



PORT COMMISSION MEETING

Tuesday, June 08, 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 06/08/2021 REGULAR PORT COMMISSION MEETING

The Agenda having been properly posted, Commissioner David Roberts called the meeting to order at 10:09 A.M. on Tuesday, June 8, 2021. Members attending were 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, Senior Accountant Blake Buller, Harbor Master Jim Rudellat and Rachel Garza. Visitors in attendance Matt Glaze, Urban Engineering.

Absent Member: Chairman Alex Davila

CONSENT AGENDA

1. ADMINISTER OATH OF OFFICE TO NEWLY APPOINTED COMMISSIONERS.
*Michael Kovarek was sworn in as a Port Commission Member.
James D. O'Neil was sworn in as a Port Commission Member.
Larry Nichols was sworn in as a Port Commission Member.*
2. CONDUCT ELECTIONS OF OFFICERS AND TAKE ANY ACTION DEEMED NECESSARY.
Tabled until July 6, 2021, Regular Port Commission Meeting.
3. SET REGULAR MEETING DATES AND TIMES FOR MONTHLY PORT COMMISSION MEETINGS.
*Motion was made to set the Regular Port Commission Meetings on the first Tuesday of the month prior to the Regular City Council Meetings.
Motion was made by Commissioner Sue Traylor and Seconded by Commissioner.
Motion carries*
4. MINUTES OF REGULAR MEETING MAY 4, 2021.
*A motion was made to approve the minutes by Commissioner Sue Traylor, Seconded by Commissioner Mike McGuire.
Motion Carries.*

5. 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

6. 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.

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.

7. RECEIVE STATUS REPORTS OF CAPITAL IMPROVEMENT PROJECTS

- a) Lower and Upper Docks at City Harbor
*The contractor has completed all work on the project.
Waiting on the contractor to submit final closeout documents.*
- b) Scully's Bulkhead and Finger Pier Repairs
This project is complete. The handrail was completed on the bulkhead during the first week of May and picture was given for Commissioners to view. The final invoice from Shirley & Sons was approved for payment on May 26, 2021.
- c) Dredging of Smith Harbor
The contract documents have been executed. Urban Engineering has reached out to Derrick Construction to have a pre-construction meeting.
- d) Renovations to Nautical Landings Marina Break-water - TPWL Grant
Received planning portion of the grant for design of the breakwater on 5-24-21.
- e) Improvements to the Nautical Landings Marina Building
*Still waiting scope of work from Victor Fredrickson for the door replacement.
Working on facelift on front building — removed old plants and repairing sign.*

8. RECEIVE STATUS REPORTS ON SPECIAL PROJECTS

- a) GLO cleanup of old Bilge Reclamation Site at City Harbor.
Regarding the Port Lavaca bilge reclamation unit, our contractor has visited the sites and will start the demolition, removal and clean-up of the Port Lavaca location later this week. We hope to see it completed between the 3rd and the 9th of June. We were lucky that our contractor was able to shift their schedule and quickly accommodate our request. My project leader, Rusty Moon, will contact Jim Rudellat and brief him on the operation and we will inform you when it is nearing completion. Granted, this timetable will be heavily

dependent on weather and any emergency events that may pull our team away.

- b) **Voluntary Restoration of disturbed final cover at the Harbor of Refuge Tract 16.**
RLB leases Tracts 16, 17 and 17A at the Harbor of Refuge and last year they had excavated along the shoreline in order to make repairs to a barge. The excavation was done without the knowledge or consent of the City. A short time after this excavation was performed the surge from Hurricane Hannah caused erosion of the sides of the excavation and exposed some trash cells. The city worked with the US Army Corps of Engineers and TCEQ to permit a voluntary restoration of the disturbed final cover of the old landfill. We have received approval of our voluntary restoration plan and RLB has agreed to complete the restoration work, at no cost to the City, prior to the end of June. The work involves providing 18" of clay soil and 6" of topsoil over an area about 150' x 95' and graded to drain.
Update: *With all of the recent rains, this work has not been done*
- c) **Limited Phase II Environmental Site Assessment of Harbor of Refuge Tracts 16, 17, and 17A.**
As you will see in the report, we ended up with an exceedance of a TRRP protective concentration level (PCL) — arsenic in one groundwater sample. I suspect this is related to the proximity to the coast as discussed in the report but don't have a ton of information to offer an alternative explanation for the detection. I don't see arsenic in the soil samples at concentrations of concern. Could be related to old landfill activities or arsenic in the area runs a little higher. The water quality in that temp well sample indicates a coastal influence for sure (high TDS and chlorides).

Your options...

