

**CALHOUN PORT AUTHORITY  
REGULAR MEETING  
October 12, 2022**

A regular meeting of the Calhoun Port Authority was held on Wednesday, October 12, 2022 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 – Law Firm of Alan Sanders  
Felicia Harral – Director of Engineering  
Miranda Malek – Finance Assistant

Others attending were:

Steve Marwitz  
Steven Svetlik – Max Midstream  
Randy Boyd – RLB Contracting  
Jonathan Boyd – RLB Contracting  
David Adrian – Matagorda Bay Pilots Association  
Bob Heath – Bickerstaff, Heath, Delgado, Acosta LLP – via telephone  
DD Turner – The *Wave*

**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.

**Agenda Item No. 2: Safety Briefing, Pledge of Allegiance and Invocation.**

All attendees of the meeting were briefed on the location of life saving devices and the closest assembly point in the event of a Shelter in Place incident. The Pledge of Allegiance, The Texas Pledge and a prayer was led by Board Chair Luis De La Garza.

**Agenda Item No. 3: Public Comment Written or Oral.**

No action taken on this agenda item.

**Agenda Item No. 4: Approve the minutes of the Wednesday, September 14, 2022 Regular Meeting and the Wednesday, September 28, 2022 Special Meeting.**

The Board Members reviewed the minutes from the Wednesday, September 14, 2022 Regular Meeting and the Wednesday, September 28, 2022 Special Meeting. Pursuant to further review and discussion, a motion was made by Board Member Jay Cuellar to approve the minutes as presented. The motion was seconded by Board Secretary Johnny Perez and the motion carried unanimously.

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

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

Fund Balance Report as of September 30, 2022:

- 1.) Accounts Receivable Report as of September 30, 2022
- 2.) Mr. Hawes reported to the Board Members that the accounts receivable report specified that the accounts receivable was 32% current as of September 30, 2022.

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

The Board Members reviewed the October 12, 2022 Port Operations Account disbursements. Pursuant to review, a motion was made by Board Secretary Johnny Perez to approve disbursements and the corresponding transfers for October 12, 2022. The motion was seconded by Board Member Jay Cuellar and the motion carried that the disbursements and the corresponding transfers be approved.

TRANSFER NO.	FUND ACCOUNT	AMOUNT
<b>GROSS REVENUE FUND</b>		
2022-009	To Port Operations Fund	\$81,776.43
2022-011	To Port Operations Fund	\$71,367.19
2022-012	To Port Operations Fund	\$253,669.20
	Total	\$406,812.82
<b>MAINTENANCE &amp; OPERATIONS FUND</b>		
	To Port Operations Fund	
	Total	
<b>BUSINESS DEVELOPMENT FUND</b>		
2022-012	To Port Operations Fund	\$396.82
	Total	\$396.82
<b>AN/NH3 OPERATING FUND</b>		
2022-012	To Port Operations Fund	\$128,951.90
	Total	<u>\$128,951.90</u>

**TOTAL TRANSFERS TO PORT OPERATIONS ACCOUNT**

\$536,161.54

**INTERFUND TRANSFERS**

DATE	FROM	TO	AMOUNT
10/12/22	AN/NH3 Operating	AN/NH3 Dep M/R	\$7,500.00
	<b>Total</b>		<b>\$7,500.00</b>

**Agenda Item No. 7: Reports: Port Director, Engineer & Committees.**

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

A. Harbor Traffic Statistics for the month:

That a total of 71 vessels had arrived at the public port facilities during the month of September; 17 deep draft arrivals and 54 inland barges and a total of 247 invoices were issued. Further, that 7 deep draft vessels were already on schedule for October arrival.

Total revenue tons for the month of September were 303,303.8 short tons. Total throughput for the first quarter of fiscal year 2023 was 1,031,415.1 short tons.

B. Harvest loaded out 2 barge of crude oil totaling 7,163.7 short tons.

C. Pelorus loaded 4 barges from 1 ship of C-4 Mix totaling 4,901.8 short tons.

D. Max loaded out 4 barges totaling 14,233.72 short tons.

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.

Felicia Harral, Port Engineer, reported the following:

A. Matagorda Ship Channel Improvement Project updates for September included PED updates, Pipeline relocation updates, Geotechnical Sampling, Environmental Sampling, Cultural Survey (Archeology) & Environmental Survey (Oyster).

B. Matagorda Ship Channel, FY 2021 Maintenance Dredging update.

C. South Peninsula Development Project updates for August included LD-1 Dredging updates, Bean Tract Wetlands Creation Project - South Peninsula Development & Mitigation Plan updates.

D. North Peninsula Office Complex updates included New Fiber Line & Paving Roadway and Parking Lot updates.

E. Other Port Project Updates included Surveys of INEOS proposed property exchange, AN Vapor Combustion Unit Replacement Project, GCD Gangway Project, Cathodic Protection System, New Access Road for Heavy Lift Dock, Monitor Coating, AEP Interaction, Permitting Updates, Environmental, Social, and Governance Pilot Study, and Various Port Infrastructure projects.

