

MINUTES OF MEETING

BE IT REMEMBERED that the Commissioners of the Port of Bay City Authority met Thursday, December 14, 2023, at the Bay City Country Club Garden Room, 1131 State Highway 35 S, Bay City, Texas. The following Commissioners and staff were present:

George Harrison	Chairman
Joey Sliva	Vice-Chairman
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
Jessica Sheppard	Bay City Sentinel
Bill Balboa	Matagorda Bay Foundation
Zachary Phillips	ZPI
Hayden Smith	Anchor QEA
Ian Fisher	Anchor QEA
Kate Allen	Visitor
Gene Allen	Visitor
Via audio:	
Luke Cressman	HDR Engineers Inc
Absent:	
Matt Ashcraft	Secretary
Lee Weathers	Commissioner

The meeting was called to order at 4:30pm 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 meeting of November 9, 2023 were reviewed. On motion of Commissioner Joey Sliva, seconded by Commissioner Trey Treybig, the minutes of the regular meeting of November 9, 2023 were unanimously approved as read. The minutes of the special called meeting of November 20, 2023 were not available to review and were tabled until the next meeting.

Item 4 - On motion of Commissioner Joey Sliva, seconded by Commissioner Trey Treybig, the following disbursements were unanimously ratified and approved:

ACE HARDWARE	106.39
--OPERATING SUPPLIES	
ACE HARDWARE	197.89
--OPERATING SUPPLIES	
ACE HARDWARE	612.85
--OPERATING SUPPLIES	
ANCHOR QEA	2,498.00
--PROFESSIONAL SERVICES	
AQUA-ZYME SERVICES INC	320.00
--PUBLIC UTILITIES	
AQUA-ZYME SERVICES INC	320.00
--PUBLIC UTILITIES	
AT&T	1,281.07
--TELEPHONE EXPENSE	
AT&T	369.63
--TELEPHONE EXPENSE	
AT&T	752.78
--TELEPHONE EXPENSE	
AT&T	957.72
--TELEPHONE EXPENSE	
AT&T	69.18
--TELEPHONE EXPENSE	
AT&T	195.84
--TELEPHONE EXPENSE	
BAUER VISUAL GRAPHICS INC	750.00
--REPAIRS & MAINTENANCE – HARBOR	
B&C MOWING & LANDSCAPING LLC	500.00

--REPAIRS & MAINTENANCE – HARBOR	
B ALLEN CUMBIE	4,151.25
--ATTORNEY'S FEES	
DIRECT ENERGY BUSINESS	51.92
--PUBLIC UTILITIES	
DIRECT ENERGY BUSINESS	125.15
--PUBLIC UTILITIES	
DIRECT ENERGY BUSINESS	4,123.23
--PUBLIC UTILITIES	
DIRECT ENERGY BUSINESS	239.64
--PUBLIC UTILITIES	
DIRECT ENERGY BUSINESS	29.22
--PUBLIC UTILITIES	
DIRECT ENERGY BUSINESS	29.14
--PUBLIC UTILITIES	
EATON CORPORATION	9,100.46
--REPAIRS & MAINTENANCE – HARBOR	
ELLEN DODD	1,360.00
--SPECIAL DISTRICT ACCOUNTING FEE	
GENERAL SHELTERS OF TEXAS	3,740.35
--SUPPLIES	
GFL ENVIRONMENTAL	1,129.41
--PUBLIC UTILITIES	
G & W ENGINEERS INC	750.00
--PROFESSIONAL FEES	
G & W ENGINEERS INC	3,700.00
--PROFESSIONAL FEES	
G & W ENGINEERS INC	550.00
--PROFESSIONAL FEES	
HART DISTRIBUTING INC	2,479.97
--OPERATING SUPPLIES	
MATAGORDA WD&WSC	88.10
--PUBLIC UTILITIES (HOUSE)	
MATAGORDA WD&WSC	1,211.45
--PUBLIC UTILITIES (SPRINKLER)	
MATAGORDA WD&WSC	280.90
--PUBLIC UTILITIES (TRAILER PARK)	
MATAGORDA WD&WSC	427.80
--PUBLIC UTILITIES (BOAT SHED)	
MATAGORDA WD&WSC	392.25
--PUBLIC UTILITIES (TENT AND FISH CLEANING)	
MATAGORDA WD&WSC	136.70
--PUBLIC UTILITIES (MEETING HOUSE)	
MATAGORDA WD&WSC	109.90
--PUBLIC UTILITIES (RESTROOM)	
MCCOYS BUILDING SUPPLY	1,017.14
--REPAIRS & MAINTENANCE – EQUIPMENT	
NORTON ROSE FULBRIGHT US LLP	8,353.75
--ATTORNEY FEES	
PITNEY BOWES	194.31
--MISCELLANEOUS EXPENSE	
JAY SCHOLTEN	1,600.00
--REPAIRS & MAINTENANCE – HARBOR	
SHARRON'S BOOKKEEPING AND TAX SERVICE	6,896.71
--OFFICE MANAGER – CONTRACT SERVICES	
--PROFESSIONAL SERVICES	
--OPERATING SUPPLIES	
--TELEPHONE EXPENSE	
--TRAVEL	
SHORELINE CONSTRUCTION	28,229.03
--REPAIRS & MAINTENANCE – HARBOR	
SOUTH TEXAS CORRUGATED PIPE INC	850.00
--REPAIRS & MAINTENANCE - HARBOR	
SUTHERLANDS	678.26
--REPAIRS & MAINTENANCE – HARBOR	
THE HOME DEPOT	812.42
--REPAIRS & MAINTENANCE - HARBOR	
VERIZON	146.45
--TELEPHONE EXPENSE	
WILLSCOT	286.05
--MISCELLANEOUS EXPENSE	
CRAIG HLAVINKA	6,583.22
--TRAVEL	
--VEHICLE EXPENSE	

