

ADDENDUM No. 1

City of South Padre Island, TX Tompkins Channel Maintenance Dredging

October 27, 2023

A. CHANGES TO CONTRACT DOCUMENTS

1. NONE

B. CHANGES TO TECHNICAL SPECIFICATIONS

1. NONE

C. CHANGES TO DRAWINGS

1. NONE

D. CLARIFICATIONS

1. Question: "In regard to the 180 calendar day contract time, does that include total dredge and removal of all dredged material?"

Answer: The 180 calendar day contract time begins at receipt of Notice-To-Proceed and ends at Substantial Completion, as defined in the Contract documents.

2. Question: "In regard to Section IV of the Contract Documents – CONTRACTOR'S EXPERIENCE and QUALIFICATIONS, if the bidder's company is fairly new, can we use employee's experience or any experience prior to their company being founded?"

Answer: Yes.

3. Question: "In regard to adjacent properties (condos, businesses, etc.) to the upland placement area, are there special provisions or non-work hours?"

Answer: Working hours are 6:00am to 6:00pm, exclusive of legal holidays, Monday through Sunday. Refer to Specification Section 01 13 00 – Supplementary Conditions, Paragraph 1.9 WORKING HOURS.

E. CONTACT INFORMATION

1. City of South Padre Island, TX contact information:

Kristina Boburka
Shoreline Director
4601 Padre Boulevard
South Padre Island, TX 78597
956-761-3837
KBoburka@myspi.org

2. HDR Engineering, Inc. contact information:

Daniel E. Garza, PE
Project Manager
555 N. Carancahua, Suite
1600
Corpus Christi, TX 78401
281-206-9464 (o) or 361-
779-7571 (c)
Dan.Garza@hdrinc.com

F. LIST OF ATTACHMENTS [All in PDF format]

- 1. October 24, 2023 Non-mandatory Pre-Bid meeting Attendance List
- 2. October 24, 2023 Agenda for Pre-Bid Meeting and associated Exhibits
- 3. Current City of South Padre Island Events Calendar (also see www.sopadre.com)

G. LIST OF CURRENT UPLOADS

[\[https://www.myspi.org/category/subcategory.php?categoryid=36\]](https://www.myspi.org/category/subcategory.php?categoryid=36)

- 1. ITB 2023-SL05 Tompkins Channel Maintenance Dredging
- 2. ITB 2023-SL05 Contract Drawings
- 3. Addendum No. 1, 10/27/2023

Acknowledge receipt of this Addendum No. 1 by signing and returning to the Shoreline Director’s office at KBoburka@myspi.org.

SUBMITTING FIRM ACKNOWLEDGEMENT

Name

Date



Meeting Attendance

Project: The City of South Padre Island, TX – Tompkins Channel Maintenance Dredging

Subject: Pre-Bid Conference

Date: Tuesday, October 24, 2023 10:00 am to 11:00 am

Location: SPI City Hall, 4601 Padre Boulevard, South Padre Island, TX 78597

Attendee	Organization	Phone Number	Email	Please Check One			
				General Contractor	Sub Contractor	Supplier	Other
Erika Hugston	City of SPI	956-761-8111	ehugston@myipi.org				
Daniel Bryant	BIS	956-433-9783	Daniel78597@gmail.com ✓				
Ray Moya	BIS	956-433-9709	rmoya@bryantindustrial.com ✓				
Dylan Hightower	HK Dredging LLC	(281)923-3708	dylan@hkredging.com ✓				
Pat Williams	Taylor Marine Const	(281)288-7349	mandybug1994@gmail.com ✓				
Sack Warner	Dredgit	979-477-6045	Swarner@dredgit.com ✓				
Dan Garza	HDR	361-779-7571	dan.garza@hdrinc.com				✓
Kristina Boburka	CINB SPI	(956)761-3837	kboburka@myipi.org				✓



Pre-Bid Meeting Agenda

Project:	The City of South Padre Island, TX – Tompkins Channel Maintenance Dredging	
Subject:	Pre-Bid Meeting and Site Visit	
Date:	Tuesday, October 24, 2023	10:00am to 11:00am
Location:	SPI City Hall, 4601 Padre Boulevard, South Padre Island, TX 78597	
Attendees:	See Attached Sign-in Sheet	

- I. Welcome (Kristina Boburka)
- II. Introductions (Dan Garza)
 - a. City Staff (City of SPI, TX)
 - i. Kristina Boburka – Shoreline Director and Owner’s Representative
 - ii. Erika Hughston – Shoreline Coordinator
 - iii. Others?
 - b. Consultant Staff (HDR Engineering, Inc.)
 - i. Dan Garza, PE – Project Manager and City’s Representative (O: 281-206-9464, C: 361-779-7571)
- III. Agenda Overview (Dan Garza)
 - a. Administrative Items
 - i. Safety Moment – Fire Exits, Rally Spot
 - ii. Duration of Meeting – 1-hour
 - iii. Sign-in Sheet – fill out completely, neatly [\[Exhibit A\]](#)
 - iv. Question & Answer Protocols during meeting
 - v. Questions Cut-off – FRI 10/27 at 5pm CST
 - vi. Addendums
 - 1. No. 1 will include Q/A from this meeting and sign-in sheet
 - 2. Final (as necessary) will be issued by MON 10/30 at 5pm CST
 - b. Topics
 - i. Project Overview
 - ii. Critical Dates
 - iii. IV. Contractor’s Experience and Qualifications
 - iv. Contract Requirements / Special Provisions
 - v. Miscellaneous Topics
 - vi. Q&A Session (Name / Company / Question)
 - vii. Closing Comments
- IV. Project Overview (Dan Garza)
 - a. Location [\[Exhibit B and Exhibit C\]](#)
 - i. **Tompkins Channel** begins approximately 4,000-feet along the north side of the Queen Isabella Causeway. The channel runs east approximately 7,000-feet, turns northeast and then generally follows the western shoreline of the Island in the Laguna Madre, for a total of approximately 5-miles. Mechanical dredging will occur in select locations along the channel.
 - ii. **Seahorse Harbor Canal** is located at the west end of Marisol Street, generally located where Tompkins Channel turns north along the western shoreline of the Island. Mechanical dredging will occur in the canal, with the disposition of



dredged material in the two temporary placement areas on the north and south sides of the canal.

b. Scope of Work [\[Exhibit D\]](#)

i. Elements

1. Install required Best Management Practices
2. Construction of the Temporary Placement Areas
3. Mechanical Dredging with disposition into Temporary Placement Areas
4. Dewatering of dredged material
5. Disposition of dewatered dredge material offsite
6. Deconstruction of the Temporary Placement Areas

ii. Work includes

1. Excavation and construction of berms
2. Mechanical Dredging
3. Deconstruction of berms and return site to original condition

iii. Bid Items [\[Exhibit E\]](#)

1. Base Bid

- a. Item No. 1 – Fees for use of Landowner’s Temporary Placement Area (\$8,005.19 – Paid directly to the Landowner)
- b. Item No. 2 – Mobilization (60%) and Demobilization (40%)
- c. Item No. 3 – Pre-dredge hazard survey
- d. Item No. 4 – Construction General Permit & SWPPP
- e. Item No. 5 – Mechanical Dredging to -6.3’ MLLW (no overdepth allowance)
- f. Item No. 6 – Construct & Deconstruct Temporary Placement Areas
- g. Item No. 7 – Stand-by Time

2. Basis of Bids – Price Plus Time Contract Award

- a. Bidders must submit a Bid price for each Item in the Base Bid, with a total of the seven items.
- b. Bidders must submit the total number of working days from NTP to Substantial Completion.
- c. Comparison of Bids
 - i. The Bidder to which an award of the Contract will be made will be determined in part on the basis of the Total Bid Price and total number of calendar days to substantially complete the Work. Refer to III. Contractor’s Proposal, page 15 for Table.