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

Pursuant to further review and discussion, a motion was made by Board Member Marty Strakos to approve the Board Members Committee/Attendance meetings. The motion was seconded by Board Member Jay Cuellar and the motion carried.

**Agenda Item No. 10: Review and Consideration of Second Amendment to the 2012 Alcoa Alumina Corporation Submerged Lease Agreement.**

The Board Members reviewed a copy of the 2<sup>nd</sup> amendment to the 2012 Alcoa Alumina Corporation Submerged Lease Agreement. This amendment retained all of the terms in the 2012 lease and extends the lease until January 15, 2023 and was needed to allow the development committee, port staff and special counsel time to thoroughly review the agreement and ensure that all of the terms were correct and acceptable. Pursuant to further review and discussion, a motion was made by Board Member Jay Cuellar to approve the extension until January 15, 2023. The motion was seconded by Board Member Dan Krueger and the motion carried unanimously.

**Agenda Item No. 11: Review and Consideration of Authorization to Wire Transfer Funds for Payment of Invoice #223672 in the Amount of \$174,885.90 from the AN/NH3 Depreciation & Major Repair Fund for an Additional Loading Arm.**

The Board Members reviewed a copy of invoice number 223672 showing the first installment for payment of the additional loading arm for the AN/NH3 Facility in the amount of \$174,885.90. Pursuant to further review and discussion, a motion was made by Board Member J. C. Melcher, Jr. to approve the wire transfer of funds for invoice number 223672 in the amount of \$174,885.90. The motion was seconded by Board Member Jay Cuellar and the motion carried unanimously.

**Agenda Item No. 12: Closed Session: As Authorized by and subject to the applicable provisions of law, including but not limited to the Texas Government Code, Chapter 551, Open Meetings Act, the following topics may be considered in Closed Session:**

**Section 551.071 – Attorney Consultation**

**Section 551-072 – Real Property Transactions**

**Section 551.087 – Economic Development Negotiations**

Board Chair Luis De La Garza announced that As Authorized by and subject to the applicable provisions of law, including but not limited to the Texas Government Code, Chapter 551, Open Meetings Act, the following topics may be considered in Closed Session:

Section 551.071 – Attorney Consultation

Section 551-072 – Real Property Transactions

Section 551.087 – Economic Development Negotiations

“No action or consensus would be taken in closed session”. The Board convened in Closed Session at 9:39 a.m.

The Closed Session was recessed at 10:04 a.m.

**Agenda Item No. 9: Review and Consideration of Bids Received on the Bean Tract Mitigation Project and Award Contract.**

Director of Engineering, Felicia Harral, briefly reviewed the bids received from RLB Contracting and Southern Gulf Solutions and recommended that the bid be awarded to Southern Gulf Solutions.

Randy Boyd, owner of RLB Contracting, spoke on the apparent low bidder. Pursuant to further review and discussion, a motion was made by Board Member Jay Cuellar to award the Bean Tract Mitigation project to RLB Contracting. The motion was seconded by Board Member Dan Krueger and the motion carried with Board Member J. C. Melcher, Jr. abstaining from voting.

The Board reconvened the Closed session at 10:05 a.m.

**Agenda Item No. 13: Return to Open Session and take any action deemed necessary based on discussion in Closed Session.**


The Board adjourned the Closed Session at 11:29 a.m. Board Chair Luis De La Garza announced that "No action or consensus had been taken in closed session".

**Agenda Item No. 14: Consideration, discussion, review and potential action regarding the current layout and potential changes in current election precinct boundary lines for members of the Board of Commissioners, including but not necessarily limited to: (1) review Initial Assessment regarding Commissioner precinct demographics in view of relevant census date; (2) criteria to apply to evaluating the need for and development of new districting plans; (3) guidelines for public participation in any redistricting service providers to assist in the evaluation process and, if pursued, develop proposed plan(s) for consideration and potential adoption together with guidance on any applicable regulatory or administrative processes.**

The Board Members reviewed a copy of the initial assessment considering 2020 census data for potential redistricting for the Calhoun Port Authority provided by Bickerstaff, Heath, Delgado, Acosta LLP. Pursuant to further review and discussion, the primary motion was made by Board Member Jay Cuellar to review Initial Assessment regarding Commissioner precinct demographics in view of relevant census data. This motion was seconded by Board Member Dan Krueger and the motion carried unanimously. A secondary motion was made by Board Member Jay Cuellar to adopt criteria to apply to evaluating the need for and development of new districting plans. This motion was seconded by Board Member Marty Strakos and carried unanimously. A third motion was made by Board Member J. C. Melcher, Jr. to adopt guidelines for public participation in any redistricting service providers to assist in the evaluation process and, if pursued, develop proposed plan (s). this motion was seconded by Board Member Jay Cuellar and the motion carried unanimously. A final motion was made by Board Member J.C. Melcher, Jr. to authorize the engagement of legal counsel. The motion was seconded by Board member Jay Cuellar and the motion carried unanimously.

**Agenda Item No. 15: 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 11:38 a.m. on Wednesday, October 12, 2022.

  
Luis De La Garza, Board Chair

ATTEST:

  
Johnny Perez, Board Secretary