

**CALHOUN PORT AUTHORITY
REGULAR MEETING
August 21, 2024**

A regular meeting of the Calhoun Port Authority was held on Wednesday, August 21, 2024 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 - absent
Commissioner # 2 – Jay Cuellar
Commissioner # 3 – Justin Weaver
Commissioner # 4 – Luis De La Garza
Commissioner # 5 – Vacant
Commissioner # 6 – Dan Krueger

Staff Members attending were:

Charles R. Hausmann – Port Director
Forrest Hawes – Deputy Port Director
Alan Sanders –Dinsmore & Shohl, LLP
Felicia Harral – Director of Engineering
Miranda Malek – Manager of Administration

Others attending were:

Rhonda Cummins – Point Comfort Seafarers Center
Steve Marwitz

Agenda Item No. 1: Call to Order:

Board Secretary 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 - was said by Board Member Jay Cuellar and a prayer was led by Board Secretary Luis De La Garza.

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

Ms. Rhonda Cummins addressed the Board giving an update on the Seafarers Center.

Agenda Item No. 4: Election of Assistant Secretary for the Period of August 21, 2024 through May 14, 2025.

Board Secretary Luis De La Garza nominated Board Member Jay Cuellar for the Assistant Secretary position. Pursuant to review and discussion, a vote was held and the nomination carried 5-0.

Agenda Item No. 5: Approve the minutes of the Wednesday, July 10, 2024 Regular Meeting and the Wednesday, July 17, 2024 Special Meeting.

The Board Members reviewed the minutes from the Wednesday, July 10, 2024 Regular Meeting and the Wednesday, July 17, 2024 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 Justin Weaver and the motion carried unanimously.

Agenda Item No. 6: 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 July 31, 2024:

- 1.) Accounts Receivable Report as of July 31, 2024
- 2.) Mr. Hawes reported to the Board Members that the accounts receivable report specified that the accounts receivable was 94% current as of July 31, 2024.

Agenda Item No. 7: Approval of Disbursements and Transfers: All Funds

The Board Members reviewed the August 21, 2024 Port Operations Account disbursements. Pursuant to review, a motion was made by Assistant Board Secretary Jay Cuellar to approve disbursements and the corresponding transfers for August 21, 2024. The motion was seconded by Board Member Justin Weaver and the motion carried that the disbursements and the corresponding transfers be approved as discussed.

TRANSFER NO.	FUND ACCOUNT	AMOUNT
	GROSS REVENUE FUND	
	To Port Operations Fund	\$82,234.80
	To Port Operations Fund	\$73,082.78
	To Port Operations Fund	\$ 365,789.19
	Total	\$ 521,106.77
	MAINTENANCE & OPERATIONS FUND	
	To Port Operations Fund	\$ 93.65
	Total	\$ 93.65
	BUSINESS DEVELOPMENT FUND	
	To Port Operations Fund	\$ 50,108.60
	Total	\$ 50,108.60
	AN/NH3 OPERATING FUND	
	To Port Operations Fund	\$ 100,000.00

Total	\$ 100,000.00
TOTAL TRANSFERS TO PORT OPERATIONS ACCOUNT	\$ 671,309.02

Agenda Item No. 8: Reports: Port Director, Engineer & Committees.

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

- A. Harbor Traffic Statistics for the month:
 That a total of 62 vessels had arrived at the public port facilities during the month of July; 14 deep draft arrivals and 48 inland barges and a total of 182 invoices were issued. Further, that 17 deep draft vessels were already on schedule for August arrival.
 Total revenue tons for the month of July were 260,447.8 short tons. Total revenue tons for fiscal year 2025 was 260,447.8 short tons.
- B. Harvest loaded 4 barges of crude oil totaling 13,831.4 short tons.
- C. Max Midstream loaded 4 barges of crude oil totaling 14,268.2 short tons.
- D. Port Maintenance continued to work on electrical repairs to the cathodic protection system, continued installing new lighting, making water line repairs and continued to do their weekly inspections of port equipment.

