

**MATAGORDA COUNTY NAVIGATION DISTRICT NO. ONE
MINUTES OF THE BOARD OF COMMISSIONERS
REGULAR BOARD MEETING
January 20, 2022**

I. Chairman Neeley called the meeting of January 20, 2022, 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.
Isidro Castanon, Port Attorney
Jose Ortiz, Maintenance Contractor
Matt Glaze, Urban Engineering

II. 1. Consideration and approval of Minutes of Previous Meetings (12/15/2021). Minutes from the Regular Board Meeting of December 15, 2021 were reviewed. Commissioner Eggemeyer moved to accept the minutes as presented. Commissioner Tran 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 was one Commercial Lease Renewal (Huynh); one Addendum to Hay Lease (J. Garcia) and one Commercial Release & Assignment of Lease (Lagasse/E Aparicio). There was five recreational lease renewal (De Villiers, Gangluff, Kilgore, McNeely, Tausch). 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. Motion was passed by majority vote. Commissioner Aparicio abstained due to a conflict of interest with one of the leases.

II. 3. Consideration and possible action to accept Urban Engineering's recommendation of successful bidder for MCND #1 FEMA Dock Improvements (Docks B, C, F & G) FEMA Alternate Project DR-4332-TX (PA ID No. 321-UPU2Q-00) (TO#46). Mr. Martinez stated Urban put out for bid second part of the FEMA Alternate Project to improve the recreational wood docks and piers around Turning Basin 3 in November. The bid submission date was January 13th with a bid opening at 2 pm on that date. Urban's Recommendation is to award the bid to Shirley and Sons Construction Co. They were the only bid for this project. Matt recommends the Base Bid be accepted for the amount of \$358,520 and recommends awarding the Alternate Bids as determined by the Board. Last month we awarded the first part of this project in the amount of \$50,284, thereby leaving approximately \$561,339 remaining for this part of the project. Look at the Bid Tabulation sheets so we can determine which alternate bids we want to award. After some discussion, Chairman Neeley made a motion to accept Urban Engineering's recommendation of Shirley and Sons Construction Co., for Base Bid and Alternate 3, bids totaling \$602,520 for MCND#1 FEMA Dock Improvements (Docks B, C, F & G). Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

II. 4. Consideration and approval of a 2-year Renewal of the Master Agreement between MCND#1 and Victoria Engineering, Inc. d/b/a Urban Engineering for Professional Services. Commissioner Eggemeyer made a motion to move this Agenda Item to Executive Session. Commissioner Aparicio seconded the motion. All voted affirmatively and the motion passed.

II. 5. Discussion on updates and possible approval on continuing Urban Engineering's Task Order #47 – Palacios Harbor Hydrographic Survey & Maintenance Dredging Permit. Chairman Neeley made a motion to move this Agenda Item to Executive Session. 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
- 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 Tran made a motion to approve the Current Investment Activity Report. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

IV. EXECUTIVE SESSION – At 2:21 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 on economic development
 - c. Discussion on concerning default leases
 - d. Discussion on repair of Port property

II. 4. Consideration and approval of a 2-year Renewal of the Master Agreement between MCND#1 and Victoria Engineering, Inc. d/b/a Urban Engineering for Professional Services.

II. 5. Discussion on updates and possible approval on continuing Urban Engineering's Task Order #47 – Palacios Harbor Hydrographic Survey & Maintenance Dredging Permit.

V. RETURN TO OPEN SESSION – The Commissioners returned to Open Session at 4:30 p.m.

Commissioner Aparicio made a motion to purchase back partial Commercial Lease #011 with all improvements for \$5,000 minus any monies due MCND#1 at that time. Commissioner Eggemeyer seconded the motion. All voted affirmatively and the motion passed.

Commissioner Aparicio made the motion to table Agenda Item II.4. Consideration and approval of a 2-year Renewal of the Master Agreement between MCND#1 and Victoria Engineering, Inc. d/b/a Urban Engineering for Professional Services, until the next Regular Board Meeting. Commissioner Tran seconded the motion. All voted affirmatively and the motion passed.

Commissioner Seaman made the motion to table Agenda Item II.5. Discussion on updates and possible approval on continuing Urban Engineering's Task Order #47 – Palacios Harbor Hydrographic Survey & Maintenance Dredging Permit, until the next Regular Board Meeting. 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 Monday, February 14, 2022, 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 4:33 p.m.



Greg T. Seaman, Secretary