V. Critical Dates (Dan Garza)

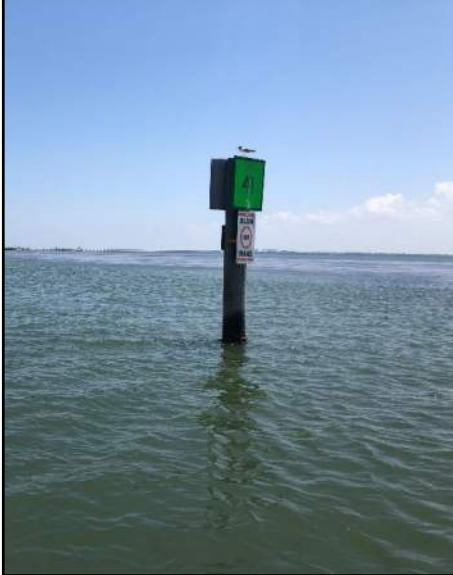
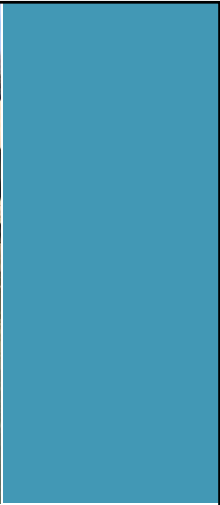
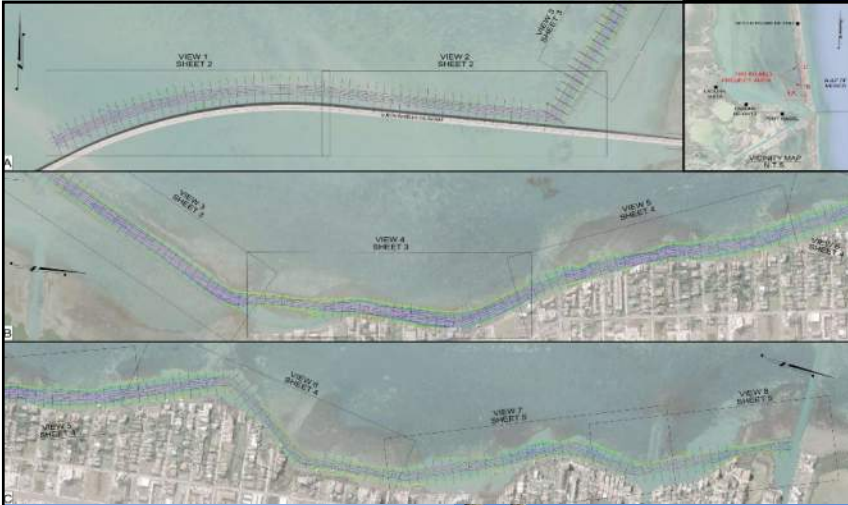
- a. Pre-Bid Meeting – TUE 10/24/2023
- b. Deadline for Questions – FRI 10/27/2023
- c. Final Addendum Posting (as necessary) – MON 10/30/2023
- d. Bid Submittal Deadline & Opening Date / Time – THU 11/02/2023 at 2:00pm (SPI City Hall – EOC, 2nd floor)
- e. Expected City Council Award – WED 11/15/2023
- f. Substantial Completion: 180 calendar days after NTP
 - i. City’s Liquidated Damages: \$500.00 per calendar day
 - ii. Landowner’s Financial Penalty: \$1,335.00 per calendar month

- VI. IV. Contractor's Experience and Qualifications (Dan Garza)
 - a. Qualification Requirements
 - i. Company, Superintendent, and Project Manager – min. 3 to max. 6 similar projects in the last 5 years

- VII. VII. Standard Form of Agreement – Construction Services (Dan Garza)
 - a. **Article 21 – Delays and Article 22 – Extensions of Time**
 - i. The City may, in its sole discretion, delay the work during inclement weather in order to preserve the Project.
 - ii. In such event and upon a written request from the Contractor, the City may grant an extension of time
 - b. **Article 27 – Insurance and Article 28 – Bond Provisions and Exhibit B – Insurance Requirements**
 - c. Site Physical Data
 - i. Tides – 0.0 to 2.5 feet [Exhibit F]
 - ii. Active waterfront recreational area; boat / kayak access along the channel; Contractor should plan for construction fencing with controlled access to protect site
 - iii. Subsurface groundwater conditions and elevations will change. The Contractor shall include all costs for any expected dewatering in his bid. Changes in groundwater elevations shall not be just cause for increased compensation.
 - d. Contractor's Field Office – not required
 - e. Permit (Specification Section 01 12 00 – Permits) [Exhibit G]
 - i. Owner has obtained required USACE permits
 - 1. USACE Permit SWG-1996-00026, LOP
 - a. Contact USCG for determination of Safety Lights, Signs, and Signals Requirements
 - 2. Texas General Land Office Lease No. L20110002
 - a. Impacts to sensitive habitats, specifically seagrasses, oyster reefs, tidal flats, and emergent vegetation outside of the authorized dredging corridor area are to be strictly avoided.
 - 3. USACE Permit 22969
 - ii. Contractor is responsible for notifications to TXGLO, USACE, USCG
 - iii. Wetlands are located adjacent to the Seahorse Harbor Canal [Exhibit H]
 - 1. West face of northern bulkhead;
 - 2. West face of southern bulkhead;
 - 3. Approximately 175-feet west of canal, just east of the channel
 - iv. No City Permit is required.
 - f. Project Meetings (Specification Section 01 13 00 – Supplementary Conditions)
 - i. All meetings will be held at City's Multi-modal Facility; 321 Padre Boulevard, SPI, TX 78597 (<https://maps.app.goo.gl/M4nYrgucyjbR63YR6>); Shoreline Department Conference Room, 2nd floor.
 - ii. Pre-construction (dredging) meeting
 - iii. Bi-weekly meetings



- VIII. Miscellaneous Topics
 - a. Tompkins Channel and Seahorse Harbor Canal
 - i. High Profile and High Use Area – press and public inquiries should be directed to HDR (Dan Garza) and City of South Padre Island (Kristina Boburka)
 - b. Lines of Authority
 - i. All correspondence to go through HDR (Dan Garza)
 - ii. Changes in plans will be in writing only
 - iii. Change Orders / Pay Requests with proper documentation will be paid via City
 - iv. Additional inspection / rework items – Engineer to fill out form and Contractor to verify/sign
 - c. Landowner Information (Specification Section 01 13 00 – Supplementary Conditions)
 - i. Mr. Pablo Paez Garza; Del Mar SPI, LLC; P.O. Box 40195, South Padre Island, TX 78597
 - ii. MOU Requirements (VI. General and Special Conditions of Agreement)
 - 1. LOT #3 is owned by Del Mar SPI, LLC [\[Exhibit J\]](#)
 - 2. Identified provisions include:
 - a. Requirement for a one time payment to the Landowner for the use of the site, with monthly financial penalties if the project is delayed;
 - b. Additional liability insurance requirements; and
 - c. Entering into an agreement with the Landowner and obtaining a temporary construction easement.
 - d. Other provisions, not specifically outlined here, are in full effect with this contract.
 - e. The full MOU can be found in Exhibit A, starting on page 22 [\[Exhibit K\]](#).
- IX. Q&A Session (Name / Company / Question)
- X. Closing Comments (Kristina Boburka)