--OPERATING SUPPLIES	
--REPAIRS & MAINTENANCE – HARBOR	
--PROMOTION & DEVELOPMENT	
STEVEN WEINHEIMER	700.00
--DEPOSIT REFUND	
MATAGORDA COUNTY APPRAISAL DISTRICT	8,840.55
--APPRAISAL DISTRICT FEES (2024)	
MATAGORDA COUNTY SELF-INSURANCE POOL	24,458.00
--INSURANCE & BONDS 2024	

Item 5 – Sharron Perez reviewed the Billing, Collection, Accounts Receivable, and Financial Reports for November 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 Joey Sliva, seconded by Commissioner Trey Treybig, the Commissioners unanimously approved the financial reports for November 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 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 6 - Craig Hlavinka reported on activity at the Port of Bay City. Everything is running smoothly. There will be a total of nine barges at the Port during the month of December.

Craig Hlavinka reported on the activity at Matagorda Harbor. Occupancy at the harbor is 91% excluding G-dock which is at 91%.

Item 7 – Bill Balboa, with Matagorda Bay Foundation, updated the Commissioners on the grant application that was submitted for the Big Boggy Marsh Restoration Project. Texas General Land Office selected the project to be fully funded at \$300,000. The Port Authority had approved being the local sponsor and will provide matching funds of \$200,000. Matagorda Bay Foundation is working with Anchor QEA on the project. This is a one-of-a-kind project on the Texas Coast. George Harrison asked about the timeframe for the Port Authority to provide the matching funds. Bill Balboa advised that he was unsure if the match would be paid upfront or at the end of the project. The first phase will be the study working toward implementation. The initial grant will cover the funding for the feasibility study. The timeline for phase one is approximately a year and a half with permitting. The second phase will be the final design and construction. Texas General Land office is working with the US Corps of Engineers and TXDOT Maritime to protect Big Boggy. Dusck Unlimited is working to improve the other side of Big Boggy. Bill Balboa indicated that the bays are the treasure of the County. Bill Balboa thanked the Port Commissioners for their support of the project.

Item 8 - Mike Ferdinand, Executive Director of Matagorda County Economic Development Corporation, updated the Commissioners on the various prospects interested in Matagorda County. There is strong interest by several companies in Matagorda County. The new 403 program will not negatively impact the school districts. The program will not be a windfall for companies interested in Matagorda County. George Harrison advised the Commissioners that he met with PCC, and they are working with BNSF to have a proposal by the end of January. PCC is also trying to meet with Union Pacific. PCC is still trying to finalize their 313 agreement which is key to the facility being located in Matagorda County. Matagorda County Commissioner's Court is looking at three tax abatement application. One will be finalized by the end of the year and another in January. George Harrison met with representatives of Highly Innovative Fuels regarding their second phase. Highly Innovative Fuels is interested in utilizing the proposed new dock at the Port of Bay City upon completion. Another potential prospect came out of a conversation during the fair.

