

**MATAGORDA COUNTY NAVIGATION DISTRICT NO. ONE  
MINUTES OF THE BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING  
February 14, 2024**

I. Chairman Neeley called the meeting of February 14, 2024 to order at 1:02 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  
Alan Schulman, Commissioner  
Victor Martinez Jr., Port Director  
Verna H. Williams, Port Office Mgr.

Isidro Castanon, Port Attorney  
Jose Ortiz, Maintenance Contractor  
Ryan West, Palacios Beacon  
Ron Linton, Coldwell Banker Realty  
Jim Gardner, Mayor of Palacios  
D C Dunhan, TIRZ  
Erwin Janszen, Lion's Club *(Left 2:15)*

Erwin Janszen Lion's Club President stated the Lion's Club was Chartered 1948/1949 and started in 1917. This year is the 75<sup>th</sup> anniversary. Monies from the 4<sup>th</sup> of July go toward fireworks and to the community. We help our elementary school with eye vision needs, such as glasses, etc., and of course we do scholarships for our high school. Since everything has gone up, we would like your sponsorship to help with a larger firework display and always money for our Community's needs.

**II. 1. Consideration and approval of minutes of previous meetings (1/17/2024).** Minutes from the Regular Board Meeting of January 17, 2024, were reviewed. Commissioner Eggemeyer moved to accept the minutes as presented. Commissioner Schulman 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 cancelled Recreational Leases (D. Aparicio). There was one new Commercial Lease (Crocker King-E Machacek) and one renewed Commercial Building Lease (Shipyard #13). Occupancy for TB#3 B Dock 30%, C Dock 0%, D & E Docks 100%, and G Dock 88%. A motion was made by Commissioner Eggemeyer to approve Port Lease Activity, as presented. Commissioner Seaman seconded the motion. Motion passed by majority vote. (Commissioner Aparicio abstained due to a conflict of interest.)

**II. 3. Consideration and possible action to approve the Resolution of Participation of Matagorda County Navigation #1 in City of Palacios Tax Increment Financing Reinvestment Zone Number One.** Mr. Martinez read the resolution. After some discussion Section #2 was changed from one Board member to two Board members. A motion was made by Commissioner Schulman to approve the Resolution of Matagorda County Navigation #1 in City of Palacios Tax Increment Financial Reinvestment Zone Number one changing Section 2, from one (1) Board member to two (2) Board members. Commissioner Aparicio seconded the motion. All voted affirmatively and the motion passed.

**II. 4. Consideration and possible action to approve the Agreement to Participate in Tax Increment Reinvestment Zone Number One, City of Palacios, Texas.** After some discussion, a motion was made by Commissioner Eggemeyer to approve the Agreement to Participate in Tax

Incremental Reinvestment Zone Number One, City of Palacios, Texas with the understanding that MCND#1 reserves the right to opt out after 5 years if there is no development taking place and have two Board members instead of one. Commissioner Schulman seconded the motion. All voted affirmatively and the motion passed.

**II. 5. Consideration and approval of the U.S. Army Corps of Engineers Cost Sharing Agreement Package for the Feasibility Study for the CAP-107 Port of Palacios Turning Basin #4 Expansion Project, giving Port Director Victor Martinez Jr. authority to sign these documents.** After some discussion, Chairman Neeley entertained a motion. No motions made, therefore the motion died due to no response.

**II. 6. Consideration and possible action to approve and Amended 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 with the Texas Department of Transportation for the Road and Drainage Improvement project to begin in Fiscal Year 2024.** Mr. Martinez stated, TxDot is still working on the Amended Resolution. No motion needed at this time.

**II. 7. Consideration and possible action to approve an Agreement for Professional Services with Urban Engineering for the Rider 38 Road and Drainage Improvement Project.** Mr. Martinez stated, we have been using Urban Engineering for the 12<sup>th</sup> Street Drainage Project since 2021. The original agreement with TXDOT was that they would bid and oversee the construction of the project. But since those numbers came in over twice the cost of the grant funds awarded it was decided to have the Port's representative (Urban) bid out locally and oversee the construction and management of the project. Since there are more funds allocated to this project now from TXDOT it seems more likely we will be able to do this project. A motion was made by Commissioner Aparicio to approve an Agreement for Professional Services with Urban Engineering for the Rider 38 Road and Drainage Improvement Project subject to changes in the Terms and Conditions: Indemnification section. Commissioner Schulman seconded the motion. All voted affirmatively and the motion passed.

**II. 8. Consideration and possible action to approve an Amendment of the FY2023 Budget (Payroll & Liabilities).** Mr. Martinez stated, after another review of the 2023 Budget to finalize for the end of the year, it was discovered that we needed to make an amendment to the Salaries and Wages line item. The Board had approved some salary increases for the staff at the beginning of 2023, so we need to reflect that increase in our budget to make it line up with our expenditures. The change would be to increase the Salaries – Admin line item from \$175,567 to \$202,450. A motion was made by Commissioner Seaman to approve an Amendment of the FY2023 Budget Salaries – Admin Line item to \$202,450. 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 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 Schulman 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 Seaman 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 2:59 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 purposes:

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

**V. RETURN TO OPEN SESSION** – The Commissioners returned to Open Session at 4:15 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 March 27, 2024, at 1:00 p.m. at the Port Administration Building.

**VII. ADJOURNMENT.** Commissioner Eggemeyer moved to adjourn and was seconded by Commissioner Schulman the motion carried, and the meeting adjourned at 4:17 p.m.

  
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Greg T. Seaman, Secretary