City of South Padre Island, TX

Tompkins Channel Maintenance Dredging Project – Pre-Bid Meeting



October 24, 2023

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Meeting Attendance

Project: **The City of South Padre Island, TX – Tompkins Channel Maintenance Dredging**

Subject: **Pre-Bid Conference**

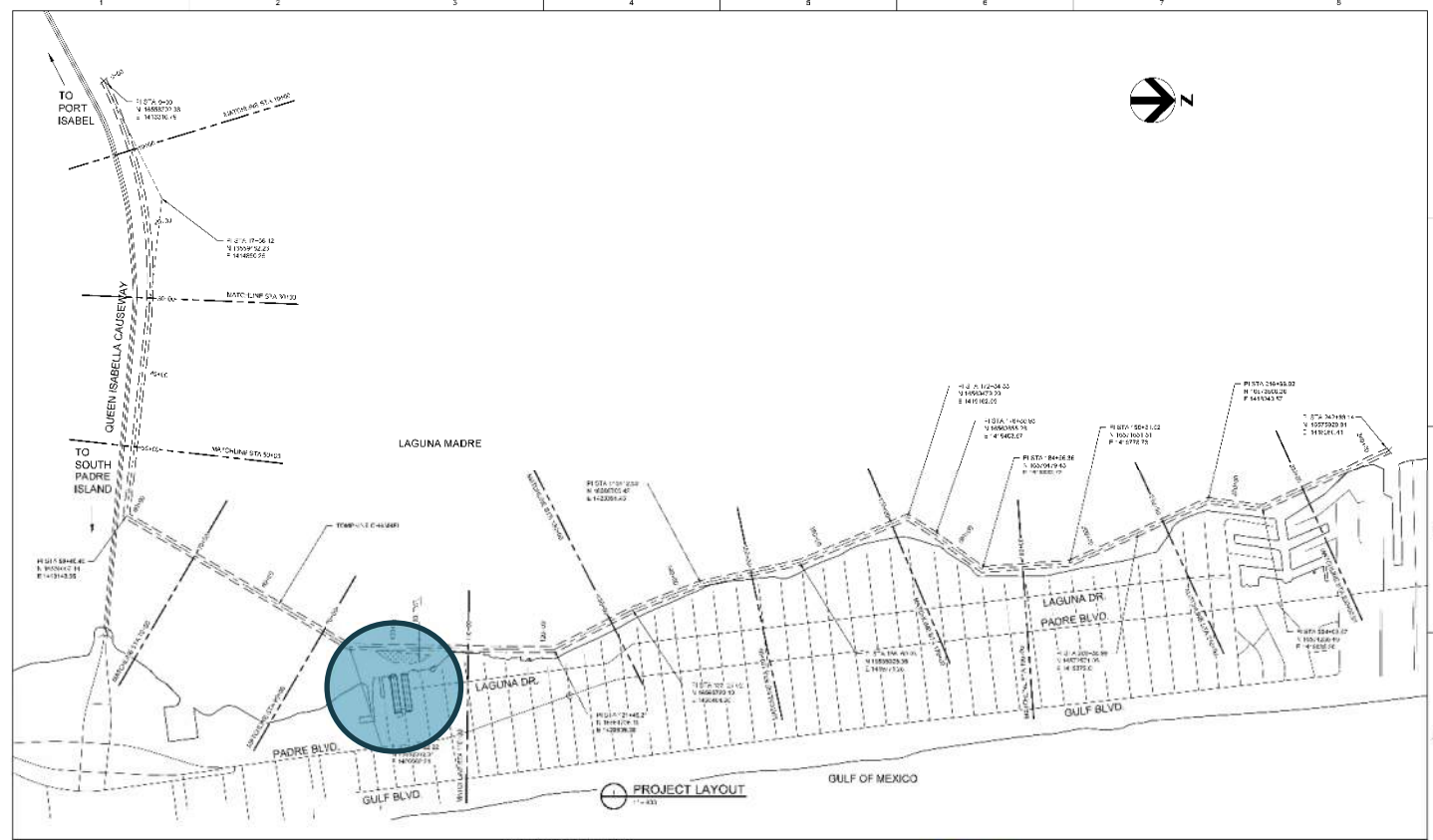
Date: **Tuesday, October 24, 2023** **10:00 am to 11:00 am**

Location: **SPI City Hall, 4801 Padre Boulevard, South Padre Island, TX 78567**

Attendee	Organization	Phone Number	Email	Please Check One			
				General Contractor	Sub Contractor	Supplier	Other