Item 9 – The Commissioners discussed the proposed changes to the remodeling contract for the Bay City office. The proposed changes are as follows:

- Asbestos remediation - \$ 39,442
- Replace lay-in ceilings - \$ 9,560
- Add file cabinet room - \$ 5,250
- Build stone wall between front columns - \$ 4,375
- Move exterior door to side of building - \$ 8,125
- Infill existing exterior doors with brick - \$ 3,125

Also, the addition of small windows on the side of the building that would allow some light in the event of a power outage. On motion of Commissioner Trey Treybig, seconded by Commissioner Buddy Treybig, the Commissioners unanimously approved the addition of all changes.

The Commissioners discussed the remodeling of the Bay City office. George Harrison advised the project needed to start as soon as the building contents could be moved base on ***the emergency ??***

Item 10 – Hayden Smith, with Anchor QEA, updated the Commissioners on the Waters and Wetland Delineation Approved Jurisdictional Determination Project. The Port Authority greenlit the submission of the report to the US Corps of Engineers. The process has taken six to twelve months in the past. Hayden Smith advised that he feels it will take approximately one year to get the acceptance but that will solidify the wetlands for a five-year period.

Item 11 – Hayden Smith introduced Ian Fisher, the senior engineer/project manager for the Matagorda Harbor Maintenance Dredging Project. Ian Fisher transferred from another company in Corpus Christi. The sampling request will be submitted this week, then they will be able to mobilize for collections. George Harrison advised that this is an extremely important step in the process. Joey Sliva asked what the proposed timeline would be. Ian Fisher advised the US Corps of Engineers' Real Estate Division is challenging. George Harrison advised that US Corps of Engineers is on board with the project. The Nationwide permit will take approximately nine months. Hayden Smith advised that the Port Authority may be able to work with the US Corps of Engineers when they mobilize for other dredging in the area. Craig Hlavinka advised that if a smaller dredge was going to be used, then he would like to have the area dredged between F and G docks.

Item 12 – George Harrison updated the Commissioners on the progress of the interlocal agreement between the Port of Bay City Authority and Matagorda County for the West Mooring Park Restoration. George Harrison met with Joey Sliva, Allen Cumbie, County Commissioner Precinct No 2 Mike Estlinbaum, Matagorda County Attorney Jennifer Chau, Criag Hlavinka, and Sharon Perez. Matagorda County does not have a lease agreement with the US Corps of Engineers for the property at this time. The lease agreement is in final review. The lease agreement will have to be entered into prior to the interlocal agreement being entered into. There was clarification that the Port Authority would provide the engineering and construction of the two boat ramps and possibly install a fish cleaning table. There was a discussion regarding having a chute to dispose of the fish carcasses directly into the Gulf Intracoastal Waterway. George Harrison committed to the Sargent Chamber of Commerce that once the design is approved it would be presented to them. Craig Hlavinka advised that the elevation will have to be high enough for the carcasses to slide down the chute. Allen Cumbie discussed the interlocal agreement, the Port Authority constructing the boat ramps, and Matagorda County maintaining the facility. There have been no costs determined at this time. In regards to the proposed fish cleaning table, the water access was discussed. The Port Authority asked if they construct the fish cleaning table would Matagorda County Precinct No. 2 would pipe water to the new table. The US Corps of Engineers is disappointed in the maintenance of the current facility by Matagorda County.

Item 13 – The Scope of Work for the West Mooring Dock Park Restoration Project was tabled for now pending the execution of a lease agreement between Matagorda County and the US Corps of Engineers.

