that Port Commission would retire into closed session at 12:17 p.m.*

16. RETURN TO OPEN SESSION AND TAKE ANY ACTION DEEMED NECESSARY WITH REGARD TO MATTERS IN CLOSED SESSION.

*Chairman Alex Davila announced that Port Commission was back in open session at 12:30 p.m. and there would be no action taken with regard to matters discussed in closed session.*

17. COMMENTS FROM THE COMMISSIONERS.

*No Comments.*

**ADJOURNMENT**

*A motion was made by Commissioner Larry Nichols to adjourn the meeting. It was seconded by Commissioner David Roberts. The meeting was adjourned at 12:35 P.M.*