

MINUTES OF MEETING

BE IT REMEMBERED that the Commissioners of the Port of Bay City Authority met Thursday, February 11, 2021 at the office of the Authority, 1305 Seventh St, Bay City, Texas. Due to the COVID-19 pandemic and the large number of confirmed cases in Matagorda County, Texas and the danger and risk to the general public and the Commissioners of the Port of Bay City Authority, the Commissioners participated through video/teleconference and were not physically present at the meeting. The Port office was open to the general public to allow the general public to listen to the meeting, join in, and participate in the video/teleconference meeting. The following Commissioners and staff were present:

Mike Griffith	Chairman
George Harrison	Vice-Chairman
Joey Sliva	Secretary
Lee Weathers	Commissioner
Allen Cumbie	Port Attorney
Craig Hlavinka	Harbor Master
Sharron Perez	Office Manager
Absent:	
Buddy Treybig	Commissioner
Tommy Countz	Commissioner
Visitors:	
Alyssa Dibbern	City of Bay City Engineering Tech

The meeting was called to order at 6:30pm by Commissioner Mike Griffith.

Item 1 – The minutes of the meeting held March 11, 2021 were not available for review. This item was tabled until the next meeting.

Item 2 - On motion of Commissioner Joey Sliva, seconded by Commissioner Lee Weathers, the following disbursements were unanimously ratified and approved:

ACE HARDWARE	349.99
--REPAIRS & MAINTENANCE - HARBOR	
ACE HARDWARE	327.94
--REPAIRS & MAINTENANCE – HARBOR	
ACE HARDWARE	579.33
--REPAIRS & MAINTENANCE – HARBOR	
ACE HARDWARE	42.50
--REPAIRS & MAINTENANCE – HARBOR	
ACE HARDWARE	29.12
--REPAIRS & MAINTENANCE - HARBOR	
AQUA-ZYME SERVICES INC	480.00
--PUBLIC UTILITIES	
AQUA-ZYME SERVICES INC	320.00
---PUBLIC UTILITIES	
AT&T	69.18
--TELEPHONE	
AT&T	331.33
--TELEPHONE	
A TEAM LANDSCAPING	60.00
--REPAIRS & MAINTENANCE – OFFICE	
CPL BUSINESS	43.70
--PUBLIC UTILITIES	
B ALLEN CUMBIE	5,927.95
--ATTORNEY'S FEES	
DEXYP	26.50
--PROMOTION & DEVELOPMENT	
DIRECT ENERGY	205.72
--PUBLIC UTILITIES	
DIRECT ENERGY	3,048.38
--PUBLIC UTILITIES	
DIRECT ENERGY	19.45
--PUBLIC UTILITIES	
DIRECT ENERGY	82.99
--PUBLIC UTILITIES	
ELLEN DODD	1,360.00
--SPECIAL DISTRICT ACCOUNTING FEES	
GRAINGER	170.85
--REPAIRS & MAINTENANCE – HARBOR	
KLEPAC PEST CONTROL	64.00
--REPAIRS & MAINTENANCE – OFFICE	
LOWES	965.06
--OPERATING SUPPLIES (A/P)	