Felicia Harral, Engineering Director, reported the following:

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

- A. Matagorda Ship Channel Improvement Project:
 - a. MSCIP Pipeline Relocations, MSCIP Geotechnical Sampling, MSCIP Environmental Sampling, MSCIP Cultural Survey and MSCIP Environmental Survey.
 - b. MSC FY 2021 Maintenance Dredging
- B. North Peninsula Projects road & parking improvements, boat ramp & gate 3 access.
- C. South Peninsula Development Project
 - a. Bean Tract Wetlands Creation Project - South Peninsula Development & Mitigation Plan and Barge Staging Area.
- D. Other Port Project Updates included AN Vapor Combustion Unit Replacement project, GCD Gangway Project, GCD Fender Replacement, Cathodic Protection System, Ladder replacements, coating of CPA hydrants and Various Port Infrastructure projects.

Agenda Item No. 9: 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 Justin Weaver to approve the Board Members Committee Attendance. The motion was seconded by Board Member Dan Krueger.

Agenda Item No. 10: Review and Consideration of the Proposed No New Revenue 2024 Tax Rate of \$0.0006/\$100.

The Board Members reviewed a copy of the tax rate calculations received from the Calhoun County Appraisal District. The proposed no new revenue rate is \$0.0006/\$100 which would have the Port receiving approximately \$18,081.00 for 2024, which is \$475.00 less than 2023’s taxes. Pursuant to further review and discussion a motion was made by Board Member Justin Weaver to approve the proposed no

new revenue tax rate of \$0.0006/\$100. The motion was made by Board Member Dan Krueger and the motion carried unanimously.

Agenda Item No. 12: Review and Consideration of Approval of a Right of Entry Agreement between the Calhoun Port Authority and Enbridge.

The Members of the Board reviewed a copy of the proposed right of entry agreement between the Calhoun Port Authority and Enbridge. Enbridge needs this agreement to repair their 36-inch pipeline that crosses the Matagorda Ship Channel. Pursuant to further review and discussion, a motion was made by Assistant Board Secretary Jay Cuellar to approve the Right of Entry Agreement between the Calhoun Port Authority and Enbridge. The motion was seconded by Board Member Dan Krueger and the motion carried unanimously.

Agenda Item No. 13: Review and Consideration of Approval of a Right of Entry Agreement between the Calhoun Port Authority and FiberLight, LLC.

The Members of the Board reviewed a right of entry agreement received from FiberLight, LLC. This agreement would allow FiberLight, LLC to install fiber cable to the Max leasehold and to the new Administration Building across Port owned land. Pursuant to further review and discussion, a motion was made by Assistant Board Secretary Jay Cuellar to approve the Right of Entry Agreement between the Calhoun Port Authority and FiberLight, LLC. The motion was seconded by Board Member Dan Krueger and the motion carried.

Agenda Item No. 14: 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 Secretary 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 9:45 a.m.

Agenda Item No. 15: Return to Open Session and take any action deemed necessary based on discussion in Closed Session.

The Board adjourned the Closed Session at 10:31 a.m. Board Secretary Luis De La Garza announced that “No action or consensus had been taken in closed session”.

Agenda Item No. 11: Review and Consideration of Approval of a Task-Order Based Professional Services Agreement Between WSP USA Inc. and the Calhoun Port Authority.

The Board Members reviewed a copy of a task-order based professional services agreement prepared by Port Special Counsel Alan Sanders. Pursuant to further review and discussion, a motion as

made by Assistant Board Secretary Jay Cuellar to grant authorization to Charles Hausmann, Port Director and Port Special Counsel, Alan Sanders, to amend section 7 of the agreement to show ownership of all documents and guarantee customer confidentiality regarding proprietary information; to ensure the proposal follows the requirements regarding payment terms by stating that the rate sheet accepted initially will stand for the entirety of the project. The motion was seconded by Board Member Dan Krueger and the motion carried unanimously.

Agenda Item No. 16: 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 10:38 a.m. on Wednesday, August 21, 2024.



Luis De La Garza, Board Secretary

ATTEST:


Jay Cuellar, Assistant Board Secretary