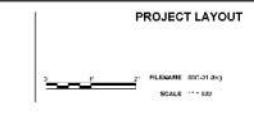
EXHIBIT A

EXHIBIT B



NO.	ISSUE	DATE	SCALE	DESCRIPTION
1				

PROJECT MANAGER: LYS, J.L. GUYON
DESIGNER: M.F. GUYON
ENGINEER: J. AVILA-REIL
CHECKER: D. BISHOP
PROJECT NUMBER: 150495



SHEET
03

EXHIBIT C

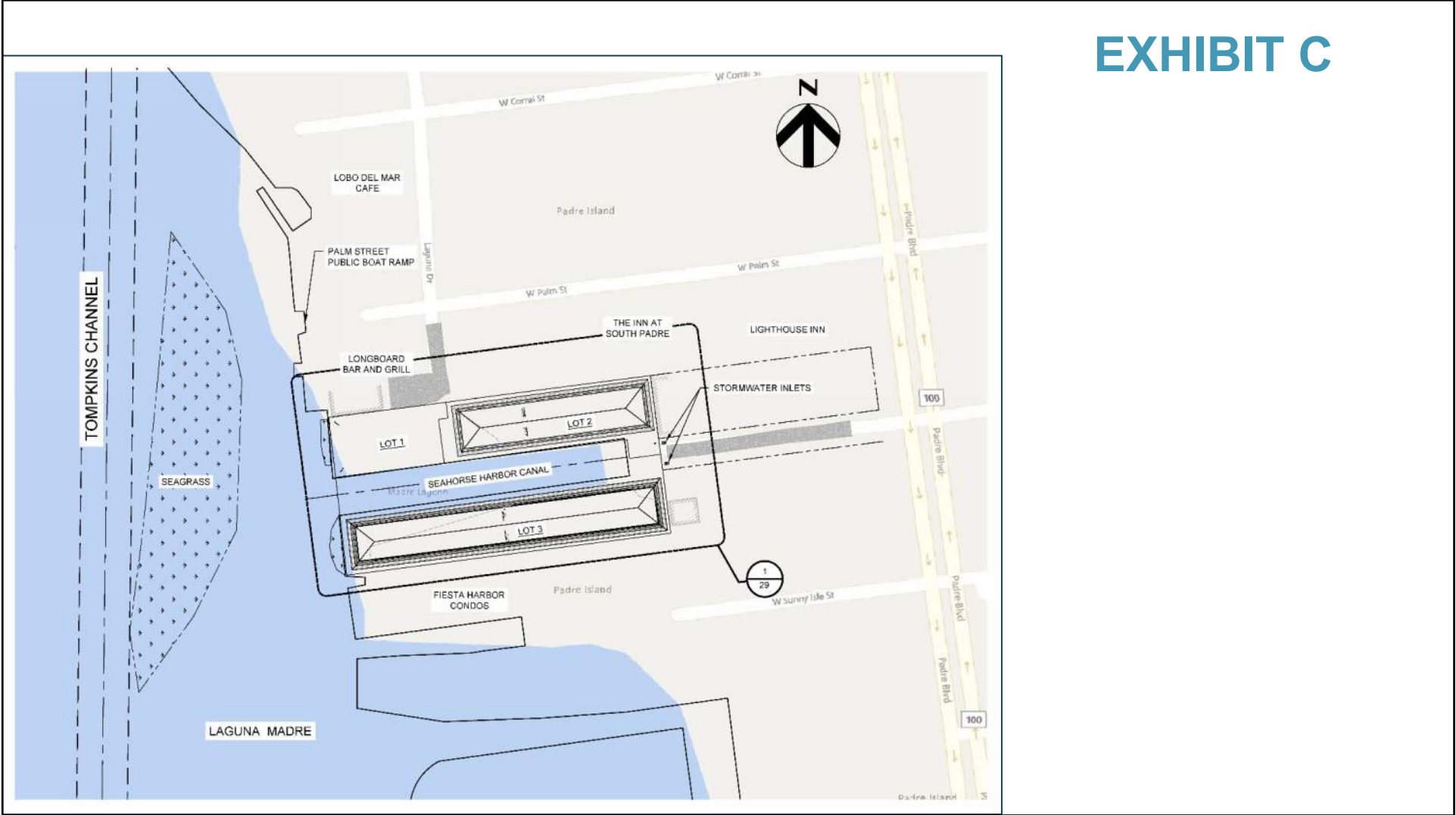
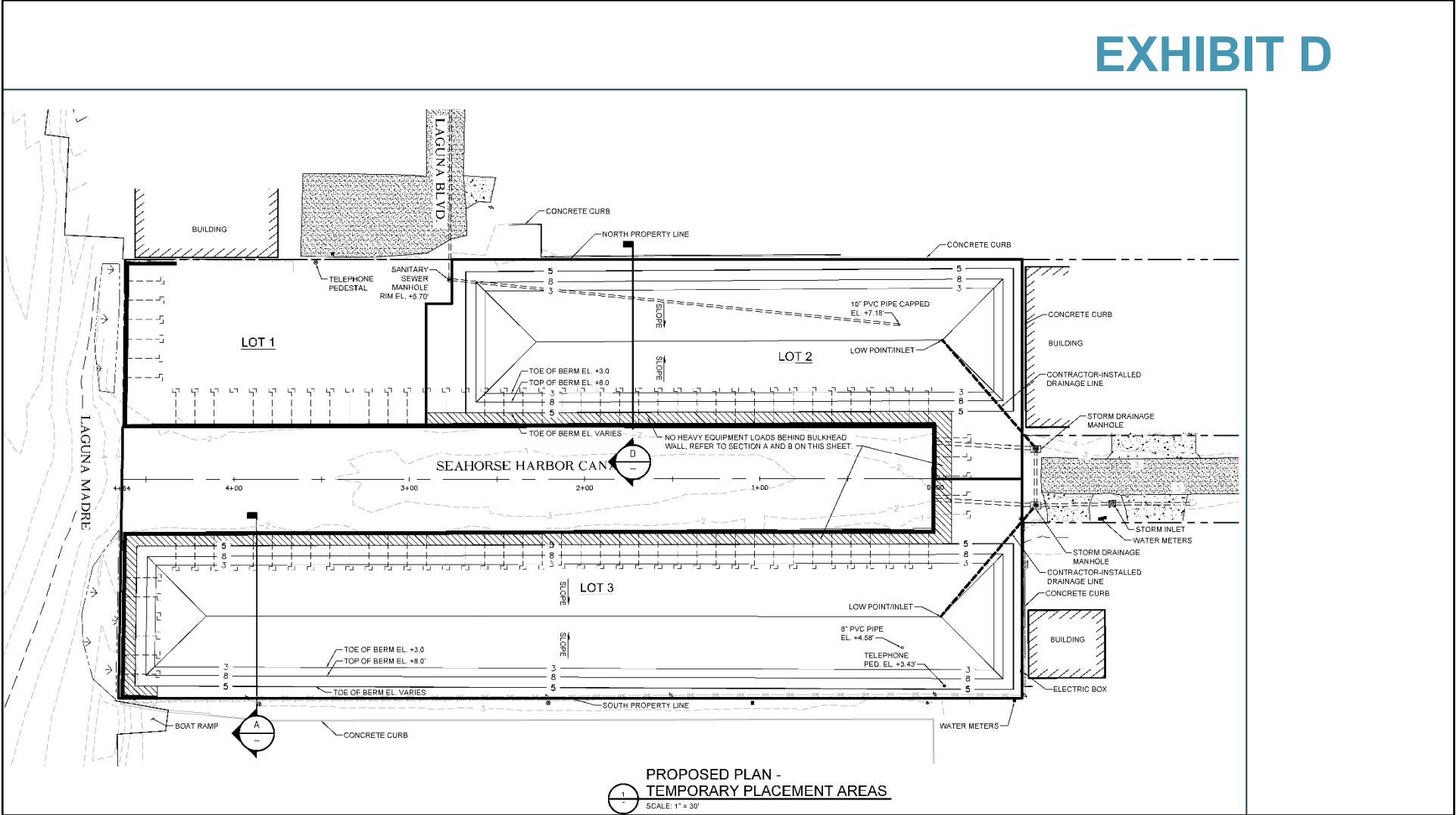


EXHIBIT D



PROPOSED PLAN -
 TEMPORARY PLACEMENT AREAS
 SCALE: 1" = 30'

III. CONTRACTOR'S PROPOSAL

EXHIBIT E

BASE BID					
ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QTY.	BID UNIT PRICE	BID PRICE
1	Fees for use of Landowner's Temporary Placement Area	LS	1	\$ 8,005.19	\$ 8,005.19
2	Mobilization and Demobilization	LS	1	\$ -	\$ -
3	Pre-Dredge Hazard Survey	LS	1	\$ -	\$ -
4	Construction General Permit and Stormwater Pollution Prevention Plan	LS	1	\$ -	\$ -
5	Dredging - Remove material from existing surface to -6.3' MLLW, Transport and mechanically place material in constructed Placement Areas	CY	21,500	\$ -	\$ -
6	Placement Areas - Construct, accept dredged material, maintain, and Deconstruct	LS	1	\$ -	\$ -
7	Stand-by Time	HR	24	\$ -	\$ -
TOTAL OF UNIT PRICE BID ITEMS FOR BASE BID (ITEMS 1 THRU 7)					\$ -
\$ _____ Dollars (words)					