--OPERATING SUPPLIES	
MATAGORDA COUNTY	2,492.93
--TAX COLLECTION FEES	
MATAGORDA COUNTY SELF-INSURANCE POOL	100,313.00
--INSURANCE & BONDS (PROPERTY)	
MATAGORDA WASTE DISPOSAL & WATER SUPPLY CORPORATION	178.75
--PUBLIC UTILITIES - BOAT SHED	
MATAGORDA WASTE DISPOSAL & WATER SUPPLY CORPORATION	356.15
--PUBLIC UTILITIES - TENT & FISH CLEANING TABLE	
MATAGORDA WASTE DISPOSAL & WATER SUPPLY CORPORATION	47.50
-- PUBLIC UTILITIES - PUMP	
MATAGORDA WASTE DISPOSAL & WATER SUPPLY CORPORATION	224.90
--PUBLIC UTILITIES - TRAILER PARK	
MATAGORDA WASTE DISPOSAL & WATER SUPPLY CORPORATION	106.00
-- PUBLIC UTILITIES - RESTROOM	
MATAGORDA WASTE DISPOSAL & WATER SUPPLY CORPORATION	105.40
-- PUBLIC UTILITIES - HOUSE	
MATAGORDA WASTE DISPOSAL & WATER SUPPLY CORPORATION	82.20
--PUBLIC UTILITIES - MEETING HOUSE	
MATAGORDA WASTE DISPOSAL & WATER SUPPLY CORPORATION	372.35
--PUBLIC UTILITIES – SPRINKLER	
MCCOYS	722.77
--OPERATING SUPPLIES	
NAPA AUTO & TRUCK PARTS	576.03
--OPERATING SUPPLIES	
--VEHICLE EXPENSE	
PURCHASE POWER	500.00
--OPERATING SUPPLIES	
JAY SCHOLTEN	1,300.00
--REPAIRS & MAINTENANCE – HARBOR	
SHARRON'S BOOKKEEPING AND TAX SVC	5,672.92
--OFFICE MANAGER - CONTRACT SERVICES	
--PROFESSIONAL SERVICES	
--TELEPHONE	
--OPERATING SUPPLIES	
--TRAVEL	
SHORELINE CONSTRUCTION	13,970.27
--REPAIRS & MAINTENANCE – HARBOR	
SOUTH TEXAS CORRUGATED PIPE	204.00
--REPAIRS & MAINTENANCE – HARBOR	
SUTHERLANDS	406.20
--REPAIRS & MAINTENANCE – HARBOR	
SUTHERLANDS	200.86
--REPAIRS & MAINTENANCE – HARBOR	
SUTHERLANDS	187.76
--REPAIRS & MAINTENANCE - HARBOR	
THE HOME DEPOT	1,048.36
--OPERATING SUPPLIES	
VERIZON WIRELESS	137.36
--TELEPHONE	
WCA	483.39
--PUBLIC UTILITIES	
WILSCOT	220.25
--MISCELLANEOUS EXPENSE	
CRAIG HLAVINKA	2,657.58
--TRAVEL	
--VEHICLE EXPENSE	
--OPERATING SUPPLIES	
MIKE GRIFFITH	240.00
--SEMINARS & DUES	

Item 3 – Sharron Perez reviewed the Billing, Collection, Accounts Receivable Reports, and Financial Reports for January 2021. There were no significant items to report on at this time, and Sharron Perez asked if there were any questions regarding the financial information. On motion of Commissioner Tommy Countz, seconded by Commissioner Lee Weathers, the Commissioners unanimously approved the financial reports for January 2021. Detailed copies of these reports are kept as part of the current records of the Port of Bay City Authority,

Item 4 – Sharron Perez also presented a report on past due accounts and actions taken on these accounts. There were twelve tenants to which a ten-day letter will need to be sent this month. A detailed copy of the report is kept as part of the current records of the Port of Bay City Authority.

Item 5 - Craig Hlavinka reported on activity at the Port of Bay City. GulfMark Energy is shipping on a regular basis. AEP has installed eight poles on the transmission line route. Tenaris has inquired about utilizing the Port facility to bring in materials. Craig Hlavinka will have a teleconference with representatives tomorrow.

Craig Hlavinka reported on the activity at Matagorda Harbor. Occupancy is at 86% for all docks excluding G-dock which is at 63%. It has been business as usual at the Harbor. The food truck has not been down to the harbor.

Mike Griffith updated the Commissioners on the dredging project. The weather has been challenging. The dredging of the pilot channel should be complete in 30 – 45 days. The Corps of Engineers is dredging the full width of the channel and a little longer than the existing channel in order to reach 20' in depth.

Item 6 – Heather Case advised the Commissioners that she had not been able to contact the website designer for an update. The project is moving forward. Craig Hlavinka advised that the website is close to going public.

Item 7 – There was a brief discussion regarding the website regulations concerning Commissioner information. Mike Griffith advised that he was not interested in having a photo and biography and that the contact information should be the Port office. Once an individual contacted the Port office, then Sharron Perez could relay information to the Commissioner. George Harrison asked Allen Cumbie what the new law stated in regards to the Commissioner information. Allen Cumbie went over Section 26.18 under the property tax code regarding the official contact for Commissioners. Mike Griffith suggested utilizing the office as the primary contact for all Commissioners. Allen Cumbie felt that personal contact information should be listed; however, the office contact information may be sufficient. Tommy Countz agreed with having the office contact information. George Harrison looked at the Port of Palacios and personal contact information was not listed on their website. George Harrison asked Allen Cumbie to contact Isidro Castanon, the attorney for Matagorda County Navigation District No. 1 and inquire about his interpretation of the law. Mike Griffith expressed that the Port of Bay City needs to be compliant.

