

**CALHOUN PORT AUTHORITY
REGULAR MEETING
September 8, 2021**

A regular meeting of the Calhoun Port Authority was held on Wednesday, September 8, 2021 at 9:00 a.m. in the Calhoun Port Authority Board Room, Calhoun Port Authority Office, Point Comfort, Texas

Board Members attending in person or via telephone were:

Commissioner # 1 – Marty Strakos
Commissioner # 2 – Jay Cuellar
Commissioner # 3 – J.C. Melcher, Jr.
Commissioner # 4 – Luis De La Garza
Commissioner # 5 – Johnny Perez
Commissioner # 6 – Dan Krueger

Staff Members attending were:

Charles R. Hausmann – Port Director
Forrest Hawes – Deputy Port Director
Alan Sanders – Moore Landrey Law Firm
Felicia Harral – Director of Engineering
Miranda Malek – Administrative Assistant

Others attending were:

Diane Wilson – San Antonio Bay Estuaries Waterkeeper
Aaron Martin – NGL
Jonesis Figueroa – Matagorda Bay Co-op
Robert Cooper – Cooper Outdoor Advertising
Terance Courtney – Federation of Southern Cooperatives
Jose Antonio Martinez
Mark Rosenberg – *The Advocate*
DD Turner – *The Wave*
Joyce Turner

Agenda Item No. 1: Call to Order:

Board Chair Luis De La Garza called the Regular Meeting to order at approximately 9:00 a.m. He announced that the agenda of the meeting was posted in accordance with the provisions of the Texas Open Meetings Act.

The Pledge of Allegiance was led by Board Chair Luis De La Garza.

Agenda Item No. 2: Public Comment.

Ms. Diane Wilson spoke on the Deepening and Widening of the Matagorda Ship Channel.

Agenda Item No. 3: Review and Consideration of Bids Received for the LD-1 Dredging Project.

The Board reviewed completed tabulation sheets for the two bid packages received from Crosby Dredging and RLB Contracting at the August 11, 2021 Board Meeting. Pursuant to further review and discussion, Engineer Felicia Harral recommended awarding the bid for the LD-1 Dredging Project to Crosby Towing in the amount of \$7,137,800.00 A motion was made by Board Member J. C. Melcher, Jr.

to approve the award of the LD-1 Dredging Project to Crosby Towing in the amount of \$7,137,800.00. the motion was seconded by Board Member Dan Krueger and the carried unanimously.

Agenda Item No. 4: Approve the minutes of the Wednesday August 11, 2021 Regular Meeting and the Wednesday, August 25, 2021 Special Meeting.

The Board Members reviewed the minutes from the Wednesday August 11, 2021 Regular Meeting and the Wednesday, August 25, 2021 Special Meeting. Pursuant to further review and discussion, a motion was made by Board Member Dan Krueger to approve the minutes as presented. The motion was seconded by Board Member Jay Cuellar and the motion carried unanimously.

Agenda Item No. 5: Review of Financial Reports: All Funds.

Deputy Director Forrest Hawes presented the following financial information to the Board Members for Review:

Fund Balance Report as of August 31, 2021:

- 1.) Accounts Receivable Report as of August 31, 2021
- 2.) Mr. Hawes reported to the Board Members that the accounts receivable report specified that the accounts receivable was 82% current as of August 31, 2021.

Agenda Item No. 6: Approval of Disbursements and Transfers: All Funds

The Board Members reviewed the September 9, 2021 Port Operations Account disbursements. Pursuant to review, a motion was made by Board Secretary Johnny Perez to approve disbursements and the corresponding transfers for September 8, 2021. The motion was seconded by Board Member J. C. Melcher, Jr. and the motion carried that the disbursements and the corresponding transfers be approved.

TRANSFER NO.	FUND ACCOUNT	AMOUNT
GROSS REVENUE FUND		
2021-046	To Port Operations Fund	\$83,470.04
2021-047	To Port Operations Fund	\$1,134.06
2021-049	To Port Operations Fund	\$74,265.58
2021-050	To Port Operations Fund	\$69,798.69
2021-051	To Port Operations Fund	\$282,645.04
	Total	\$511,313.41
BUSINESS DEVELOPMENT FUND		
2021-051	To Port Operations Fund	\$101.23
	Total	\$101.23
MAINTENANCE & OPERATIONS FUND		

2021-051	To Port Operations Fund	\$37.02	
	Total		\$37.02

AN/NH3 OPERATING FUND

2021-051	To Port Operations Fund	\$750,553.90	
	Total		\$750,553.90

TOTAL TRANSFERS TO PORT OPERATIONS ACCOUNT **\$1,262,005.56**

INTERFUND TRANSFERS

DATE	FROM	TO	AMOUNT
8/11/21	AN/NH3 Operating	AN/NH3 Dep M/R	\$7,500.00
	Total		\$7,500.00

Agenda Item No. 7: Port Director's Report.