A. Time for Completion:
 TOTAL number of calendar days from NTP to Substantial Completion:
 _____ (words) (____) (number)

	Description		Amount
A	#1. Total of Unit Price Bid Items for Base Bid (Items #1 thru #7)		\$ _____
	#2. Total number of calendar days to substantially complete the Work	_____ days	
	#3. Liquidated Damages Rate (from Agreement)	\$500.00/day	
B	#4. Adjustment Amount (Number of calendar days above 180 calendar days x #3)		\$ _____
	#5. Landowner's Calendar Month Penalty (from MOU)	\$1,335.00/month	
C	#6. Adjustment Amount (Number of months above 6 months x #5)		\$ _____
A+B+C	#7. Amount for Comparison of Bids		\$ _____

US HARBORS 

www.USHarbors.com

South Padre Island, TX - Dec 2023

Date	High				Low				Rise	Set	Moon	
	AM	ft	PM	ft	AM	ft	PM	ft				
1	Fri			9:39	2.0	11:04	-0.2		6:57	5:37	☾	
2	Sat			10:11	1.9	11:50	0.1		6:58	5:37	☾	
3	Sun			10:25	1.8			12:34	0.4	6:58	5:37	☾
4	Mon			10:24	1.7			1:17	0.6	6:59	5:37	☾
5	Tue			10:13	1.6			2:01	0.9	7:00	5:38	☾
6	Wed	10:19	1.2	9:55	1.5	5:48	1.1	2:56	1.1	7:01	5:38	☾
7	Thu	12:52P	1.3	9:29	1.4	5:31	0.8	4:23	1.2	7:01	5:38	☾
8	Fri			2:10	1.5	5:40	0.5		7:02	5:38	☾	
9	Sat			3:02	1.6	6:00	0.2		7:03	5:38	☾	
10	Sun			3:50	1.7	6:26	-0.1		7:03	5:39	☾	
11	Mon			4:39	1.8	7:00	-0.4		7:04	5:39	☾	
12	Tue			5:32	1.9	7:38	-0.6		7:05	5:39	☾	
13	Wed			6:29	2.0	8:22	-0.8		7:05	5:39	☾	
14	Thu			7:27	2.0	9:09	-0.8		7:06	5:40	☾	
15	Fri			8:18	2.0	9:59	-0.8		7:06	5:40	☾	
16	Sat			8:56	1.9	10:50	-0.6		7:07	5:40	☾	
17	Sun			9:15	1.8	11:43	-0.3		7:08	5:41	☾	
18	Mon			9:17	1.6			12:37	0.0	7:08	5:41	☾
19	Tue			9:06	1.4			1:35	0.4	7:09	5:42	☾
20	Wed	9:52	1.1	8:44	1.3	3:59	0.7	2:46	0.9	7:09	5:42	☾
21	Thu	12:42P	1.3	7:59	1.2	4:23	0.2	4:43	1.2	7:10	5:43	☾
22	Fri			2:23	1.5	5:00	-0.2		7:10	5:43	☾	
23	Sat			3:29	1.7	5:41	-0.6		7:11	5:44	☾	
24	Sun			4:24	1.8	6:25	-0.8		7:11	5:44	☾	
25	Mon			5:17	1.8	7:10	-0.9		7:12	5:45	☾	
26	Tue			6:09	1.8	7:56	-0.9		7:12	5:45	☾	
27	Wed			7:00	1.7	8:41	-0.9		7:12	5:46	☾	
28	Thu			7:47	1.7	9:25	-0.7		7:13	5:47	☾	
29	Fri			8:24	1.6	10:06	-0.5		7:13	5:47	☾	
30	Sat			8:46	1.6	10:43	-0.3		7:13	5:48	☾	
31	Sun			8:41	1.4	11:17	0.0		7:14	5:48	☾	

EXHIBIT F

US HARBORS 

www.USHarbors.com

South Padre Island, TX - Jan 2024

Date	High				Low				Rise	Set	Moon	
	AM	ft	PM	ft	AM	ft	PM	ft				
1	Mon			8:28	1.3	11:49	0.3		7:14	5:49	☾	
2	Tue			8:07	1.2			12:16	0.5	7:14	5:50	☾
3	Wed	8:00	0.8	7:40	1.1	3:30	0.7	12:39	0.7	7:15	5:50	☾
4	Thu			7:01	1.1	3:35	0.4		7:15	5:51	☾	
5	Fri			2:15	1.1	3:57	0.1		7:15	5:52	☾	
6	Sat			2:37	1.3	4:29	-0.2		7:15	5:53	☾	
7	Sun			3:15	1.4	5:06	-0.5		7:15	5:53	☾	
8	Mon			4:00	1.6	5:50	-0.8		7:15	5:54	☾	
9	Tue			4:49	1.7	6:37	-1.0		7:16	5:55	☾	
10	Wed			5:40	1.8	7:26	-1.1		7:16	5:55	☾	
11	Thu			6:27	1.8	8:16	-1.1		7:16	5:56	☾	
12	Fri			7:03	1.7	9:06	-1.1		7:16	5:57	☾	
13	Sat			7:24	1.6	9:55	-0.9		7:16	5:58	☾	
14	Sun			7:28	1.3	10:44	-0.5		7:16	5:58	☾	
15	Mon			7:20	1.1	11:33	-0.2		7:16	5:59	☾	
16	Tue	5:45	0.9	7:03	1.0	1:15	0.7	12:22	0.3	7:16	6:00	☾
17	Wed	8:48	0.8	6:35	1.0	1:54	0.2	1:17	0.7	7:15	6:01	☾
18	Thu	12:07P	1.0	5:26	1.0	2:41	-0.2	2:58	1.0	7:15	6:02	☾
19	Fri			2:02	1.3	3:32	-0.5		7:15	6:02	☾	
20	Sat			3:00	1.4	4:26	-0.8		7:15	6:03	☾	
21	Sun			3:51	1.5	5:21	-1.0		7:15	6:04	☾	
22	Mon			4:40	1.5	6:16	-1.0		7:15	6:05	☾	
23	Tue			5:27	1.5	7:08	-1.0		7:14	6:05	☾	
24	Wed			6:10	1.4	7:57	-0.9		7:14	6:06	☾	
25	Thu			6:45	1.4	8:41	-0.7		7:14	6:07	☾	
26	Fri			7:06	1.3	9:20	-0.5		7:13	6:08	☾	
27	Sat			7:10	1.2	9:54	-0.3		7:13	6:08	☾	
28	Sun			7:00	1.1	10:24	-0.1	11:55	1.0	7:13	6:09	☾
29	Mon	2:18	1.0	6:41	1.0	10:51	0.1		7:12	6:10	☾	
30	Tue	4:07	0.9	6:17	0.9	12:13	0.8	11:17A	0.3	7:12	6:11	☾
31	Wed	6:11	0.8	5:49	0.9	12:39	0.5	11:44A	0.5	7:12	6:12	☾

EXHIBIT G



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
6101 FULTON PARKWAY, SUITE 206
CORPUS CHRISTI, TEXAS 78411

April 20, 2022

Corpus Christi Regulatory Field Office

SUBJECT: Permit SWG-1996-00026; Letter of Permission

City of South Padre Island
Attention: Ms. Kristina Boburka
321 Padre Boulevard
South Padre Island, Texas 78597

Dear Ms. Boburka:

This is in reference to your request, dated February 27, 2022, submitted on your behalf by HDR Inc, to extend the previously authorized maintenance dredging of the South Padre Island Tompkins Channel to a depth of -6.3 feet mean lower low water (previously authorized as -6 feet Mean Low Tide) and placement of dredged material at the previously authorized upland Dredge Material Placement Area (DMPA) at Sea Horse Harbor for ten years. The project site is located in Lower Laguna Madre at Tompkins Channel, in South Padre Island, Cameron County, Texas.

