

MINUTES OF MEETING

BE IT REMEMBERED that the Commissioners of the Port of Bay City Authority met Thursday, August 10, 2023, at the Office of the Authority, 1305 Seventh Street, Bay City, Texas. The following Commissioners and staff were present:

George Harrison	Chairman
Joey Sliva	Vice-Chairman
Matt Ashcraft	Secretary
Lee Weathers	Commissioner
Buddy Treybig	Commissioner
Trey Treybig	Commissioner
Craig Hlavinka	Harbor Master
Sharron Perez	Office Manager
Allen Cumbie	Port Attorney
Dimitri Millas	Norton Rose Fulbright
Leslie Bacon	Norton Rose Fulbright
Visitors:	
Mike Ferdinand	MCEDC Executive Director
Mike Reddell	Bay City Sentinel
Gayle Cook	Matagorda Volunteer Fire Dept
Teressa Gibbons	Matagorda Volunteer Fire Dept
Mike Estlinbaum	Matagorda County Pct 2 Commissioner
Kate Allen	Visitor
Luke Rawlings	Visitor
Don Wood	Visitor

The meeting was called to order at 6:30pm by Commissioner George Harrison.

Item 1 – George Harrison led those in attendance in the pledge of allegiance to the flags.

Item 2 – Joey Sliva led those in attendance in prayer.

Item 3 – The minutes of the regular meetings of June 6, 2023 and July 11, 2023 were reviewed. On motion of Commissioner Joey Sliva, seconded by Commissioner Matt Ashcraft, the minutes of the regular meetings of June 6, 2023 and July 11, 2023 were unanimously approved as read.

Item 4 - On motion of Commissioner Matt Ashcraft, seconded by Commissioner Lee Weathers, the following disbursements were unanimously ratified and approved:

ACE HARDWARE	5.18
--OPERATING SUPPLIES	
ACE HARDWARE	268.94
--OPERATING SUPPLIES	
ACE HARDWARE	144.45
--OPERATING SUPPLIES	
ACE HARDWARE	412.76
--OPERATING SUPPLIES	
ACE HARDWARE	1,225.69
--OPERATING SUPPLIES	
ACE HARDWARE	42.75
--OPERATING SUPPLIES	
ANCHOR QEA	105,917.91
--MATAGORDA HARBOR IMPROVEMENTS	
--PROFESSIONAL SERVICES	
ANCHOR QEA	35,823.73
--PROFESSIONAL SERVICES	
AQUA-ZYME SERVICES INC	260.00
--PUBLIC UTILITIES	
AQUA-ZYME SERVICES INC	320.00
--PUBLIC UTILITIES	
AQUA-ZYME SERVICES INC	480.00
--PUBLIC UTILITIES	
AT&T	1,141.86
--TELEPHONE EXPENSE	
AT&T	1,277.20
--TELEPHONE EXPENSE	
AT&T	750.53
--TELEPHONE EXPENSE	
AT&T	69.18
--TELEPHONE EXPENSE	
A-TEAM LANDSCAPING	200.00