Charles R. Hausmann, Port Director, reported the following:

A. Harbor Traffic Statistics for the month of August:

That a total of 85 vessels had arrived at the public port facilities during the month of August; 24 deep draft arrivals and 61 inland barges and a total of 178 invoices were issued. Further, that 11 deep draft vessels were already on schedule for September arrival.

Total revenue tons for the month of August were 420,475.0 short tons. Total throughput for the first two months of the fiscal year were 751,538.7.

B. NGL loaded out 10 crude oil barges totaling 16,115.6 short tons.

C. Harvest loaded out 2 crude oil barges totaling 7,146.0 short tons.

D. Army Corps finished with the maintenance dredging and the ship channel was now back to -36.0 foot for deep draft vessels.

E. Port Maintenance continued to work on electrical repairs to the cathodic protection system, continued installing new lighting and continued to do their weekly inspections of port equipment.

Agenda Item No. 8: Review and Consideration of Approval of Board Members Committee/Attendance, Committee Travel Request.

Pursuant to further review and discussion, a motion was made by Board Member Jay Cuellar to approve the Committee/Conference attendance and the requested trip to Port Arthur for any Board Member willing to attend. The motion was seconded by Board Member Dan Krueger and the motion carried unanimously.

Agenda Item No. 9: Review and Discuss Committee Reports.

No action was taken.

Agenda Item No. 10: Review and Consideration of Proposed Maintenance and Operations (M&O) Tax for 2021.

The Board Members reviewed copies of the 2021 Certified Totals for Calhoun Port Authority and the 2021 Notice of Effective Tax Rate for Calhoun Port Authority. The effective M&O Tax rate for 2021 was calculated to be \$0.0009 per \$100 dollar valuation. This rate would return \$18,765.00 in tax revenue for 2021. Pursuant to further review and discussion, a motion was made by Board Member J.C. Melcher, Jr. to adopt the calculated M&O tax rate of \$0.0009 per each \$100 dollar valuation for 2021. The motion was seconded by Board Member Jay Cuellar and the motion carried unanimously.

Agenda Item No. 11: Review and Consideration of a Request from Cooper Outdoor Advertising Inc. for a Lease or Easement to Place a Sign Structure on Calhoun Port Authority Owned Land Located in Point Comfort.

The Board Members reviewed a copy of an email from Robert Cooper requesting a lease or easement for a sign in Point Comfort located on the Bean Tract property. Pursuant to further review and discussion, a motion was made by Board Member Jay Cuellar to deny the lease or easement request made by Cooper Outdoor Advertising, Inc. The motion was seconded by Board Member Dan Krueger and the motion carried.

Agenda Item No. 12: Review and Consideration of a 4th Amendment to the Lease between the Calhoun Port Authority and NGL Crude Terminals LLC Reducing the 10.45 Acre tract to 9.83 acres.

The Board Members reviewed a copy of the 4th amendment to the lease by and between the Calhoun Port Authority and NGL Crude Terminals LLC with the new plat and description of the tract. Pursuant to further review and discussion, a motion was made by Board Secretary Johnny Perez to approve the 4th amendment to the lease between the Calhoun Port Authority and NGL Crude Terminals LLC reducing the 10.45-acre tract to 9.83 acres. The motion was seconded by Board Member Jay Cuellar and the motion carried unanimously.

Agenda Item No. 13: Review and Consideration of an Easement between the Calhoun Port Authority and NGL Crude Terminals LLC Reducing the 35.55 Acre Tract to 34.12 Acres.

The Board Members reviewed a copy of an amendment to the Lease by and between the Calhoun Port Authority and NGL Crude Terminals LLC with the new plat and description. This reduction was due to the new access road into the Joslin tract that was constructed by Max Midstream for the Port. Pursuant to further review and discussion, a motion was made by Board Member Jay Cuellar to approve the easement between the Calhoun Port Authority and NGL Crude Terminals LLC reducing the 35.55-acre tract to 34.12 acres. The motion was seconded by Board Secretary Johnny Perez and the motion carried unanimously.