Your request is approved by this Letter of Permission (LOP) pursuant to Section 10 of the Rivers and Harbors Act of 1899. All work is to be performed in accordance with the enclosed plans in 27 sheets and the permit conditions. The time limit for completing the work authorized ends on December 31, 2032. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

The following special condition(s) have been added to your authorization:

- The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

DocuSign Envelope ID: DC95A8C2-A024-4656-971B-C65EA0DC6B76



TEXAS GENERAL LAND OFFICE COASTAL LEASE NO. CL20110602

By virtue of the authority granted by Chapter 33 of the Texas Natural Resources Code, Title 31 of the Texas Administrative Code, all amendments thereto, all other applicable statutes, and subject to all rules and regulations promulgated pursuant thereto, the State of Texas (the "Grantor"), acting by and through the Commissioner of the General Land Office (the "GLO") as Chairman of the School Land Board (the "Board") on behalf of the Permanent School Fund (the "PSF"), hereby grants to the grantee (the "Grantee") named under the "Grantee Name" section of Attachment A, the Control Page, the right to use a tract of state-owned real property (the "Premises"), which property is described in the "Premises" section of Attachment A and further depicted in Attachment B, for the purposes described in this agreement (the "Agreement").

ARTICLE I: INTERPRETIVE PROVISIONS

- (a) The meanings of defined terms are equally applicable to the singular and plural forms of the defined terms;
- (b) The words "hereof", "herein", "hereunder", and similar words refer to this Agreement as a whole and not to any particular provision, section, Attachment, or schedule, unless otherwise specified;
- (c) The term "including" is not limiting and means "including without limitation" and, unless otherwise expressly provided in this Agreement, (i) references to agreements (including this Agreement) and other contractual instruments shall be deemed to include all subsequent amendments and other modifications thereto, but only to the extent that such amendments and other modifications are not prohibited by the terms of this Agreement; and (ii) references to any statute or regulation are to be construed as including all statutory and regulatory provisions consolidating, amending, replacing, supplementing, or interpreting the statute or regulation;
- (d) The captions and headings of this Agreement are for convenience of reference only and shall not affect the interpretation of this Agreement;
- (e) All attachments within this Agreement, including those referenced by incorporation, and any amendments are considered part of the terms of this Agreement;
- (f) This Agreement may use several different limitations, regulations, or policies to regulate the same or similar matters. All such limitations, regulations, and policies are cumulative and each shall be performed in accordance with its terms;
- (g) Unless otherwise expressly provided, reference to any action of the Grantor or by the Grantee by way of consent, approval, or waiver shall be deemed modified by the phrase "in its/her sole discretion." Notwithstanding the preceding sentence, any approval, consent, or waiver required by, or requested of the Grantor shall not be unreasonably withheld or delayed;
- (h) All due dates and/or deadlines referenced in this Agreement that occur on a weekend or holiday shall be considered as if occurring on the next business day;
- (i) All time periods in this Agreement shall commence on the day after the date on which the applicable event occurred, report is submitted, or request is received; and
- (j) Time is of the essence in this Agreement.

ARTICLE II: GRANTING CLAUSE

2.01 GRANTING CLAUSE: IN CONSIDERATION OF THE PAYMENTS STATED IN ARTICLE IV OF THIS AGREEMENT AND OTHER CONSIDERATION STATED THEREIN, THE RECEIPT AND SUFFICIENCY OF WHICH ARE HEREBY ACKNOWLEDGED, AND ACCORDING TO THE COVENANTS AND COMMITMENTS HEREIN AGREED TO BE KEPT AND PERFORMED BY THE GRANTEE, THE GRANTOR GRANTS TO THE GRANTEE THE RIGHT TO USE THE PREMISES FOR THE PURPOSES AND UNDER THE CONDITIONS AND OBLIGATIONS DESCRIBED IN THE FOLLOWING SECTION OF THIS AGREEMENT:

CL20110602
4/20/22

CustomerID: C090021367
CL_RepF_011615

DEPARTMENT OF THE ARMY PERMIT

Permittee: City of South Padre Island

Permit No.: 22069

Issuing Office: Galveston District

NOTE: The terms "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

PROJECT DESCRIPTION: To renovate an existing marina to be used in connection with a future residential development surrounding the marina. The renovation activities include maintenance dredging the existing basin, extending the basin further east into uplands, removing existing pilings and a timber dock, installing a new bulkhead, constructing a new head-of-basin, filling non-functional boat slips and a boat ramp. The maintenance dredging consists of removing approximately 1,900 cubic yards of material from the existing basin to a depth of -4 feet MLT. Dredging will be by mechanical means and performed using land-based equipment. The dredged material would be placed and contained on uplands behind the existing bulkhead. The placement areas will be configured so that any excavated fill remains in the marina basin. During dredging activities a floating turbidity curtain will be placed across the entrance to the marina basin to reduce any sedimentation that might impact the Laguna Madre. The existing marina basin will be extended approximately 60 feet to the east. Approximately 0.08 acre (3,360 square feet) between the existing bulkhead and Tarpow Drive will be excavated from uplands. The new bulkhead will be installed approximately 5 feet in front of the existing asbestos-laden bulkhead and will consist of either fiberglass or concrete. The area between the bulkheads will be filled with sand and a concrete cap will extend over both bulkheads, resulting in filling of approximately 0.08 acre (4,117 square feet) of water of the U.S. Approximately 50 square feet of the proposed fill area is separated with vegetation. A continuous 3-foot wide timber boardwalk will be installed around the perimeter of the bulkhead. The existing marina has four slips at right angles to the basin that have filled to a shallow depth of less than 2 feet MLLT. These slips will be filled with a suitable material consisting mostly of sand. The total area to be filled is approximately 0.13 acre (5,640 square feet), of which 104 square feet is vegetated with seagrass, and will be filled with approximately 1,081 cubic yards of material. Mechanical bulkheads will be installed along the timber docks in front of the new sheet piling. The vertical supports for these lifts will be pile-supported and will be installed flush along the face of the timber dock. Of the approximate 0.05 acre (2,190 square feet) of seagrass currently located within the project area, 0.01 acres will be impacted by either dredging or fill operations. A total of 0.24 acres will be filled for the project and 0.08 acres will be dredged or excavated. The project will be conducted in accordance with the attached plans, in 6 sheets. Approximately 0.04 acres of hard substrate will be created on site for impacts to seagrasses. The mitigation includes creating a 4-foot wide rubble shell along the edges of the basin and newly excavated areas at the east end of the site, allowing for the placement of the existing concrete pilings that are removed, as well as rip-rap (500k), and the placement of approximately 1,200 square feet of additional concrete rip-rap or other suitable material at the toe of the bulkhead within the basin and west of the newly created portion of the basin at the east end, up to plastic cone. Total on-site mitigation area is approximately 2,000 square feet.

