

**MATAGORDA COUNTY NAVIGATION DISTRICT NO. ONE
MINUTES OF THE BOARD OF COMMISSIONERS
REGULAR BOARD MEETING
April 23, 2020**

I. Chairman Jimmy Neeley called the meeting via Phone Conference of April 23, 2020 to order at 1:10 p.m. Chairman Neeley announced the Notice of Meeting had been duly posted and there was a quorum present. Chairman Neeley welcomed visitors.

ATTENDEES:

David Aparicio, Commissioner

Jimmy Neeley, Chairman

Greg Seaman Commissioner

Victor Eggemeyer, Commissioner

Victor Martinez, Port Director

Verna H. Williams, Port Office Mgr.

Donny Tran (Absent)

Isidro Castanon, Port Attorney

Mike Ferdinand, MCEDC

Matt Glaze, Urban Engineering

Alan Schulman, Palacios Beacon

Wade Whitlow, KM&L, LLC

Tony Belton, Texas General Land Office

I. 5. Report from Matagorda County Economic Development Corporation. Mike Ferdinand, MCEDC Executive Director, gave a brief report. He again stressed Matagorda Businesses can contact Matagordaopenforbusiness.com website. All Matagorda County Chambers; Bay City, Sargent, Matagorda, and Palacios are working with challenges and support for their businesses.

II. 6. Consideration and acceptance of the FY2019 Financial Audit from KM&L, LLC. Wade Whitlow went over a few pages and sections of the FY2019 Audit report. Commissioner Aparicio made a motion to accept the FY2019 Financial Audit. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

II. 1. Consideration and approval of Minutes of Previous Meetings (2/20/2020, 4/2/2020). Minutes from the Regular Board Meeting of February 20, 2020 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 Regular Board Meeting of April 2, 2020 were reviewed. Commissioner Eggemeyer moved to accept the minutes as presented. Commissioner Aparicio seconded the motion. All voted affirmatively and the motion passed.

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 renewal Recreational Leases (Padgett & M Ricco). There was one new Transient Commercial Slip Lease (Orion Marine Construction, Inc.). Occupancy for TB#3 Docks B-E is 92% and 87% for F&G slips are occupied. A motion was made by Commissioner Seaman to approve Port Lease Activity, as presented. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

II. 3. Consideration and possible action of a Texas Certificate of Title for a 1985 Laguna 25'9" sailboat in lieu of past due rent. Mr. Martinez report, Mr. Brett Hulsey had been a recreational tenant with the District for short period of time. However, he had not been able to maintain his lease payments or sell or remove his vessel from the docks at TB#3. Consequently, he has offered to transfer his title to the District in lieu of past due rent, which would allow us to surplus the vessel and auction it in order to satisfy his debt with the District. Past due rent is \$840.00. I recommend that we accept the title to the sailboat in lieu of past due rent. Commissioner Seaman made a motion to accept a Texas Certificate of Title for a 1985 Laguna 25'9" sailboat in lieu of past due rent. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

II. 4. Consideration and possible action of a Texas Certificate of Title for a 1982 Catalina 25' sailboat in lieu of past due rent. Mr. Martinez report, Mr. Raymond Hooper had been a recreational tenant with the District for a few years. However, he had not been able to maintain his lease payments or sell or remove his vessel from the docks at TB#3. Consequently, he also has offered to transfer his title to the District in lieu of past due rent, which would allow us to surplus the vessel and auction it in order to satisfy his debt with the District. Past due rent is \$2,330.00. I recommend that we accept the title to the sailboat in lieu of past due rent. Commissioner Aparicio made a motion to accept a Texas Certificate of Title for a 1982 Catalina 25' sailboat in lieu of past due rent. Commissioner Seaman seconded the motion. All voted affirmatively and the motion passed.

II. 5. Consideration and possible action to declare the 1985 Laguna 25'9" sailboat and 1982 Catalina 25' sailboat as property surplus to the needs of the District and conduct an auction to dispose of the vessels. Mr. Martinez reported, as a result of accepting the transfer of the titles to each of these vessels they should now be declared as surplus to the needs of the District in order for us to auction them to the public. I recommend to declare the sailboats surplus to the needs of the District and authorize the Port Director to conduct a public auction of the vessels. Commissioner Aparicio made the following motion: Consideration and possible action to declare the 1985 Laguna 25'9" sailboat and 1982 Catalina 25' sailboat as property surplus to the needs of the District and authorize the Port Director to conduct an auction to dispose of the vessels. Commissioner Eggemeyer 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 (not available)
- 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 Aparicio 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 Reports. Commissioner Aparicio seconded the motion. All voted affirmatively and the motion passed.

Consideration and approval of C2 Investment Portfolio FY2019 Annual Report. Mrs. Gonzalez reported on the C2 Investment Portfolio for FY2019 Annual Report. Commissioner Aparicio made a motion to approve the C2 Investment Portfolio FY2019 Annual Report. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

IV. EXECUTIVE SESSION – At 2:57 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 the following matters:
 - a. Discussion concerning Conflict of Interest
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 lease renewals
- c. Discussion concerning default leases
- d. Discussion on repair of Port property
- e. Discussion on Tax Abatements
- f. Discussion on Funds Requests

V. RETURN TO OPEN SESSION – The Commissioners returned to Open Session at 5:01 p.m. Commission Aparicio made a motion to approve tax exempt for land and improvements for the Palacios Community Coalition for the Sanford Community Center, under Section 11.24 of the Texas State Tax Code. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

Commissioner Seaman made a motion to approve Funds Request from the Palacios Cemetery Association for the Fence Beautification Project of \$10,000 paid out of the Promotion and Development Account. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

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 Thursday, May 21, 2020 at 1:00 p.m. at the Port Administration Building.

VII. ADJOURNMENT. Commissioner Aparicio moved to adjourn and was seconded by Commissioner Eggemeyer the motion carried, and the meeting adjourned at 5:06 p.m.



Greg D. Seaman, Secretary