Agenda Item No. 14: Review and Consideration of an Easement between the Calhoun Port Authority and NGL Crude Terminals LLC for access on the Joslin Tract of Land.

The Board Members reviewed a copy of an easement that was comprised of the new access road built by Max Midstream for the Port for tenants to access their leaseholds without going through the middle of Max's Lease and the plats depicting the easement. Pursuant to further review and discussion, a motion was made by Board Secretary Johnny Perez to approve the easement between the Calhoun Port

Authority and NGL Crude Terminals for access on the Joslin Tract of Land. The motion was seconded by Board Member Jay Cuellar and the motion carried unanimously.

Agenda Item No. 2: Public Comment.

Mr. Jose Antonio Martinez spoke to the Board about the impact the Widening and Deepening of the Matagorda Ship Channel would have on the fishing industry.

Agenda Item No. 15: Closed Session: As Authorized by Tex. Gov't Code §551.087(1); to discuss or deliberate regarding commercial information that the Port has received from a business prospect that the Port seek to have locate, stay, or expand in or near the territory of the Port and with which the Port is conducting economic development negotiations. Noa discussions or deliberations shall be conducted in the presence of any business prospect, the presence (if any) of which shall be limited to presentation of information relevant to the potential economic development activity and with respect to such information it is of a confidential or business-proprietary nature.

As Authorized by Tex. Gov't Code §551.072 for the purpose of discussion with respect to the purchase, exchange, lease or value of real property. No discussions or deliberations shall be conducted in the presence of any business prospect, the presence (if any) of which shall be limited to presentation of information relevant to the potential economic development activity and with respect to such information it is of a confidential or business-proprietary nature.

As Authorized by Tex. Gov't Code §551.071(2): to seek the advice of its attorney. No discussions or deliberations with legal counsel shall be conducted in the presence of any business prospect or any other third party that may result in waiver of the attorney-client privilege.

Board Chair Luis De La Garza announced that As Authorized by Tex. Gov't Code §551.087(1); to discuss or deliberate regarding commercial information that the Port has received from a business prospect that the Port seek to have locate, stay, or expand in or near the territory of the Port and with which the Port is conducting economic development negotiations. No discussions or deliberations shall be conducted in the presence of any business prospect, the presence (if any) of which shall be limited to presentation of information relevant to the potential economic development activity and with respect to such information it is of a confidential or business-proprietary nature.

As Authorized by Tex. Gov't Code §551.072 for the purpose of discussion with respect to the purchase, exchange, lease or value of real property. No discussions or deliberations shall be conducted in the presence of any business prospect, the presence (if any) of which shall be limited to presentation of information relevant to the potential economic development activity and with respect to such information it is of a confidential or business-proprietary nature.

As Authorized by Tex. Gov't Code §551.071(2): to seek the advice of its attorney. No discussions or deliberations with legal counsel shall be conducted in the presence of any business prospect or any other third party that may result in waiver of the attorney-client privilege.

“No action or consensus would be taken in closed session”. The Board convened in Closed Session at 9:35 a.m. after a 5-minute recess.

Agenda Item No. 16: Return to Open Session and take any action deemed necessary based on discussion in Closed Session.

The Board adjourned the Closed Session at 10:20 a.m. Board Chair Luis De La Garza announced that “No action or consensus had been taken in closed session”.

Agenda Item No. 17: Review and Consideration of Authorization to advertise for Bids on the Matagorda Ship Channel Improvement Project, Environmental Soil Sampling.

The Board Members reviewed a copy of an interoffice memorandum from Port Engineer Felicia Harral requesting permission to advertise for bids for the environmental soil sampling on the ship channel project. Pursuant to further review and discussion, a motion was made by Board Secretary Johnny Perez to approve the advertisement for bids on the Matagorda Ship Channel Improvement Project, Environmental Soil Sampling. The motion was seconded by Board Member Jay Cuellar and the motion carried unanimously.

Agenda Item No. 18: Adjourn.

There being no further business to be brought before the Board, a motion was duly made that the meeting be declared adjourned at approximately 10:21 a.m. on Wednesday, September 8, 2021.



Luis De La Garza, Board Chair

ATTEST:



Johnny Perez, Board Secretary