

STATE OF TEXAS }
COUNTY OF WILLACY }

THE BOARD OF NAVIGATION AND CANAL COMMISSIONERS OF THE WILLACY COUNTY NAVIGATION DISTRICT met in Regular Session Wednesday, February 14, 2018 at 9:00 A.M., at 400 W Hidalgo, Ste 200, Raymondville, TX, with the following members present:

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| COMMISSIONERS PRESENT: | THOMAS RAINS JR KAY HICKS ROBERT HULEN MARK BROWN | CHAIRMAN SECRETARY MEMBER MEMBER |
| ALSO PRESENT: | RON MILLS JERRY STAPLETON DAVID MAYES FRANK VASQUEZ LETTY MARTINEZ | PORT DIRECTOR ATTORNEY AT LAW PORT POLICE CHIEF PORT SUPERINTENDENT SECRETARY |
| NOT PRESENT: | GLORIA NIETO | COMMISSIONER |

Chairman Rains called the meeting to order at 9:00 a.m., upon conclusion of roll call, it was ascertained that a quorum was present. The Chairman called for affidavits of conflict of interest and there were none.

Item No. 1: **REVIEW & CONSIDERATION OF PREVIOUS BOARD MEETING MINUTES**: Upon review of the January 10, 2018, Meeting Minutes, Commissioner Brown made a motion to approve the previous board meeting minutes. The motion was seconded by Commissioner Hulen and upon a vote the motion unanimously carried.

Item No. 2: *PUBLIC COMMENT:*

-Mr. Jim Beale: advised the board, people have no clue how Port Mansfield got its name, there is a developmental marker by the post office and lots of residents in Port Mansfield do not know about it. Would like to have a sign on the highway to alert people the historical marker for people to stop and read it.

Item No.4 was moved up: REVIEW, DISCUSSION AND ACTION ON FY 2016/2017 AUDIT: The 2016/2017 Audit report was presented to the Board by Carr Riggs & Ingram, CPAs and Advisors. Mr. Quinton Anderson and Ron Hearn, reviewed and discussed the audit report ending May 2017, he presented a letter to the board regarding the financial statement for review he gave a quick overview, discussed the management responsibilities, gathered sufficient evidence changes for

the past fiscal year. He also discussed the management's discussion and analysis, statement of net position, statement of revenue, expenses and changes in net position, statement of cash flows and notes to financial statements conduct and nature, supplemental report, analysis, revenue, expenditures and long term liabilities. The comparison of property expenses, supplies, materials and revenue difference for the year. A recommendation is to consider of having an investment policy. Commissioner Brown made the motion to accept that the Audit Report for 2016/2017 be approved and to require the recommendations. The motion was seconded by Secretary Hicks and unanimously carried.

Item No 5 : STRUCTURAL ENGINEERING/AND LEGAL REVIEW OF BUILDING CODE AND WINDSTORM ENFORCEMENT POSSIBLE ADOPTION OF BUILDING CODE: Mr. Rubiano, advised the board that there are two relevant codes that generally speaking given construction, both codes are in existence it's the law taken action by Willacy County and structures of Port Mansfield. Raymondville is not included, it's a municipality, Mr. Rubiano also advised the board that they can adopt a building code process to adopt formally in an ordinance. The issue was brought up due to the windstorm requirements. Not all jurisdictions impose all these requirements. The Willacy County Navigation District needs to select and adopt to build a code, and start to identify exceptions based on size and the use of the feasibility, identify what type of structure with no electricity, identify floor elevations. If we do not have a building code to enforce, the county has the right to go by the County code. The Board of the Willacy County Navigation District needs to identify what they want to regulate either with The State of Texas or licensing an appointed qualified inspector.

The standard for construction should be said, we reserve the right that the standard has been achieved, instead of WPI -1, WPI – 8 drop the windstorm, instead of requiring it and require a Certificate of Occupancy. Consider deciding to implement code of compliance or rely on the Countys' compliance. Remove the WPI-1 Windstorm and require a certificate of compliance. The motion was moved by Commissioner Brown to adopt county code and require a certificate of occupancy and next meeting to enforce a list.

- Eliminate Windstorm Certificate
- Abandon the idea to or not to pursue the standard code and rely on the county.
- To extend formally or informally for and state that the windstorm will be eliminated.

The motion was seconded by Commissioner Hulen and unanimously carried.

Item No. 6: DISCUSSION ON ENFORCEMENT OF PURSUANT OF DEER FEEDERS: Mr. Garst, asked the board about a policy regarding the enforcement of feeding deers or deer feeders. He stated there is one feeder that is abandoned and a lessee having a deer feeder. Mr. Garst stated that the feeder on Gulf St. has become an issue not only with deer but with hogs as well, people are stopping to feed the deer and there's cars passing the vehicle and it can cause an accident. People are putting corn on the roads and/or highway.

Chairman Rains now moved back to Item No. 3.

