

**MATAGORDA COUNTY NAVIGATION DISTRICT NO. ONE**  
**MINUTES OF THE BOARD OF COMMISSIONERS**  
**REGULAR BOARD MEETING**  
**May 26, 2021**

I. Chairman Neeley called the meeting of May 26, 2021, to order at 1:00 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.  
Dominic John  
Josh Harper  
Bob Colura  
Craig Wallis  
Bonnie Benson

Isidro Castanon, Port Attorney  
Alan Schulman, Palacios Beacon  
Jose Ortiz, Maintenance Contractor  
Matt Glaze, Urban Engineering  
Alan Schulman, Palacios Beacon  
Dr. Joe Fox, Ed Rachal  
Paul Altheide, Ed Rachal  
Paula Whitney  
Edith Gower  
Margaret Doughty  
Sharon Trainor

**II. 7. Discussion on updates on the Sale of Surplus Property – Marine Education Center.** Mr. Martinez gave an update on the sale of the surplus property at the Marine Education Center. He opened the floor for Dr. Joe Fox and Paul Altheide with Ed Rachal to speak and answer questions about their Research Foundation to the guests that were present.

**II. 1. Consideration and approval of Minutes of Previous Meetings (4/28/2021).** Minutes from the Regular Board Meeting of April 28, 2021 were reviewed. Commissioner Eggemeyer moved to accept the minutes as presented. Commissioner Aparicio seconded the motion. All voted affirmatively and the motion passed.

Minutes from the Special Called Board Meeting of April 29, 2021 were reviewed. Commissioner Aparicio moved to accept the minutes as presented. Commissioner Eggemeyer seconded the motion. Motion carried by majority vote. Commissioner Seaman 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 was one Commercial Lease Renewal (South Coast Seafood) and one Annual Commercial Slip Lease (Padgett). Occupancy for TB#3 Docks B-E is 92% and 67% for F&G slips are occupied. A motion was made by Commissioner Tran to approve Port Lease Activity, as presented. Commissioner Seaman seconded the motion. All voted affirmatively and the motion passed.

**II. 3. Consideration and possible acceptance of security and designation of Prosperity Bank as the Managing Depository Bank, as previously approved by MCND#1 Commissioners.** Mr. Martinez stated, Prosperity Bank has signed and returned the Depository Contract, Pledge Agreement and Collateral Agreement to us. These are all required documents to designate Prosperity Bank as the Managing Depository Bank. All contracts and agreements are in order. Since Prosperity Bank was our previous Managing Depository Bank there are no major changes to these documents. A motion was made by Commissioner Tran to accept the security and designation of Prosperity Bank as the Managing Depository Bank and to execute the Contract and Agreements. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

**II. 4. Consideration and possible acceptance of security and designation of First Financial Bank as a Participating Depository Bank, as previously approved by MCND#1 Commissioners.** Mr. Martinez state, First Financial Bank has signed and returned the Depository Contract to us. This is the only document required to designate First Financial Bank as the Participating Depository Bank. Again, since First Financial has been a participating bank with us for, there are no major changes to this contract. A motion was made by Commissioner Eggemeyer to accept the security and designation of First Financial Bank as the Participating Depository Bank and to execute the Contract. Commissioner Aparicio seconded the motion. All voted affirmatively and the motion passed.

**II. 5. Consideration and possible action to select a firm for MCND#1 Planning and Development Project (P&D2021).** Mr. Martinez stated, A RFQ for planning and development went out in early April. We received 5 Statements of Qualifications from a variety of Firms. Mr. Neeley, Mr. Sneary, and I reviewed and scored each of the SOQs independently. The second page shows how each of the Firms ranked according to their total scores. This is open for discussion and we can determine which Firm could be the Primary and which Firm would be the Alternate for this project. Commissioner Seaman made a motion to move to Executive Session to consult with our Attorney on this matter. Commissioner Tran seconded the motion. All voted affirmatively and the motion passed.

**II. 6. Consideration and possible action to approve Resolution authorizing Matagorda County Navigation District #1 to enter into an Advance Funding Agreement for a Texas Mobility Fund Grant also known as Rider 38 for a Public Transportation Project On-System with the Texas Department of Transportation for the Road and Drainage Improvement project to begin in Fiscal Year 2021.** Mr. Martinez stated, TXDOT requires that a Resolution be approved outlining the understanding of our commitment to the grant requirements for the funding provided by the State of Texas. The project would consist of providing increased drainage capacity at the intersection of 12<sup>th</sup> Street and Hwy 35, along with widening the turn areas on at this intersection. Total costs are estimated at \$1,930,019 with the State of Texas providing \$1,821,719 of grant funds. Additionally, we will be required to provide a match of \$108,300. Our Engineering costs will meet the match requirements. At this time, I'm still waiting for the County and the City to state whether they will share this cost with us or not. With the recent rains there is certainly a need to address this issue to help reduce the impact of flood waters in this area. I recommend regardless of the County's or City's participation that the Board consider approving this Resolution for this project. I will still work with the County and the City to try to split this cost as it would benefit not only port users but the entire community. Commissioner Eggemeyer made a motion to approve Resolution authorizing Matagorda County Navigation District #1 to enter into an Advance Funding Agreement for a Texas Mobility Fund Grant also known as Rider 38 for a Public Transportation Project On-System with the Texas Department of Transportation for the Road and Drainage Improvement project to begin in Fiscal Year 2021. Commissioner Tran seconded the motion. All voted affirmatively and the motion passed. Though Commissioner Seaman was reluctant to approve motion.

**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

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

**Consideration and approval of Current Register Reports.** After review, Commissioner Seaman made a motion to approve the current Register Reports. Commissioner Eggemeyer 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 Eggemeyer made a motion to approve the Current Investment Activity Report. Commissioner Aparicio seconded the motion. All voted affirmatively and the motion passed.

**IV. EXECUTIVE SESSION** – At 2:35 p.m., the Board went into an Executive Session, as authorized by the Texas Government Code Sections 551.071, 551.072, 551.074 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 concerning future development
  - c. Discussion on concerning default leases
  - d. Discussion on repair of Port property

**V. RETURN TO OPEN SESSION** – The Commissioners returned to Open Session at 4:49 p.m. No other motions were offered for action from Executive Session.

**VI. SCHEDULE THE NEXT MEETING DATE, TIME, AND PLACE.** The next Regular Board Meeting was scheduled for Wednesday, June 23, 2021, at 1:00 p.m. at the Port Administration Building.

**VII. ADJOURNMENT.** Commissioner Eggemeyer moved to adjourn and was seconded by Commissioner Tran the motion carried, and the meeting adjourned at 4:51 p.m.

  
\_\_\_\_\_  
Greg D. Seaman, Secretary