

**Aransas County Navigation District
Minutes of Regular Meeting
Monday, May 02, 2022**



301

May 02, 2022

The Navigation and Canal Commission of the Aransas County Navigation District met in a Regular Meeting on May 02, 2022 with Chairman Malcolm Dieckow presiding. Other Commissioners present were Judith Vlasek, Martin De Leon, Tommy Moore and Mickey Casterline. Among others present were Harbor Master Keith Barrett, Executive Administrator Janine Loney, and General Counsel Gerald Benadum.

The guest register has been made a part of these minutes.

Chairman Malcolm Dieckow convened the meeting at 9:00 a.m., declared a quorum, and led the Pledge of Allegiance and the honoring of the Texas flag.

CITIZENS TO BE HEARD:

There were no citizens to be heard.

No IV.1 Agenda:

Consider and possible action to approve the minutes of Regular Meeting, April 4, 2022, and Regular Meeting, April 18, 2022.

Action:

Commissioner Moore moved to approve as presented Regular Meeting Minutes of April 04, 2022, and Regular Meeting Minutes of April 18, 2022. The motion was seconded by Commissioner De Leon. The motion was adopted.

No. IV.2 Agenda:

Consider and possible action to approve the Accounts Payable List.

Action:

Motion made by Commissioner Vlasek to approve the Accounts Payable List for May 02, 2022. Commissioner Dieckow seconded the motion. The motion was adopted.

No IV.3 Agenda:

Consider and possible action to approve new lease agreement regarding 108 Cove Harbor North, Plot 07 (0.63 acres/100') Waterfront Surface Lease

Action:

Commissioner De Leon moved to approve as presented the new lease for property 108 Cove Harbor North, Plot 07 (0.63 acres/100'). The lease rate at the commencement of this lease shall be \$1,500.00 per month. Commissioner Vlasek seconded the motion. Motion was adopted.

No IV.4 Agenda:

Consider and possible action to authorize the signing of a Memorandum of Agreement between Aransas County Navigation District and Texas State University Clean Coast Texas Project.

Action:

Motion made by Commissioner Casterline to authorize the signing of a *Memorandum of Agreement between Aransas County Navigation District and Texas State University Clean Coast Texas Project*. Commissioner Dieckow seconded the motion. The motion was adopted.

No IV.5 Agenda:

Consider possible action to approve request for Belaide Environmental, Inc., to perform a comprehensive literature review of existing scientific research to better understand the environmental impacts of stormwater drainage on Little Bay and develop evidence-based recommendations for future drainage improvements

This item was tabled for discussion after the Meeting Closed Session. See No VIII.1 Agenda.

**Aransas County Navigation District
Minutes of Regular Meeting
Monday, May 02, 2022**



302

No IV.6 Agenda:

Consider and possible action to approve request for T Baker Smith, LLC to conduct a bottom depth survey for baseline sediment calculations in Rockport Harbor

Action:

Commissioner Vlasek made the motion to approve the request as presented for *T Baker Smith, LLC to conduct a bottom depth survey for baseline sediment calculations of the entire area of Rockport Harbor. The motion was seconded by Commissioner Dieckow. The motion was adopted.*

No IV.7 Agenda:

Consider and possible action to approve a Project Change Order #1, for Beach Entrance Improvement Project
Harbor Master Barrett gave a brief explanation which entails a change in materials eliminating all asphalt from the project and installing concrete.

Action:

The motion was made by Commissioner Moore to approve as presented the Project Change Order #1, for Beach Entrance Improvement Project. Commissioner Dieckow seconded the motion. The motion was adopted.

No IV.8 Agenda:

Consider and possible action to approve a contract with Tetra Tech for Grant related work associated with a B.C.A. Request for Information relating to the Cove Harbor Project. Not to exceed 20K.

Harbor Master Barrett presented to the Board relevant background information including a brief scope on the Cove Harbor Project.

Action:

Motion made by Commissioner Vlasek to approve as presented by Harbor Master Barrett a contract with Tetra Tech for grant related work associated with a Benefit-Cost Analysis. Commissioner Moore seconded the motion. The motion was adopted.