Item No. 3: DISCUSSION ON STATUS OF DREDGING PROJECTS TO INCLUDE CONSULTANTS LOBBYIST AND ELECTED OFFICIALS AS AVAILABLE: Port Director, Ron Mills addressed the board, Commissioner Brown two weeks ago requested a list with broken down sections for dredging plans. Ron Mills, presented the board a packet, Port Mansfield Congressional Efforts, stating this months efforts were centered on working with the Corps, regulatory office in Corpus Christi, and the district in Galveston regarding the request for comments on the maintenance project. The public notice was issued February 6, 2018 which secures a March 8, 2018 response deadline.

Phase 1 – Harbor Entrance:

- Permit is in Public Comment
- Should be issued at sometime in April. Due to our situation the District offices are conducting a review to authorize us to begin operations almost immediately after comments close on March 06, 2018. {*Since nothing that the Corp has stated as been accurate to date it may be in late April before we begin*}
- We have two bids and awaiting the third but not sure it is going to arrive.
 - First bid – Rodriguez Brothers Dredging, Houston, TX., \$7.00 cu yd., 12 ft depth, \$1,970.00, they are expecting to take up to six months to complete.
 - Second Bid – R & LB Contracting, Corpus Christi, TX, \$4.50 cu yd., 5 ft depth, \$551,664, will take about 2 months to complete and will start inside the harbor and work out.

- We set aside \$300K for dredging this year based upon the Corp spending \$265K on our last dredging operation in 2015. We also set a side \$200K for road improvement. Both allocations would cover \$500K of the \$552K bid above. We had a tentative bid for a dredge out of Louisiana that was over a year old for just over #300K but that operator is currently on a job out of New Iberia, LA
- ACOE Galveston has stated that they will try to pursue Supplemental funding and could assist with the complete dredging of channel in September time frame when ACOE project in Port Mansfield is being worked on they are always reminding me that we have no revenue string and that they cannot guarantee any funds since Texas, Florida and Puerto Rico all have projects vying for funds.
- If started before March 31 the initial material would be disposed of at Bird Island. Any activity after April 1, 2018 would be placed into our retention area next to ACOE fill area.
- It should be noted that the Army Corp stated that a very good bid for them to get would be \$3.00 cu ft.

Phase 2 - Mansfield Cut:

- No permit has been filled for due to extensive process to get permission to use the spill areas in and around the National Seashore.
- National Seashore (PINS) wants the material placed on their beaches due to numerous washouts and the threat of losing the North Jetty.
- South Padre Island is interested in moving the material to South Padre to rebuild their beaches.
- ACOE Galveston reported that two dredges were lost during construction of Mansfield Cut and the project is considered to be dangerous for us to undertake at our level.
- We have requested funding from the State of Texas and from the White House. The amount we have requested is \$9.1 million dollars to complete the entire channel from the Jetties to the Harbor to its original dredge depth.

- ACOE is projecting that the Jetties contain some 2.5 million cubic yards of materials in that area alone.

Item No. 7: PROPOSAL AND ACTION ON LEASE FOR CELL PHONE TOWER: After discussing the proposal and action on a lease for a cell phone tower, the board decided to table this item for review on rates.

Item No. 8: PORT POLICE CHIEF MONTHLY SUMMARY: No report.

Item No. 9: PORT DIRECTORS REPORT: Port Director Ron Mills, reported on the following items:

-Land lease deposit amounts and there impact on new business (e.f. food truck business and laundromat) - R & R RV Park, Mr. Bourne, would like to impact on a new business with building a laundromat to help people in the community.

Ron, also addressed the board of a food service truck, a couple would like to bring into Port Mansfield and they will be responsible for their own electrical service.

-Capital Improvement Projects – The only project we have is for street improvements, North Shore is in bad shape, other maintenance basically to improve roofs on B, C & D docks and re-ramps. Frank Vasquez, Port Superintendent, suggested to repaint the restrooms, post office and redo the floor, and the roof at the warehouse needs to be updated.

Item No. 10: REVIEW AND DISCUSSION OF BUILDING PERMITS ISSUED FOR THE MONTH OF JANUARY, 2018: The board reviewed and discussed the building permits that were issued for the month of January, 2018.

Item No. 11: REVIEW & CONSIDERATION OF RESIDENTIAL & COMMERCIAL LEASES, CANCELLATIONS, TRANSFERS AND BOAT STALLS: Upon review and discussion of each described and itemized lease, Commissioner Brown made the motion to accept the items as presented. The motion was seconded by Secretary Hicks and unanimously carried.

Item No. 12: REVIEW & CONSIDERATION OF CHECKS AND VOUCHERS: After discussion of the checks and vouchers, Commissioner Brown made the motion to accept the issued checks and approve all transactions for payment of the Willacy County Navigation District, and for all transactions dated January 11, 2018 through February 14, 2018. The motion was seconded by Commissioner Hulen and unanimously carried.

Item No. 13: MEETING ADJOURNED: There being no further business to come before the Board, the meeting was adjourned at 1:11 p.m.