Project Location: The project site is located on the Laguna Madre on South Padre Island between North Tarpow Drive and South Tarpow Drive, Cameron County, Texas. The project can be located on the USGS quadrangle map entitled: Fort Isabel, Texas. Approximate UTM coordinates: Zone 14, Easting 683199, Northing 2887471.

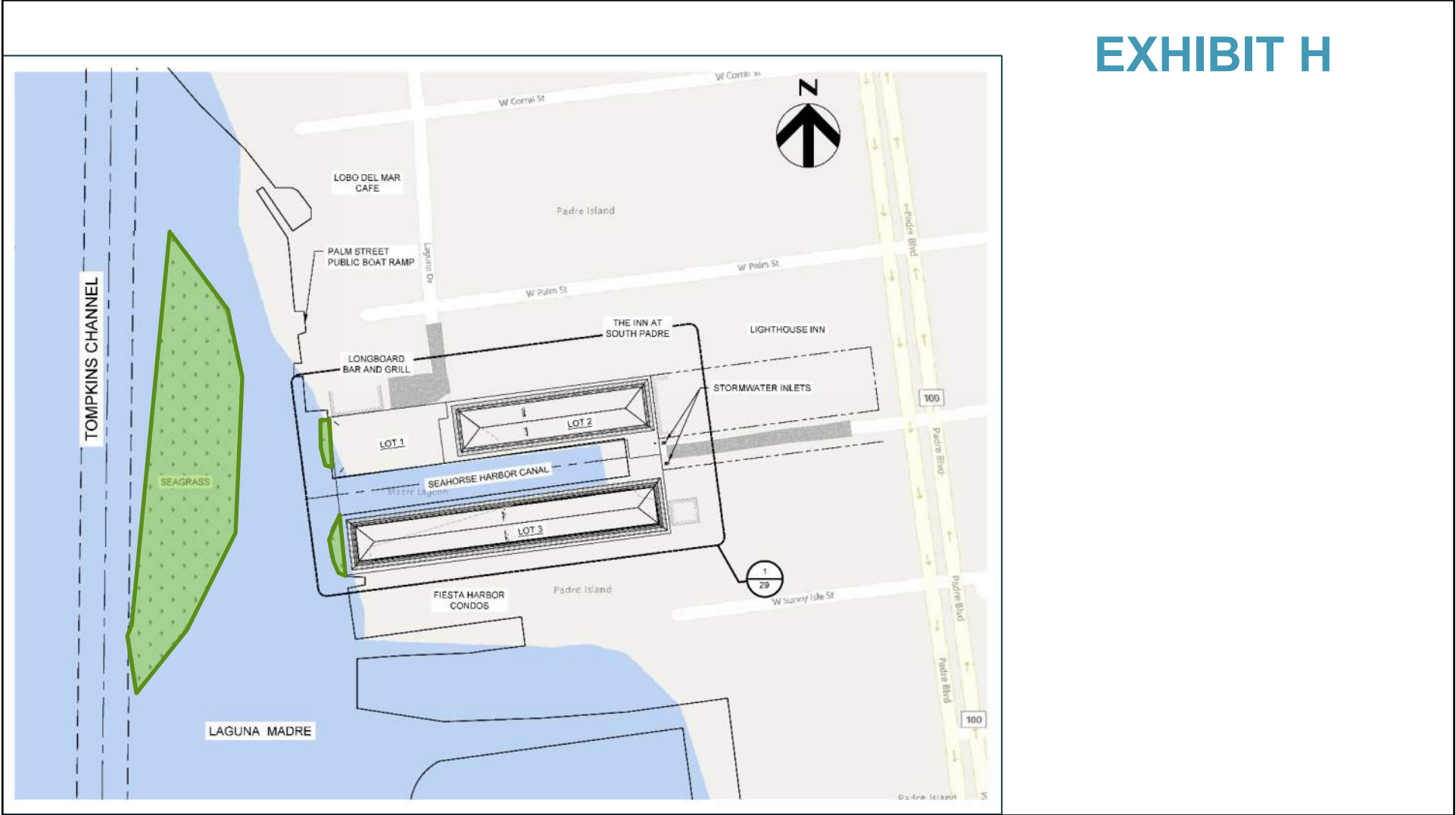
Permit Conditions:

General Conditions:

- The time limit for completing the work authorized ends on 31 December 2032. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
- You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
- If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordinations required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

Rec'd
AUG 19 2023
City of South Padre Island

EXHIBIT H



MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SOUTH
PADRE ISLAND AND DEL MAR SPI, LLC FOR PLACEMENT OF DREDGED
MATERIAL

On this the 30th day of Aug., 2023 the City of South Padre Island, herein after referred to as the City and Del Mar SPI, LLC hereinafter referred to as the Landowner, hereby reach an understanding and agreement to allow the City and it's designated Contractors, who will perform the work involved in the dredging of the Tompkins Channel, to place for a temporary period, the dredged material on the Landowner's land, more specifically described below, with the removal of the dredged material when dried and ready to be moved off the Landowners property.

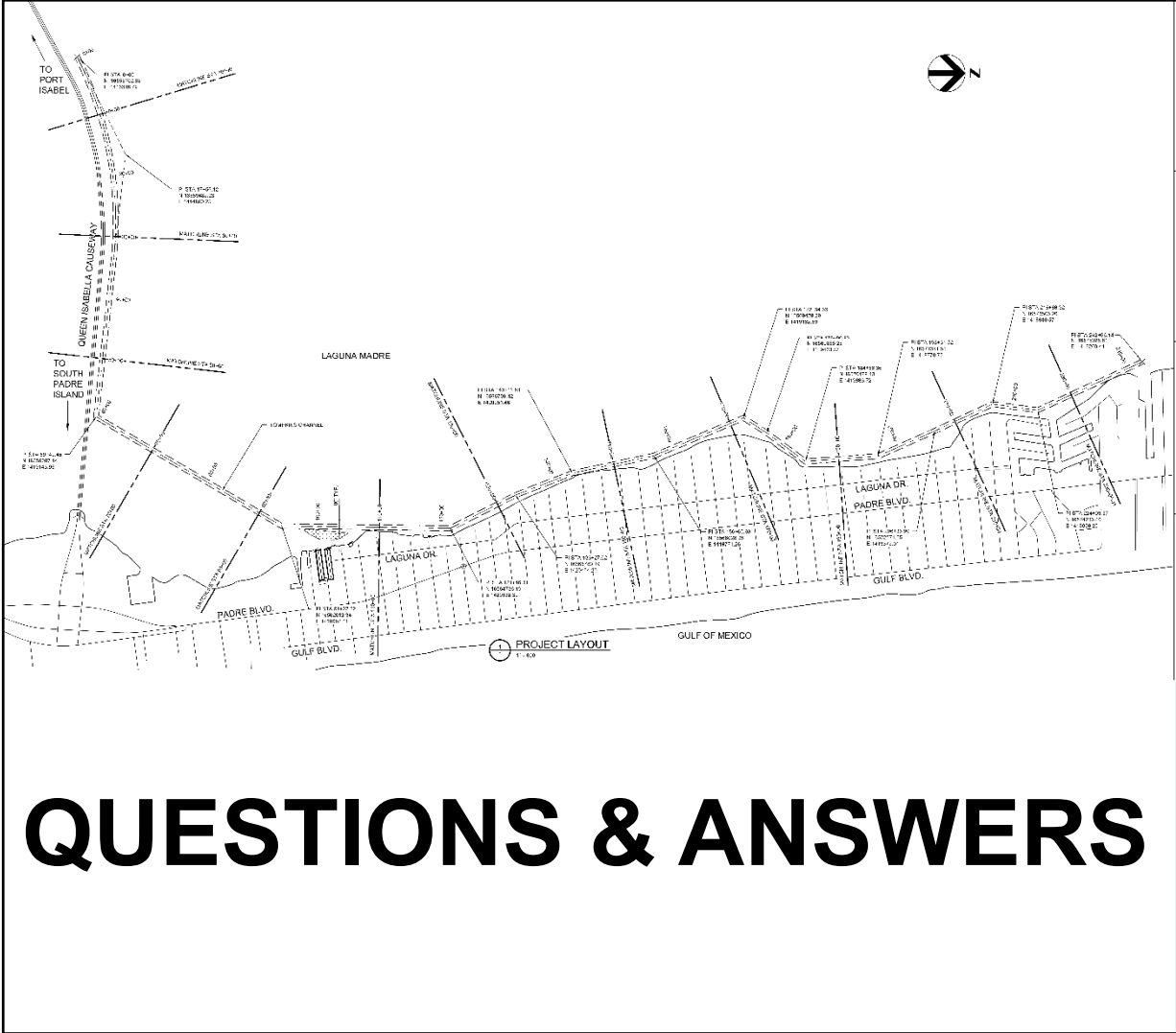
WHEREAS the City of South Padre Island will award a contract to an entity for the dredging of the Tompkins Channel; and

