

**MATAGORDA COUNTY NAVIGATION DISTRICT NO. ONE  
MINUTES OF THE BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING  
December 15, 2021**

I. Chairman Neeley called the meeting of December 15, 2021, to order at 1:01 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  
Jose Ortiz, Maintenance Contractor  
Matt Glaze, Urban Engineering  
Alan Schulman, Palacios Beacon  
Nate McDonald, County Judge/MCEDC President  
*(Left 1:16 pm)*

**II. 1. Consideration and approval of Minutes of Previous Meetings (11/17/2021).** Minutes from the Regular Board Meeting of November 17, 2021, were reviewed. Commissioner Eggemeyer moved to accept the minutes as presented. Commissioner Aparicio seconded the motion. All voted affirmatively and the motion passed. 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 four Commercial Lease renewals (Brady/Capt. Tom's/Quality/WW Dock) and one Consent to Sublease (Faquetot). There was one recreational lease renewal (Segal). Occupancy for TB#3 Docks B-E is 92% and 60% 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. Consideration and possible action to renew the Agreement for Economic Development Services between MCND#1 and Matagorda County Economic Development Corporation.** Mr. Martinez stated each year we approve a new Agreement with Matagorda County Economic Development Corporation. This year's Contract will expire December 31, 2021. County Judge Nate McDonald who is also Matagorda County Economic Development President, spoke to the Board about MCEDC and stressed he hoped the Navigation District would continue supporting MCEDC. After some discussion, Chairman Neeley presented the motion to renew the contract with Matagorda County Economic Development Corporation. Since there were no motions on this item, the motion dies. The contract will not be renewed.

**II. 4. Consideration and possible action to accept Urban Engineering's recommendation of successful bidder for MCND #1 Turning Basin No. 4 Drainage Improvements FEMA Alternate Project DR-4332-TX (PA ID No. 321-UPU2Q-00).** Urban's Recommendation is to award the bid to Concrete Raising Corporation. There are four bid amounts, one base bid and three alternates, which Matt recommends all be done by Concrete Raising Corporation. Awarding all the bids would provide drainage repair to all of the dock areas around TB4. The total for this repair would be \$125,54650. With a completion timeframe of 30 days. Base = \$50,284 Base plus 1 Alt = 74,584 Base plus 2 Alt = \$110,659 Base plus 3 Alt = \$125,546.50 How would the Commissioners like to award this project? Also, remember whatever is awarded that money comes from the approved Alternate project amount which is \$611,623. So, the remaining amount would be to repair/replace the recreational docks at TB 3 and boat ramp. Commissioner Aparicio made a motion to accept Urban Engineering's recommendation of Concrete Raising Corporation for Base Bid totaling \$50,284.00 for MCND #1 Turning Basin No. 4 Drainage Improvements FEMA Alternate Project DR-4332-TX (PA ID No. 321-UPU2Q-00). Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

**II. 5. Consideration and approval of the Request for Qualifications for above and underwater inspection to support a conditions assessment of the existing waterfront structures in accordance with the ASCE Underwater Investigations Standard Practice Manual (2001) and ASCE MOP 130 Waterfront Facilities Inspection and Assessment (2015).** Mr. Martinez stated, a RFQ for a docks survey went out last month right after the last Board Meeting. We received 4 Statement of Qualifications. After reviewing each SOQ we scored them firms appropriately. You will see each firm scored on the next page. Although each firm can provide what we are needed, my recommendation is Collins Engineering should be selected as the firm to do our survey. I believe they edge out the other firms with their experience, personnel, and reporting. Additionally, I've spoken to other Ports on each of these firms that submitted SOQs, and the Ports I spoke with about Collins Engineering spoke very highly of them and gave them their recommendations to use for this project. One of the Ports had them do exactly the kind of survey we are wanting them to do and stated they were extremely pleased with their process and performance of that project. Once selected I will work with the firm to work out the details and the cost for the project. I will bring this to the next Board meeting for the Board's approval to proceed with the survey project. Commissioner Eggemeyer made a motion to select Collins Engineering as the firm to perform the above and underwater inspection to support a conditions assessment of the existing waterfront structures here at the Port. Commissioner Tran seconded the motion. All voted affirmatively and the motion passed.

**II. 6. Consideration and approval of the Request for Qualifications/Proposals for disaster recovery and other state and federal funding grants and program management and ports and economic development advisory services.** Mr. Martinez stated, a RFQ for applying for and managing state and federal grants programs went out last month right after our last Board meeting. I only received one qualified SOQ from one firm. The firm is CSRS. They have recently been working with the Port of Victoria as well as the Port of Calhoun. They helped the Port of Victoria with a Rail Funding Grant which Victoria received this past year. They have extensive experience and success with multiple grants from the State and Federal levels. We would sign an Agreement similar to the one we sign with Urban for Engineering services, and they will work on an as needed basis through Task Orders. I recommend we select CSRS as our grant's administrator. Commissioner Aparicio made a motion to select CSRS for disaster recovery and other state and federal funding grants and program management and ports and economic development advisory services and to give the Port Director and the Port Attorney authority to negotiate an Agreement Contract. Commissioner Seaman seconded the motion. All voted affirmatively and the motion passed.

**II. 7. Consideration and approval a Resolution of Matagorda County Navigation District #1 authorizing the sale of the Marine Education Center property of 118.439 Acres, together with any improvements thereon.**

**II. 8. Consideration and approval a Resolution of Matagorda County Navigation District #1 authorizing Commissioner Jimmy E. Neeley to execute a Warranty Deed and any related documents to complete the sale of the Marine Education Property to the Ed Rachal Foundation.** Mr. Martinez read the combined Resolutions for Item II. 7 and II. 8 which titled as: Resolution of Matagorda County Navigation District No. 1 authorizing the sale of the Marine Education Center Property of 118.439 acres, together with any improvements thereon and authorizing Jimmy E. Neeley to Execute all necessary documents. The resolutions having been discussed in full, was moved by Commissioner Eggemeyer and seconded by Aparicio. Whereupon, the motion being called for, all members of the District present voted "aye" and none voted "no". Passed and approved this 15<sup>th</sup> day of December, 2021.

Port Attorney, Castanon, stated the following motion needs to be presented also. Motion to approve Assignment of 3 existing Leases at MEC: (1) David Aparicio & David Dominic Aparicio dba Anchor Seafood {Building Lease}, (2) Joseph Garcia {Hay Lease} and Texas Parks & Wildlife {Building Lease}.

Motion approved by Commissioner Seaman and seconded by Commissioner Tran. Motion passed with majority vote. Commissioner Aparicio abstained since his lease was presented.

**II. 9. Consideration and possible action to approve amending the FY2021 Budget.** Mr. Martinez stated there are no budget amendments needed. Therefore, there will be no motion required on this Agenda Item.

**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 Aparicio 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 Tran seconded the motion. All voted affirmatively and the motion passed.

**IV. EXECUTIVE SESSION** – At 3:06 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 personnel matters as pertained under Section 551.074.
  - a. Personnel – Evaluation & 2021 Compensation
3. 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 economic 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 4:20 p.m. Port Director, Martinez, presented the following motion. Motion to authorize the Port Director to initiate and sign a Small Project Contract with Golden Crescent Construction to replace the roof of the Maintenance Building/Gar Shrimp for the cost of \$20,219.21. Commissioner Eggemeyer approved the motion and Commissioner Tran 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, January 20, 2022, 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 4:23 p.m.

  
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Greg V. Seaman, Secretary