

**MATAGORDA COUNTY NAVIGATION DISTRICT NO. ONE
MINUTES OF THE BOARD OF COMMISSIONERS
REGULAR BOARD MEETING
November 19, 2020**

I. Chairman Jimmy Neeley called the meeting of October 8, 2020 to order at 1:03 p.m. Chairman Neeley announced the Notice of Meeting had been duly posted and there was a quorum present. The Pledge of Allegiance was recited. Chairman Neeley welcomed those in attendance and thanked them for coming.

ATTENDEES:

David Aparicio, Commissioner
Victor Eggemeyer, Commissioner
Jimmy Neeley, Chairman
Greg Seaman Commissioner
Donny Tran, Commissioner
Victor Martinez, Port Director

Verna H. Williams, Port Office Mgr.
Isidro Castanon, Port Attorney
Tom Schmidt, Urban Engineering
Mike Ferdinand, MCEDC
Alan Schulman, Palacios Beacon
Anette Uher, Port Accountant Consultant
David Roberts, Attorney

Mr. Martinez presented Chairman Neeley with his 12-year service award.

IV. EXECUTIVE SESSION – At 1:10 p.m., the Board went into an Executive Session, as authorized by the Texas Government Code Sections 551.071, 551.072, and 551.087 of the Open Meetings Act, permitting discussion and deliberation in an Executive Meeting for the following purpose:

1. Consultation with Attorney on legal matters as permitted under Sections 551.071 including, but not limited to some of the other matters listed below to be discussed in Executive Session.

2. To conduct deliberations regarding real property and to conduct deliberations regarding economic development as permitted under Sections 551.072 and 551.087 including, but not limited to the following matters:

- a. Discussion concerning future development of properties and leases
- b. Discussion on concerning default leases
- c. Discussion on repair of Port property
- d. Discussion on MEC Property
- e. Discussion on current contracts

II. 8. Consideration and possible action to approve Task Order #45 from Urban Engineering, under the Master Agreement between MCND#1 and Urban Engineering, for Business Highway 35 & 12th Street Drainage Improvements – TxDot Rider 38.

V. RETURN TO OPEN SESSION – The Commissioners returned to Open Session at 3:20 p.m.

II. 1. Consideration and approval of Minutes of Previous Meetings (10/8/2020). Minutes from the Regular Board Meeting of October 8, 2020 were reviewed. Commissioner Tran moved to accept the minutes as presented. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed. *(Commissioner Aparicio abstained since he was not present for meeting.)*

II. 2. Consideration and approval of Lease Activity since last Regular Board Meeting. Mr. Martinez reported on lease activity since the last regular Board meeting. There were two renewed Recreational Leases (Bari/Segal). There was one renewed Commercial Leases (Tx Parks). There was one Addendum to Lease (Ed Rachal). Occupancy for TB#3 Docks B-E is 92% and 66% for F&G slips are occupied. A motion was made by Commissioner Seaman to approve Port Lease Activity, as presented. Commissioner Tran seconded the motion. All voted affirmatively and the motion passed.

II. 3 Swearing-in of Elected Commissioner – Positions #3 & #4. Mr. Martinez stated, on August 27, 2020, the Matagorda County Clerk certified to MCND#1 that both candidates who filed for election to Commissioner Positions 3 and 4 were unopposed. Therefore, Commissioners Neely and Eggemeyer are to be

sworn in and each elected to serve a 6-year term. Mr. Martinez administered the Oath of Office to both Commissioners. After Oath of Office both Commissioners, read to themselves, and signed The State of Texas "Statement of Officer".

II. 4. Elect Board officers for 2-year terms. Mr. Martinez stated we are actually a month early on this since the current Officers serve through December. But I wanted to at least start the discussion on this so we can vote in December. However, if the Board feels they are ready to vote on this today we can make the Nominations today and vote in the new Officers with the understanding they would begin their terms January 2021. If there are no changes to the Officer's then we can just vote to keep the Officers as is. Again, I wanted to begin this discussion this month. We can choose to vote this month or postpone until the December Board Meeting. If voting now: We need to take nominations and vote on Chairman, Vice Chairman and Secretary. Commissioner Eggemeyer made a motion to keep current officers the same for a 2-year term. Commissioner Aparicio seconded the motion. All voted affirmatively and the motion passed. (Commissioner Neeley, Chairman; Donny Tran, Vice Chairman and Greg Seaman, Secretary.

II. 5. Action to amend bank signature authorizations for Board officers. Mr. Martinez stated, since the officers stay the same there is no action to be taken. No motion required.