WHEREAS, the Contractor will need the property of the Landowner, described below, to place the dredged material for a temporary period of time until dried and ready to be moved off the property, and the contractor shall obtain a temporary construction easement from the Landowner, Del Mar SPI, LLC, to place the dredged material on the Landowner's property, and when dried and ready to be removed from the land, the contractor shall remove all of the dredged material and leave the owners land in the same condition as it was before the placement of the dredged material; and

WHEREAS, after the execution of this Memorandum of Understanding, and after the awarding and the execution of a contract by the City and the selected contractor, the selected contractor will enter into an agreement with the Landowner and compensate the Landowner for the obtaining of a temporary construction easement to accomplish the goal of this Memorandum of Understanding, which is to place the dredged material on the Landowner's property on a temporary basis, until dried and ready to be removed.



EXHIBIT K



QUESTIONS & ANSWERS



SOUTH PADRE ISLAND CONVENTION & VISITORS BUREAU

CALENDAR OF EVENTS | 2023



JULY

July 4
SPI BEACH PARADE
sopadre.com/events

Kick-off fourth of July with a parade on the sand beginning at Beach Access #8.

July 4
FOURTH OF JULY FIREWORKS
Entertainment District
(Rain Date: July 5)

July 14-15
RON HOOVER FISHING TOURNAMENT
SPI Convention Center

Anglers compete in an exciting bay tournament, with a portion of proceeds going to Make-A-Wish of the Rio Grande Valley.

AUGUST

August 2-6
TEXAS INTERNATIONAL FISHING TOURNAMENT (TIFT)
SPI Convention Center

Texas' largest saltwater fishing tournament competes in one of three divisions: bay, tarpon, and offshore.

August 11-13
LADIES KINGFISH TOURNAMENT (LKT)
SPI Convention Center

The first all-ladies tournament in Texas, divided into two divisions – bay and offshore.

SEPTEMBER

September 3
LABOR DAY FIREWORKS
Entertainment District
(Rain Date: September 4)

September 8-10
SPI WAHOO CLASSIC
The Greens at Jim's Pier
Fishing tournament awarding cash prizes to the top three fish – wahoo, dorado, and blackfin tuna.
(Rain Date: September 22 - 24)

September 19-24
INTERNATIONAL SURF RESCUE CHALLENGE
Isla Grand Beach Resort

The International Surf Rescue Challenge continues the 90-year tradition of international surf lifesaving competition between countries. The ISRC incorporates countries including Australia, Canada, Great Britain, Hong Kong, Japan, New Zealand, South Africa, South Korea, Spain, and the USA.

SEPTEMBER (CONT.)

September 16
SUMMER CAUSEWAY RUN & FITNESS WALK
portisabelchamber.com
Follows a 6.2 mile (10K) course with awards ceremonies and lunch following the race/walk.

September 23
SPISLAND GAMES
SPI Convention Center
A fitness competition to come together and celebrate life and fitness.

September 24
SPI TRIATHLON
Jim's Pier
Olympic and Sprint distance courses for the seasoned veteran or the first-timer.

OCTOBER

October 1
RIDE FOR ROTARY QUEEN ISABELLA CAUSEWAY CROSS
Louie's Backyard
Targeted towards a wide range of riders at varying experience levels, the tour is approximately 33 miles and includes crossing the Queen Isabella Causeway with a spectacular view.

October 5-8
SANDCASTLE DAYS
Clayton's Beach Bar
Over 30,000+ fans come to watch the sand come alive as sand artists qualify for the World Championships of Sand Sculpting.

October 15
ANNUAL WALK FOR WOMEN
SPI Convention Center
Annual fundraising event with the mission to raise money to help local women battling breast cancer with financial, prosthetic, and diagnostic support.

October 28
HALLOWINGS ACROSS SOUTH PADRE
SPI Birding, Nature Center and Alligator Sanctuary
Treat the family to a friendly holiday event in celebration of the fall migration of the Monarch butterfly.

NOVEMBER

November 4
SPI MUZICIANS RUN
Beach Park at Isla Blanca
A 5K/10K run infused with live mariachi groups!

November 11 & 12
SPI HALF MARATHON WEEKEND
Isla Blanca Park
Participate in this exciting run on the beach - half marathon, half marathon relay, and 5K.

November 20 - January 15
HOLIDAY LIGHT SHOW
Entertainment District
Enjoy synchronized festive lights and holiday music every 15 minutes at the Entertainment District.

November 25
LIGHTED BOAT PARADE
Entertainment District
Enjoy a cool breeze and watch as boats of all sizes cruise by decorated in their holiday finest, followed by a firework show.
(Rain Date: December 2)

November 25
CHILDREN'S WONDERLAND
The Green at Jim's Pier
Enjoy the magic of the holidays with Santa, featuring vendors, rides, and music!

November 30
SPI TREE LIGHTING CEREMONY
SPI City Hall
Lighting of the Christmas tree with a musical performance.

DECEMBER

December 1
SPI CHRISTMAS PARADE
christmasparade.myspi.org
Kick off the holiday season and watch as beautifully decorated floats pass by on Padre Boulevard.
(Rain Date: December 8)

December 2
BREAKFAST WITH SANTA
sopadre.com/events
Enjoy the magical spirit of the holiday season with a visit from Santa and enjoy breakfast, activities, and photos.