



**CITY OF**  
**PORT LAVACA**

202 N. Virginia, Port Lavaca, Texas 77979-0105, [www.portlavaca.org](http://www.portlavaca.org)  
Ph: 361-552-9793 Facsimile: 361-552-6062

**MINUTES OF 05/19/2020 REGULAR OF PORT COMMISSION MEETING**

The Agenda having been properly posted, Chairman Davila called the meeting to order at 10:07 A.M. on Tuesday, May 19, 2020. Members attending were Commissioner Mike McGuire, Commissioner Raymond Butler and Commissioner Sue Traylor. City Staff that were attending were Interim City Manager Jody Weaver, Finance Director Sandra Mason, Harbor Master Jim Rudellat, and Rachel Garza. Visitors in attendance by Zoom were Tom Schmidt of Urban Engineering, Eddie Fisher of Gulf Hydrographic & Coastal Consulting LLC, and Matt Glaze.

1. ADMINISTER OATH OF OFFICE TO NEW MEMBERS.

New Members Raymond Butler and Sue Traylor were sworn into office by Mandy Grant.

2. CONSENT AGENDA:

a. MINUTES OF REGULAR MEETING April 21, 2020

A motion was made to approve the minutes as is by Commissioner Mike McGuire, Seconded by Commissioner Raymond Butler.

Motion Carries.

3. REPORTS

- a. TARIFF REPORT
- b. ACCOUNT AGING REPORT
- c. REVENUE AND EXPENSE REPORT
- d. BALANCE SHEET
- e. PAYMENT REPORT
- f. PROFIT AND LOSS CASH FLOW REPORT

Unable to provide Profit and Loss Cash Flow Report due to unforeseen Cyber Attack.

Documents to be provided at a later date.

Jody Weaver, Interim City Manager recommendations to schedule a workshop at a later date to go over Audit Report and Profit and Loss Cash Flow Report.

No Action Necessary.

4. RECEIVE REPORT FROM CITY MANAGER REGARDING SETTLEMENT AGREEMENT OF THE FOLLOWING LITIGATION: CAUSE NO. 2020-VC-3947-DC, CITY OF PORT LAVACA, TEXAS VS. KEVIN NEVAREZ.

City Council moved to accept the settlement agreement against Kevin Nevarez in the amount of \$2500.00.

Comments from Alex Davila, Chairman requested that City Council please keep Port Commission included and updated on any decisions that effects Port Commission.

5. RECEIVE REPORTS FROM STAFF REGARDING STATUS OF NAUTICAL LANDINGS BUILDING AND LEASES.

No comments from Jim Rudellat.

No Action Necessary

6. DISCUSS LEASE OF EDWARD JONES, NAUTICAL LANDINGS, SUITE 3.

In Review of Edward Jones' Lease, Port Commission is requesting no automatic renewals, a two-year lease only with no options. A One Thousand dollar (\$1,000.00) plus a 5% increase or MCI whichever is higher for one year and a One Thousand and fifty dollars (\$1050.00) for the second year with a 5% increase or MCI whichever is higher plus a 60- or 90-day notice of written acceptance.

Motion was made to reject offer made by Edward Jones to renew their two year (2) lease at a rate of \$955.00 for the first year (1) and \$980.00.00 for the second year (2).

Motion was made by Commissioner Mike McGuire.

Ayes: NONE

Nays: NONE

Motion Fails.

Tabled for Regular Port Commission Meeting June 16, 2020.

7. DISCUSS LEASE OF SOMETHING MORE MEDIA, NAUTICAL LANDINGS, SUITE 4.

Motion was made for Jody Weaver, Interim City Manager to negotiate and move forward with the lease to Something More Media at Nautical Landing Suite 4. Commissioners agreed that the existing current lease will term September 30, 2020 rather than April 30, 2020. Commissioners approved a one-year extension from October 1, 2020 to September 30, 2021. Renter will be required to sign a new lease beginning October 1, 2021 with a 5% increase or MCI whichever is higher.

Motion was made by Commissioner Sue Traylor and Seconded by Commissioner Raymond Butler.

Nays: Commissioner Mike McGuire

Motion carries.

8. DISCUSS LEASE OF TESTENGEER, NAUTICAL LANDINGS, SUITE 2.

In review of Testengeer lease due to term May 31, 2020, renter will not be exercising their right to extend their current lease. But would like to request one (1) extra month to vacate the building on or before June 30, 2020.

Motion was made to accept a one (1) month extension from Testengeer and to move forward in the recovery of funds for the electricity.

Motion was made by Commissioner Raymond Butler and Seconded by Commissioner Sue Traylor

Motion carries.

9. DISCUSS LEASE OF POORBOY'S, SMTH LABOR

Tabled for Regular Port Commission Meeting June 16, 2020.

Request for the Harbor Master to research other bait shop rates in the surrounding areas.

10. DISCUSS LEASE OF RLB CONTRACTING, HARBOR OF REFUGE, TRACT 16 & 17 & 17A.

Tabled for Regular Port Commission Meeting June 16, 2020.

11. DISCUSS STANDARDIZATION OF LEASE DOCUMENTS.

Discussion of standardizing legal documents by each section addressing, City Harbor Dock Spaces, Marina Boat Slips, Nautical Landings Building, Smith Harbor Docking Spaces, Harbor of Refuge Tracks of Land with Public Docking Spaces.

Motion was made to request permission from City Council for Port Commission to hire a Real Estate Attorney to standardize legal documents.