- 1) If you want a determination from the agency, we send the report in and let the chips fall as they may. Might get lucky and they agree with the TRRP exclusion, and no further action would be required;*
- 2) Install a single permanent monitoring well and sample for arsenic. See if we get a different result. The sample was from a temp well so it's possible it's a suspended solids issue (even though we did analyze a lab filtered sample, so likely it's a dissolved issue). The other GW sample fell way below the arsenic PCL. So, the issue appears to be localized. If it comes back clean or below PCL, this will solidify the exclusion from TRRP.*

A motion was made to recommend to City Council to accept option 1 of the Phase II Report - TRRP Screening.

Motion was made by Commissioner Mike McGuire, Seconded by Commissioner Larry Nichols.

Motion Carries.

- d) **Proposed Air Burner for Brush Operations and Cleanup at the Harbor of Refuge.**
Update Report: *We are actively looking into purchasing some nearby property which would be the site of the air burner, with the required buffer area and land available for staging of the brush. The long-term goal is to relocate our recycling center from George Street to this new location, which would provide better truck access and make it easier for the citizens to practice recycling. If we find that the property is available, we will review the plans with TCEQ to make sure there are no glitches in getting a permit for the site prior to actually purchasing it and the burner. If, however, we find in the next month or so that we are not able to purchase land as hoped, we will then consider engaging an engineer to begin the study to see whether it's possible to permit the air burner somewhere on the Harbor of Refuge site.*

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

a) City Harbor

- *Miller Seafood working on lease, which is up July 30, 2021.*
- *Urban Surveying scheduled to survey track 10 this week.*
- *Bilge Reclamation Facility was cleaned up May 26, 2021, turned back over to the city.*

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

- *John Pena, City won court case and he is paid up in full.*
- *Dominic Diodato, we are awaiting court date.*
- *Matt Estes awaiting Probate.*
- *Horizon Environmental been onsite 11 times since last PC meeting.*

d) Smith Harbor

- *Poor Boys Bait, we are working on lease, up August 31, 2021.*

e) Harbor of Refuge

- *Helena Agri- Enterprises awaiting to schedule meeting to discuss tariffs.*
- *Helena Agri — Enterprises is wanting 3 acres to build truck rack — we have sent a proposal amendment to lease but have not heard back.*
- *Helena Agri- Enterprises wants to build a new Liquid storage tank on tract 6 — need to verify.*
- *Equalizer, Inc — City Hall has received some dockage charge payments, we are waiting on a detail 'wort on to show breakdown.*
- *Been in talks with the Police Chief about camera system for HOR.*
- *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 LEASES10. RECEIVE Report on Status of new lease with Miller Seafood at City Harbor: Presenter Jim Rudellat

Miller Seafood's Lease at City Harbor expires on July 31, without an option for renewal. I am working with Curtis Miller on a new lease document that will be effective on August 1st. I am using the Standard Lease document that was established for Helena at the Harbor of Refuge as a starting point. I am making edits and will consult with the City Attorney in preparing the final document that I will bring to the Port Commission in July for comments and a recommendation(s) for Council action.

11. RECEIVE Report on Status of new lease of Tract 9 and 10 at City Harbor: Presenter Jim Rudellat

Update: I solicited bids from 3 surveying firms and contracted with the low bidder, Urban Surveying to prepare a boundary and improvements survey of the City's property on the north side of City Harbor (aka Tracts 9 and 10). They should begin work next week. The survey will show us where the road right-of-way is with regard to the dock and other improvements on the property. With the survey information, Council can then consider the possibility of reducing the right-of-way width to 25 or 30 ft.

ACTION ITEMS: NEW BUSINESS

12. CONSIDER recommendation to City Council regarding proposed Amendment to the current and Standard Lease document of the Section entitled Delinquent Payments: Presenter Jody Weaver

I am recommending the following amendment be made to the standard lease document and other applicable current leases. This amendment makes it clear that the city will not be sending a monthly invoice, that the rent and dock tariff is due on the 1st, and the other tariff charges and supporting documentation will be due on the 25th.

13. CONSIDER recommendation to City Council regarding a Moratorium on Rail Car Tariff charges, retroactive to October 1, 2020, to provide time to receive input from Helena Chemical: Presenter Jody Weaver

Tabled until July 6, 2021, Regular Port Commission Meeting

14. DISCUSS and Review Projects for 5-year Capital Improvement Plan: Presenter Jody Weaver

The plan adopted last year shows a proposed CIP expenditure in 2021/22 of \$635,000. I am asking for the Commission's input in identifying and prioritizing needed capital improvement projects in the next 5 years, and particularly for the 2021/22 fiscal years. One critically needed improvement that has been identified since last year's plan is shoreline protection for the east side of the land on the south side of the harbor. Increased erosion of this area has begun to expose some trash cells from the old landfill. Matt gave me a very preliminary cost estimate for about 1200 linear feet of rip rap shoreline of \$700,000. I am trying to look into grant opportunities to help fund this.

ADJOURNMENT

A motion was made by Commissioner Larry Nichols to adjourn the meeting. It was seconded by Commissioner Sue Traylor. The meeting was adjourned at 01:08 P.M.