II. 6. Elect Investment Committee Commissioners for 2-year terms. Mr. Martinez stated, Currently, the Investment Committee consists of 4 members: Port Director, County Investment Officer and 2 Commissioners-Chairman Neeley and Vice Chairman Tran. As per the Investment Committee Policy we must elect Investment Committee Commissioners every 2 years. There are no term limits for the Commissioners, Commissioner Aparicio made a motion to keep the current Investment Committee Commissioners for a 2-year term. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

II. 7. Consideration and possible action to approve the Matagorda County 2020 Levey Tax Roll. Mr. Martinez reported the Property Tax Code Section 26.09 (e) requires us as the governing body to approve the Levy Tax Roll Report and the Grand Total Report as given by the Tax Assessor. I have looked over each of the reports and they match up with the estimated taxes we budgeted for in FY2021. Commissioner Eggemeyer made a motion to approve the Matagorda County 2020 Levy Tax Roll Report and the Matagorda County 2020 Grand Total Report. Commissioner Seaman seconded the motion. All voted affirmatively and the motion passed.

II. 8. Consideration and possible action to approve Task Order #45 from Urban Engineering, under the Master Agreement between MCND#1 and Urban Engineering, for Business Highway 35 & 12th Street Drainage Improvements – TxDot Rider 38. Mr. Martinez stated Ryder #38 is a grant program from TxDot. We submitted a project that would increase the drainage capacity on 12th Street and Highway 35. Twelve Street is unique because it services the Port, which is in the City limits and it is a County Road. We sent this project to TxDot and they approved a total cost of 1.9 million dollars. Our actual funding from TxDot is 1.7 million dollars. This Task Order will allow Urban Engineering to move forward with this project. When we get our advance funding agreement from TxDot we can start the process. We will have a cost share of \$108,000. We will work with the City of Palacios and the County to split the cost share expense with the Navigation District. Commissioner Aparicio made a motion to approve the acceptance of the Urban Engineer's Task Order #45 from Urban Engineering, under the Master Agreement between MCND#1 and Urban Engineering, for Business Highway 35 & 12th Street Drainage Improvements – TxDot Rider 38. Commissioner Tran seconded the motion. All voted affirmatively and the motion passed.

II. 9. Consideration and possible action to approve Task Order #46 from Urban Engineering, under the Master Agreement between MCND#1 and Urban Engineering, for FEMA Alternate Project. Mr. Martinez stated, I have been working on this Approval for this Alternate Project since July 2018. We were finally approved October 1st for this project by FEMA. So, this Task Order would be to complete some repairs around the port that would include the replacing recreational docks B, C, F & G along with drainage repairs on the docks around TB4. This project is estimated at \$695,000 with a 10% cost share. As you know Urban Engineering would be the contract administrator on this project as we selected them at a previous Board

meeting to be our firm for the FEMA Public Assistance funding. Urban's estimated cost for their services is at \$48,000. This amount would count towards our 10% cost share. I recommend approval of this Task Order so we can replace the recreational docks and do the much-needed drainage improvements around Turning Basin 4. Commissioner Aparicio made a motion to approve the acceptance of the Urban Engineer's FEMA Task Order #46 for FEMA's Alternate Project. Commissioner Tran seconded the motion. All voted affirmatively and the motion passed.

III. INTERNAL & FINANCIAL REPORTS for Board discussion and appropriate action Internal Reports.

- a. Contractor's Port Maintenance Report
- b. Port Director's Operations, Promotion & Development Activity verbal report.

Consideration and approval of Current Voucher Control Report. Commissioner Seaman made a motion to accept the Current Voucher Control Report. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

Consideration and approval of Current Register Reports. After review, Commissioner Tran made a motion to approve the current Register Reports. Commissioner Aparicio seconded the motion. All voted affirmatively and the motion passed.

Consideration and approval of 3rd Quarter Financial Report. After review, Commissioner Seaman made a motion to approve the 3rd Quarter Financial Report. Commissioner Tran seconded the motion. All voted affirmatively and the motion passed.

Consideration and approval of Current Investment Activity Report. Mrs. Gonzalez reported on the Current Investment Activity Report. Commissioner Tran made a motion to approve the Current Investment Activity Report. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

Consideration and approval of 3rd Quarter Investment Activity Reports. Mrs. Gonzalez reported on the 3rd Quarter Investment Activity Reports. Commissioner Eggemeyer made a motion to approve the 3rd Quarter Investment Activity Reports. Commissioner Aparicio seconded the motion. All voted affirmatively and the motion passed.

VI. SCHEDULE THE NEXT MEETING DATE, TIME, AND PLACE. The next Regular Board Meeting was scheduled for Thursday, December 17, 2020 at 1:00 p.m. at the Port Administration Building.

VII. ADJOURNMENT. Commissioner Eggemeyer moved to adjourn and was seconded by Commissioner Aparicio the motion carried, and the meeting adjourned at 4:23 p.m.



Greg T. Seaman, Secretary