Item 14 – The Commissioners discussed the amended budget for the year 2023 as prepared by Sharron Perez. There was a brief discussion of the accounts that were being amended. On motion of Commissioner Trey Treybig, seconded by Commissioner Buddy Treybig, the Commissioners unanimously approved the following amended budget totals:

Total Amended Budgeted Revenues	\$ 4,232,853
Total Amended Personnel	\$ 279,739
Total Amended Operations	\$ 2,106,580
Total Amended Promotion & Development	\$ 82,357
Total Capital	\$ 460,000

A copy of the detailed amended budget is attached as part of these minutes, and a properly signed amended budget will be provided to the Port's bookkeeper.

Item 15 – Luke Cressman updated the Commissioners on the grant award for the development of the west side of the Port Turning Basin. Luke Cressman, Joey Sliva, Criag Hlavinka, Sharron Perez, Mike Ferdinand, and Jessica Russell met Brian Hill, with MARAD, at the turning basin for a walk thru of the proposed project. Luke Cressman walked the site, discussed the project scope, vision for the site, took photos, and found the anchor chains. The timeframe for Roehm Americas being at the Port facility was discussed. George Harrison advised that there will be an enormous number of studies that will need to be done, and the scope of work for the engineering will have to be bid out in order to comply with the grant. NEPA, Title VI, and Section 106 compliance is key to the grant funding. HDR Engineering provided a Scope of Work for Grant Administration for the MARAD grant. The Port Authority can hire HDR for the grant administration without going out for bid as long as this expense is not a reimbursable expense. All pre-award expenses that the Port Authority will submit for reimbursement have to be preapproved by MARAD. HDR Engineers submitted a Scope of Work for the grant administration not to exceed \$53,000 and will cover the duration of 2024. Luke Cressman reviewed the framework of the scope and advised the Commissioners that HDR has worked on projects that received MARAD funding. Phase I of the grant process will include NEPA, Title VI, and Section 106 compliance along with the

development of the preliminary design. There will be multiple kick off meetings. George Harrison discussed a ranking system to use for the contract award. HDR would assist the Port Authority thru the grant funding. George Harrison verified with Norton Rose Fulbright that the Port Authority could enter into the agreement to manage the grant management services. On motion of Commissioner Joey Sliva, seconded by Commissioner Trey Treybig, the Commissioners unanimously approved the Proposal for West Basin Bulkhead Grant Management Services, Bay City, Texas to cover the grant management for the MARAD grant not to exceed \$53,000.

Item 16 – Luke Cressman updated the Commissioners on the dredging of Caney Creek. HDR Engineers is working on the front-end documents for review. Permitting has not been approved. The preliminary disposal site is the US Corps of Engineers' Placement Area 100. Barrett Franz, with Matagorda County Drainage District No. 1, will sign the necessary documents next week.

Kate Allen, with Caney Creek Realty, asked Luke Cressman if the permit application was 1000 pages due to the new placement area.

Item 17 – At approximately 5:32pm, all members of the general public exited the meeting. The Commissioners adjourned to Executive Session.

Item 18 – At approximately 6:14pm. The Commissioners entered into Regular Session with no action being taken in Executive Session.

Item 19 – There was no action taken regarding the lease agreement between the Port of Bay City Authority of Matagorda County, Texas and Shaun and Courtney Kulcak regarding the bait shop at Matagorda Harbor.

Item 20 – There was no action taken regarding the 1.7 acres under the bridge in Matagorda.

Item 21 – There was no action taken regarding the rail spur agreement/easement between the Port of Bay City Authority of Matagorda County, Texas and Air Liquide including the consideration to be paid by Air Liquide to the Port of Bay City Authority.

Item 22 – There was no action taken regarding the approval of an Easement for an Electrical Substation between the Port of Bay City Authority of Matagorda County, and AEP Texas Inc.

Item 23 – There was no action taken regarding the approval of an Access Easement between the Port of Bay City Authority of Matagorda County, Texas and AEP Texas Inc.

Item 24 – There was no action taken regarding the approval of an Electric Transmission Line Easement Agreement between the Port of Bay City Authority of Matagorda County, Texas and AEP Texas Inc.

Item 25 – There was no action taken regarding the approval of the amount of consideration to be paid to the Port of Bay City Authority for the Easement for an Electrical Substation, Access Easement, and Electric Transmission Line Easement by AEP Texas Inc.

Item 26 – There being no further business to discuss, the meeting was adjourned at 6:15pm.

Attest:

Approve:

/s/ George Harrison

/s/ Matthew Ashcraft