--REPAIRS & MAINTENANCE - OFFICE	
BAY CITY LIONS CLUB	60.00
--PROMOTION & DEVELOPMENT	
B ALLEN CUMBIE	6,473.18
--ATTORNEY'S FEES	
DIRECT ENERGY	50.01
--PUBLIC UTILITIES	
DIRECT ENERGY	118.19
--PUBLIC UTILITIES	
DIRECT ENERGY	4,993.00
--PUBLIC UTILITIES	
DIRECT ENERGY	26.87
--PUBLIC UTILITIES	
DIRECT ENERGY	436.82
--PUBLIC UTILITIES	
DOCK BOXES UNLIMITED	2,744.69
--REPAIRS & MAINTENANCE - HARBOR	
ELLEN DODD	1,360.00
--SPECIAL DISTRICT ACCOUNTING FEE	
EATON CORPORATION	628.67
--REPAIRS & MAINTENANCE - HARBOR	
FRAZIER OIL PROPERTIES LLC	520.00
--PROFESSIONAL SERVICES	
GFL	946.08
--PUBLIC UTILITIES	
GRAINGER	815.70
--OPERATING SUPPLIES	
HDR INC	19,984.25
--PROFESSIONAL FEES	
IT DESIGN	304.99
--OPERATING SUPPLIES	
KLEPAC PEST CONTROL	64.00
--REPAIRS & MAINTENANCE - OFFICE	
LYLE PRINTING	249.20
--OPERATING SUPPLIES	
MATAGORDA COUNTY	9,216.63
--TAX COLLECTION FEES	
MATAGORDA WD&WSC	120.00
--PUBLIC UTILITIES (HOUSE)	
MATAGORDS WD&WSC	832.25
--PUBLIC UTILITIES (SPRINKLER)	
MATAGORDA WD&WSC	290.70
--PUBLIC UTILITIES (TRAILER PARK)	
MATAGORDA WD&WSC	349.95
--PUBLIC UTILITIES (BOAT SHED)	
MATAGORDA WD&WSC	395.50
--PUBLIC UTILITIES (TENT AND FISH CLEANING)	
MATAGORDA WD&WSC	117.20
--PUBLIC UTILITIES (MEETING HOUSE)	
MATAGORDA WD&WSC	142.90
--PUBLIC UTILITIES (RESTROOM)	
MCCOYS	636.95
--OPERATING SUPPLIES	
NORTON ROSE FULBRIGHT	11,892.50
--ATTORNEY FEES	
NORTON ROSE FULBRIGHT	33,467.50
--ATTORNEY FEES	
PROSECURITY WAREHOUSE	483.71
--OPERATING SUPPLIES	
QUILL CORPORATION	149.96
--OPERATING SUPPLIES	
QUILL CORPORATION	71.98
--OPERATING SUPPLIES	
RICE & ASSOCIATES PC	1,000.00
--PROFESSIONAL SERVICES	
SAFETY-KLEEN	375.00
--REPAIRS & MAINTENANCE - HARBOR	
SAFETY-KLEEN	249.00
--REPAIRS & MAINTENANCE - HARBOR	
JAY SCHOLTEN	1,600.00
--REPAIRS & MAINTENANCE - HARBOR	
SHARRON'S BOOKKEEPING AND TAX SERVICE	7,011.60
--OFFICE MANAGER - CONTRACT SERVICES	
--PROFESSIONAL SERVICES	

--OPERATING SUPPLIES	
--TELEPHONE EXPENSE	
--TRAVEL	
SHELMARK ENGINEERING LLC	3,504.50
--PROFESSIONAL SERVICES	
SHORELINE CONSTRUCTION	16,558.36
--REPAIRS & MAINTENANCE – HARBOR	
SLIVA SERVICES	3,750.00
--REPAIRS & MAINTENANCE - DUNBAR	
SUTHERLANDS	772.76
--REPAIRS & MAINTENANCE – HARBOR	
THE HOME DEPOT	1,946.39
--REPAIRS & MAINTENANCE – HARBOR	
VERIZON	133.20
--TELEPHONE EXPENSE	
WEST MARINE PRO	1,067.46
--OPERATING SUPPLIES	
WILLSCOT	286.05
--MISCELLANEOUS EXPENSE	
CRAIG HLAVINKA	5,562.29
--TRAVEL	
--VEHICLE EXPENSE	
--OPERATING SUPPLIES	
--REPAIRS & MAINTENANCE - HARBOR	

Item 5 – Sharron Perez reviewed the Billing, Collection, Accounts Receivable, and Financial Reports for May, June, and July 2023. There were no significant items to report on at this time, and Sharron Perez asked if there were any other questions regarding the financial information. On motion of Commissioner Trey Treybig, seconded by Commissioner Matt Ashcraft, the Commissioners unanimously approved the financial reports for May, June, and July 2023. Detailed copies of these reports are kept as part of the current records of the Port of Bay City Authority.

Sharron Perez also presented a report on past due accounts and actions taken on these accounts. There were eighteen 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 6 - Craig Hlavinka reported on activity at the Port of Bay City. There has been a flurry of activity with the two AEP crews and Roehm crews. Roehm is shipping smaller items by truck and the larger modules by barge. AEP is rerouting the line by the dock underground tomorrow. George Harrison advised that Roehm has an additional laydown yard by the fairgrounds.