Item 8 – The Commissioners discussed the bank depository contract. On motion of Commissioner Tommy Countz, seconded by Commissioner Joey Sliva, the Commissioners unanimously authorized Matagorda County Treasurer Loretta Griffin to begin the bid process for the bank depository contract on behalf of the Port of Bay City Authority.

Item 9 – The Commissioners discussed the request by Craig Hinton to extend his current lease for three years with a three-year option for the area where his restaurant is located at Matagorda Harbor. Mike Griffith discussed modifying regarding parking area and extending with the same escalator clause. Allen Cumbie advised that the lease is for a 10,000 square foot area, and there are no specifics regarding the parking area. George Harrison discussed looking at the foot print of the property. Mike Griffith advised that it goes to the levee then to the east and covers a portion of the parking lot. Craig Hlavinka further discussed the area included in the lease and that he understands that the restaurant needs parking. The Commissioners discussed exclusive use, maintenance of the area, etc. The Commissioners discussed the possible inclusion of maintenance requirements in the lease agreement and that if it is not maintained having the maintenance done with reimbursement from Craig Hinton. Mike Griffith discussed continuing a month-to-month lease until the Port Authority can determine the leased area. Allen Cumbie had prepared a draft of the three-year extension with a three-year option containing a 3% escalator clause. At the end of the three-year option, the lease would have to be renegotiated. Craig Hlavinka also discussed prior issues with the grease trap. Allen Cumbie mentioned the insurance requirements and the need to have certificates of insurance on file at the Port office. George Harrison discussed the grease trap issue and whether or not to include a provision regarding this matter in the new lease. Mike Griffith discussed requiring proper maintenance of the area in case an issue arises regarding the grease trap. Craig Hlavinka discussed the distance of the restaurant from the toe of the levee. The Commissioners will discuss this item further at the next meeting.

Item 10 - The Commissioners discussed the one-time charge to AEP for the substation. On motion of Commissioner George Harrison, seconded by Commissioner Lee Weathers, the Commissioners unanimously approved a fee of \$100,000 to AEP for the use of the substation property on approximately 2.36 acres out of the 20.64 acres from the Fondren purchase adjacent to Oxeas plant at the Port's terminal to be based on Air Liquide's maximum lease term of sixty years.

Item 11 – The Commissioners discussed the relocation of the 4-acre drill site on the 99.97 acres out of the Fondren purchase near the Oxea plant. FASH has agreed to a site; however, it has to go thru the approval process. The Commissioners discussed authorizing Mike Griffith to move forward once FASH approves. Allen Cumbie advised that he had drafted an agreement and sent it to FASH. The Commissioners discussed the costs that have been incurred to relocate the drill site. Mike Griffith believes

the total cost will be around \$15,000. The total amount spent to date will be discussed at the next meeting.

Item 12 – Mike Griffith and Joey Sliva met with the group that purchased the Old Gulf property to discuss the rail easement from Llyondell to Old Gulf. The Port Authority is interested in the project as it could help get rail to the proposed new barge terminal.

Item 13 – Allen Cumbie discussed the upcoming election for positions one and five currently held by Mike Griffith and Tommy Countz. There will be a notice of election in June with filing beginning around July 17. Allen Cumbie has discussed having a joint election with the Matagorda County Clerk. Allen Cumbie also discussed the email he sent out from the Port Association regarding revenue bond legislation and public vote requirements. Allen Cumbie then discussed the issues that the individual who purchased the sailboat was having getting the boat registered.

Item 14 – Michael Ferdinand, MCEDC Executive Director, thanked the Commissioners for their continued support. Michael Ferdinand advised that he had received an update from the eb designer that the website would go live on February 16. There has been an issue with the current hosting. Michael Ferdinand has continued to see some activity. Roehm is still active. There have been other chemical based projects interested in Matagorda County. Michael Ferdinand advised the Commissioners that he is resigning but hopes to retire back to the area in about eight years. Jessica Russell with Bay City Community Development Corporation will step in until a replacement can be found.

There being no further business to come before the meeting, the Commissioners adjourned the meeting at 7:30pm.

Attest:

Approve:

*/s/ Mike Griffith*

*/s/ Joey Sliva*