No IV.9 Agenda:

Presentation from Hank Arnold on Nesting Colonial Waterbirds in Little Bay.

A presentation was made by Hank Arnold which was well received.

Action: No action was taken.

No IV.10 Agenda:

Effects of, and possible actions regarding, City of Rockport storm water systems and discharges and construction, including but not limited to any related agreements proposed or existing with the City.

This item was tabled for discussion after the Meeting Closed Session. See No VIII.2

V. STAFF REPORTS

Event/Season Report:

Attendance numbers are increasing as seen by the number of people using the Navigation District's amenities. The Kite Festival and Business Expo over the weekend was well received. Progress is being made on the Beach Entrance Improvement Project.

Public Convenience:

Unfortunately, due to a handful of individuals' lack of respect for the beach public convenience, the District had to shut down the facilities for repair and cleaning. Harbor Master Barrett hoped that with better care being taken by the public these instances would become less frequent.

Commissioner Dieckow inquired on an approximate time of completion of the Beach Entrance Improvement Projects. Harbor Master Barrett briefly noted the scope of the project with an estimate given to those present.

Commissioner Moore reported his community event held on May 21, 2022, was well attended. Commissioner Moore informed those present that more events are to be announced soon.

**Aransas County Navigation District
Minutes of Regular Meeting
Monday, May 02, 2022**



303

VI. PRESS QUESTIONS:

Mr. Mike Probst from the Rockport Pilot posed the question, what Law or rulings apply to encroachment onto the Rookery Islands or into the bird nest sites?

Commissioner Moore related to Mr. Probst that by federal law, Migratory Bird Treaty Act of 1918 (MBTA), it is illegal to harass migratory birds. The Navigation District also have various signs in the area to deter people from entering prohibited areas. As a general observation if you see the birds start to react to you being in the area then you are too close.

VII. CLOSED SESSION:

The Chairman announced that the Commission will conduct a closed session in accordance with the cited sections of Chapter 551 of the Texas Government Code for the following purposes:

i) To conduct a private consultation with its attorney under Section 551.071, a) about pending contemplated litigation and b) on matters in which the duty clearly conflicts with this Chapter.

ii) To deliberate the purchase, exchange, lease or value of real property under Section 551.072

The Open meeting was recessed at 09:43 a.m. The closed session was convened at 09:52 a.m. and was adjourned at 11:10 a.m.

The Commission reconvened into open meeting at 11:11 a.m.

VIII. CONTINUATION OF OPEN MEETING/DELIBERATION AND/OR ACTION:

No VIII.1 Agenda:

Consider possible action to approve request for Belaire Environmental, Inc., to perform a comprehensive literature review of existing scientific research to better understand the environmental impacts of stormwater drainage on Little Bay and develop evidence-based recommendations for future drainage improvements.

Actions:

Commissioner Vlasek made the motion to approve as presented the request for Belaire Environmental, Inc., to perform a comprehensive literature review of existing scientific research to better understand the environmental impacts of stormwater drainage on Little Bay and develop evidence-based recommendations for future drainage improvements. The motion was seconded by Commissioner Dieckow and then adopted by all present voting. Aye.

No VIII.2 Agenda:

Effects of, and possible actions regarding, City of Rockport storm water systems and discharges and construction, including but not limited to any related agreements proposed or existing with the City.

Action:

Motion made by Commissioner Vlasek to table agenda item No. VIII.2 with the motion being seconded by Commissioner Dieckow. Motion was adopted

IX. ADJOURNMENT:

There being no further business, the meeting adjourned at approximately 11:12 a.m.

**Aransas County Navigation District
Minutes of Regular Meeting
Monday, May 02, 2022**



304

Certificate of Approval

I attest that the foregoing minutes of a meeting of the Navigation and Canal Commission of the Aransas County Navigation District held on May 02, 2022, were approved by the Commission at a meeting duly held on May 16, 2022.

Tommy Moore Commissioner Secretary