Craig Hlavinka reported on the activity at Matagorda Harbor. Everything has been running smoothly but busy. The tournaments have been going well. George Harrison discussed having Marcus Vargas use a drone to document the activity at Matagorda Harbor during a tournament. Craig Hlavinka advised the Commissioners that he would like to get an updated aerial of Matagorda Harbor. Matt Ashcraft will provide Marcus Vargas's contact information to Craig Hlavinka. George Harrison advised that he is meeting with the Texas Port Authority and that updated photographs would be used for advertisements for the next Gulf Intracoastal Canal Association conference.

Item 7 – Gayle Cook, with the Matagorda Volunteer Fire Department, presented the proposal that she put together for a firefighting boat. The fire department did not pass the Homeland Security Resilience Assessment due to the department not having a firefighting boat. George Harrison asked what this meant for the fire department. Gayle Cook advised that the department was placed on concerned status which affects the possible grant applications to acquire the boat. Gayle Cook has been able to decrease the cost by \$70,000. The boat can be used to fill firetrucks, fight fires from the water, access the west beach, etc. The fire department currently has two volunteers that have the necessary coast guard certifications and one currently in training. The boat would be capable of carrying an ATV to west beach to assist with emergencies. Currently, emergency crews are having to hike in with all their gear then carry their gear and injured people back out. If the firefighting boat is obtained, the fire department would need a slip to store the boat at Matagorda Harbor. The total cost of the firefighting boat is \$186,430.75. The fire department is looking for assistance in purchasing the boat to alleviate their budget constraints. The fire department has obtained \$90,000 from the Letulle Foundation. The fire department has ordered the boat, and it will be delivered in eight months. George Harrison asked Norton Rose Fulbright to check on the Port Authority's jurisdiction regarding this request. George Harrison advised Gayle Cook that the Port Authority should have a response within thirty days. Gayle Cook asked if the Port Authority could purchase components for the boat. George Harrison advised the Port Authority would review the matter and look at both items at the next meeting. George Harrison expressed the Port Authority's appreciation of all the hard work the fire department does to keep the areas safe.

Item 8 – Craig Hlavinka advised the Commissioners that the 2014 Ford F150 needs to be sold due to the body of the truck having significant rust. On motion of Commissioner Matt Ashcraft, seconded by Commissioner Lee Weathers, the Commissioners unanimously approved to put out for bid the sale of the 2014 Ford F150.

Items 9 & 10 – The Commissioners discussed the 2023 General Election Services Contract with Matagorda County and the Order Calling for a Joint Election with Matagorda County. Allen Cumbie has been in contact with Matagorda County Clerk Stephanie Wurtz regarding both items. Once the Port Authority approves these, Allen Cumbie will forward the documents to the County. On motion of Commissioner Trey Treybig, seconded by Commissioner Lee Weathers, the Commissioners unanimously approved the 2023 General Election Services Contract between the Port of Bay City Authority of Matagorda County, Texas, and Matagorda County Election Officer for the upcoming Election for Port Commissioners Position Nos. Two (2) and Six (6) to be held on November 7, 2023 and the Order Calling for a Joint Election with Matagorda County for the upcoming Election for Port Commissioners Position Nos. Two (2) and Six (6) to be held on November 7, 2023.

Item 11 – Luke Cressman, HDR Inc, updated the Commissioners regarding the Caney Creek dredging project. The previous dredging documents have been received by HDR Inc to utilize as a starting point for the bid specs, etc. George Harrison had asked Barrett Franz, with Matagorda County Drainage District No. 1, for bid templates to utilize for the dredging project; however, no such templates exist. Last week, HDR was contacted by Texas Parks and Wildlife regarding the proposed dredging. The wetland delineation was discussed. There is an endangered bird, the Eastern Black Rail, that nests in the area during a specific time frame. The dredging project will have to take this nesting time into consideration for the project. Luke Cressman advised that the dredging will take two weeks to one month and will not occur during the Eastern Black Rail nesting season. The project will not affect wetlands; however, it could be relocated to upland areas. The dredging project will be done under a Nationwide 35 permit. The project is a notify project which means that agencies will be notified and given forty-five days to respond. HDR would reply to any responses received. HDR does not anticipate any issues. The project would be given a notification to proceed in approximately four months. George Harrison and Barrett Franz are working together to ensure each entity is kept in the loop on the progress of the project. The updated Scope of Work has been prepared and is pending signatures.