Motion was made by Commissioner Sue Traylor and Seconded by Commissioner Raymond Butler.

Motion Carries.

**12. CONSIDER CONTRACT/HIRING AN ENGINEER FOR PORT PROJECTS.**

Commissioner Alex Davila deemed Jody Weaver, City Engineer, Interim City Manager to decide on whether she needs Port Commission to hire another Engineer to provide some assistance on the small in-house projects and to possibly reduce cost.

**13. DISCUSS CITY HARBOR LOWER DOCK REPAIRS**

In review of the scope of work done by Gonzales Contracting, the lower dock was removed except for a small area that was not. The scope was to uncap it all but there was an agreement to stop due to the removal may compromise the vertical concrete portion. Recommendation from Tom Schmidt, Urban Engineering is to leave it alone and request a refund from Gonzales Contracting and transfer that task to a Construction Bid. Comments for Tom Schmidt and Jody Weaver, Interim City Manager suggested saw cuts. Comments from Alex Davila transfer the funds to finish pulling up the concrete and go back the to the lower land bridge and rescope the cutting and removing more safely of the lower deck and move forward as suggested by Tom Schmidt, Urban Engineering.

**14. DISCUSS CITY HARBOR HIGH DOCK REPAIRS.**

No discussion.

No Action Necessary.

**15. DISCUSS CITY HARBOR FINGER PIERS**

Tabled for Regular Port Commission Meeting June 16, 2020.

**16. DISCUSS BULKHEAD AT CITY HARBOR NEXT TO SCULLY'S.**

Tabled for Regular Port Commission Meeting June 16, 2020.

**17. RECEIVE REPORTS FROM STAFF REGARDING STATUS OF NAUTICAL LANDINGS MARINA AND MARINA LEASES.**

In discussion regarding Nautical Landings Marina Dock-A, electrical maintenance needs to be addressed. Last 3 pedestals are not working. Jim Rudellat, Harbor Master discovered the wiring under the dock has been cut in two, due to lack of breakwater, wiring becomes pinched and breaks apart. Recommendations from Commissioner Mike McGuire contact Fowler Construction to re-evaluate scope of work.

**18. RECEIVE REPORT FROM URBAN ENGINEERING REGARDING DOCK B REPAIRS AT NAUTICAL LANDINGS.**

FEMA is now saying it will only consider three (3) mooring pilings as eligible. FEMA Mitigation would have paid to upgrade the wood piling to steel for the fifteen (15) dock pilings, but in further review, the powers that be eliminated those pilings, finding them to be ineligible for reimbursement whether they be wood or steel. So, in turn that eliminated the mitigation. Jody Weaver, Interim City Manager will check more on funding.

19. RECEIVE REPORT FROM STAFF REGARDING SMITH HARBOR, ASSOCIATED PROPERTIES AND LEASES.

Comments from Jim Rudellat, Hunter Paving asked if he could stage some equipment, in turn he would pave the area in front of Poor Boy's Bait Shop. Hunter Paving also stated that when they return, he could do some more paving for us at zero (0) cost. A motion was made on April 21, 2020 to authorize Jim Rudellat, Harbor Master to make minor repairs to Smith Harbor and Nautical Landings properties and for Jim Rudellat to

acquire materials and a contractor to clean up the area as requested. Phillip Gonzales stated he could to the required work for \$5,000.00. Wayne Shaffer, Public Works Director stated that his crew could do the clean up around Bean Property. Hunter Paving then could pave over that area once Gonzales Contracting and Public Works completes clean up.

20. RECEIVE REPORT ON PERMITTING AND DREDGING OF SMITH HARBOR

Comments from Eddie Fisher, Gulf Hydrographic & Coastal Consulting, Permitting is in place under the Nationwide Permit for all the work, the debris removal and for the dredging. Waiting on confirmation on whether if the hydraulic dredging is done will need a TCEQ water certification. Jody Weaver, Interim City Manager to check on status.

21. CONSIDER PURCHASE OF LOTS IN COTTAGE COVE SUBDIVISION.

Comments from Commissioner Alex Davila, Earnest Money Contract needs to be in place. Jody Weaver, Interim City Manager to reach out to Commissioner David Roberts to secure an Earnest Money Contract.

22. RECEIVE REPORTS FROM STAFF REGARDING HARBOR OR REFUGE LEASES, PERMITS, BULKHEAD REPAIRS AND CLEAN-UP.

Permits: Comments from Eddie Fisher Gulf Hydrographic & Coastal Consulting the Permit has expired as of December 2019, for any work to be done at the harbor. Letter to the CORPS of Engineers has been sent to extend the permit. As soon as Jody Weaver, Interim City Manager hears back then the permit can become valid again.

Refuge of Harbor: Clearing and piling up brush and trees at Refuge Harbor, north and east of the gun range to the water.

Motion was made to authorize Gonzales Construction to clean up landfill at a Thousand dollars (\$1000.00) a day estimated at 15 days to complete job.

Motion was made by Commissioner Sue Traylor and Seconded by Commissioner Mike McGuire.  
Motion Carries.

23. DISCUSS MONTHLY MAINTENANCE CHECKLIST FROM HARBOR MASTER.

Jim Rudellat to record and document by a check list moving forward. Picture documentation will also be taken.

24. GENERAL COMMENTS FROM COMMISSIONERS.

No Action Necessary.

ADJOURN

A motion was made by Commissioner Mike McGuire to adjourn the meeting. It was seconded by Commissioner Sue Traylor. The meeting was adjourned at 1:17 P.M.