Kate Allen provided a copy of the letter sent to Representative Troy Nehls regarding the area where the geo-tubes will be placed. A group of homeowners in the Caney Creek area are trying to get help from Representative Troy Nehls to work with the US Corps of Engineers on the proposed placement area. Evan, assistant to Representative Troy Nehls, will visit the site to meet with homeowners regarding their concerns.

Item 12 – The Commissioners discussed the proposed relocation of the four-acre drill site and/or the possible acquisition of the four-acre drill site. FASH has agreed to the relocation of the drill site pending payment by the Port Authority of their attorney and consultant fees. Allen Cumbie advised Robin Rice, the attorney for FASH, that the payments have been mailed. Once the payments are received, then FASH will sign the relocation documents.

Item 13 – Mike Ferdinand, Executive Director of Matagorda County Economic Development Corporation, updated the Commissioners on the status of various projects. Matagorda County did not approve tax abatement for Maverick Tubing which has affected other prospects looking at Matagorda County. The full impact of this has not fully assessed. George Harrison asked if they would qualify for the 403; however, the rules will not come out until the last quarter of the year. Maverick Tubing will have to make a decision prior to this timeframe. Matt Ashcraft asked if Maverick Tubing was looking at other sites. Mike Ferdinand advised that Maverick Tubing is continuing to review other sites. Mike Ferdinand will reach out to PCC regarding the 403.

Item 14 – Matagorda County Precinct No 2 Commissioner Mike Estlinbaum discussed the area under the bridge along the Gulf Intracoastal Waterway in Matagorda. Bridge Park is the name some people use for the area. There are boat slips at this property that local fishermen would like to lease. The County Attorney advised that the County cannot lease property to others. There are certain things the County cannot do based on various regulations. Commissioner Estlinbaum spoke to the County Attorney about installing signs not allowing others to utilize the facility. Commissioner Estlinbaum would like to work with the Port Authority to lease the area to the Port Authority. The Port Authority could then lease the area or the slips to others. George Harrison advised that the Port Authority would obtain copies of the deed to determine if there are any restrictions on the property.

Luke Rawlings, a shrimper from Matagorda County, spoke on behalf of the local commercial fishermen. He would like to be able rent a slip under the bridge. Luke Rawlings's boat is one hundred feet long. Craig Hlavinka questioned the depth of the slips. Commissioner Estlinbaum advised that some areas are ten feet. Buddy Treybig advised that there fifteen or sixteen slips but that some are small slips.

George Harrison advised that the Port Authority will have their legal counsel review the deeds. The Port Authority will also look at the existing infrastructure and security needs. Luke Rawlings asked what type of security measures the Port Authority would be looking at. The Commissioners discussed a possible security fence. Allen Cumbie advised that Matagorda County Conservation and Reclamation has a drain outfall at the corner that could not be blocked. Barges push water and sludge into the outfall. Luke Rawlings advised his boat would be able to keep the outfall washed out.

Item 15 – At approximately 7:26pm, on motion of Commissioner Joey Sliva, seconded by Commissioner Matt Ashcraft, the Commissioners unanimously closed the regular meeting and adjourned to executive session to consult with attorneys on possible litigation.

Item 16 – The meeting was called back into regular session at approximately 7:45pm with no action being taken in Executive Session.

Item 17 – There were no new or unfinished business to discuss.

There being no further business to come before the meeting, on motion of Commissioner Joey Sliva, seconded by Commissioner Trey Treybig, the Commissioners unanimously adjourned the meeting at 7:45pm.

Attest:

Approve:

*/S/ George Harrison*

*/S/ Matthew Ashcraft*