

AGENDA

**Port Freeport
Port Commission
Regular Meeting**

Thursday, October 8, 2020, 1:00 pm - 5:00 pm

Via Video/Teleconference - Administration Building - 1100 Cherry Street - Freeport



Notice is hereby given that in accordance with the order the Office of the Governor issued March 16, 2020, and due to imminent threat to public health and safety and urgent public necessity, the Port Freeport Port Commission will conduct a Regular Meeting on Thursday, October 8, 2020 at 1:00 p.m. by video/teleconference initiated from the Administration Building, 1100 Cherry Street, Freeport, Texas. In order to meet CDC guidelines for social distancing and slow the spread of the Coronavirus (COVID-19), the public can join the video/teleconference meeting by following the instructions below. When the spread of COVID-19 is no longer an imminent threat to our community, in-person meetings will resume.

The meeting will not be open for the public to physically attend the meeting, but the Port welcomes the public to attend virtually. Public comment will be available at the beginning of the meeting on the agenda item indicated below. Following public comment, the public will not be permitted to communicate with the Port Commission.

This meeting agenda and agenda packet is posted online at www.portfreeport.com

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1. CONVENE OPEN SESSION in accordance with Texas Government Code Section 551.001, et. seq., to review and consider the following:
2. Invocation.
3. Roll Call.
4. Public Comment. (Public comment will be limited to 5 minutes per participant and must be completed virtually via the toll free number)
5. Receive update from American Association of Port Authorities (AAPA) President and CEO regarding changes in the organization.
6. Approval of contribution to the American Association of Port Authorities (AAPA) Port Employee Emergency Relief Fund.
7. Approval of minutes from the Regular Meeting held September 24, 2020.
8. Receive report from Executive Director/CEO and/or Port staff on activities and matters related to COVID-19 health safety matters, administrative affairs, financial results, facility engineering matters, operations and vessel activity, port safety matters, port security matters, Port tenant updates, USCOE, and other related port affairs.
9. Receive report from Commissioners on matters related to meetings and conferences attended, Port presentations and other related Port Commission matters.

10. Approval of a Government Liaison Services Agreement between Port Freeport and Van Scoyoc Associate for 3 years commencing October 1, 2020.
11. Adoption of a Resolution requesting the addition of the State Highway 36A Corridor (US 59S/IH 69S to US 290/SH 6) to the Texas Department of Transportation State System and Unified Transportation Plan and Houston-Galveston Area Council Regional Transportation Plan.
12. Adoption of a Resolution declaring items surplus and ordered sold separately for cash, after notice of sale and receipt of bids to the highest bidder; destroyed if no bids are received; or offered as trade-in for new property of the same general type.
13. EXECUTIVE SESSION in accordance with Subchapter D of the Open Meetings Act, Texas Government Code Section 551.001, et. seq., to review and consider the following:
 - A. Under authority of Section 551.071 (Consultation with Attorney):
 1. Consultation with attorney to discuss potential litigation.
 - B. Under authority of Section 551.072 (Deliberation of Real Property Matters) for discussion regarding:
 1. Discussion regarding the potential exchange, lease, or value of real property located in Freeport, Texas, including but not limited to the area known as the East End of Freeport and bordered by or adjacent to the following streets: FM 1495; East 2nd Street; Terminal Street and East 8th Street in Freeport, Texas.
 2. The potential purchase, exchange, lease or value of real property located at Port Freeport, including but not limited to the real property located at and contiguous to Berths 1, 2, 5 and 7.
 3. The potential exchange, lease, or value of real property located at Port Freeport, including but not limited to Parcels 14 and Surfside Lots.
 - C. Under authority of Section 551.074 (Deliberation of Personnel Matters) for discussion regarding:
 1. Deliberation regarding the appointment, employment, evaluation, reassignment, duties of a public officer or employee, including but not limited to: Executive Director/CEO.
14. RECONVENE OPEN SESSION to review and consider the following:
15. Approval of First Amendment to Terminal Use Agreement between Port Freeport and Cemex, Inc.
16. Adjourn.

The Port Commission does not anticipate going into a closed session under Chapter 551 of the Texas Government Code at this meeting for any other items on the agenda, however, if necessary, the Port Commission may go into a closed session as permitted by law regarding any item on the agenda.

With this posted notice, Port Commissioners have been provided certain background information on the above listed agenda items. Copies of this information can be obtained by the public at the Port Administrative offices at 1100 Cherry Street, Freeport, TX.



Phyllis Saathoff, Executive Director/CEO
PORT FREEPORT

In compliance with the Americans with Disabilities Act, the District will provide for reasonable accommodations for persons attending its functions. Requests should be received at least 24 hours in advance.

Minutes of Port Commission Regular Meeting
September 24, 2020
Via Video/Teleconference

Notice is hereby given that in accordance with the order the Office of the Governor issued March 16, 2020, and due to imminent threat to public health and safety and urgent public necessity, the Port Freeport Port Commission will conduct a Regular Meeting on Thursday, September 24, 2020 at 1:00 p.m. by video/teleconference initiated from the Administration Building, 1100 Cherry Street, Freeport, Texas. In order to meet CDC guidelines for social distancing and slow the spread of the Coronavirus (COVID-19), the public can join the video/teleconference meeting by following the instructions below. When the spread of COVID-19 is no longer an imminent threat to our community, in-person meetings will resume.

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Commissioners present:

Mr. Shane Pirtle, Chairman
Mr. Paul Kresta, Vice Chairman
Mr. Rudy Santos, Secretary
Mr. John Hoss, Asst. Secretary
Mr. Ravi Singhania, Commissioner
Mr. Dan Croft, Commissioner

Staff Members Present:

Mr. Jason Cordoba, Legal Counsel
Ms. Phyllis Saathoff, Executive Director/CEO
Mr. Rob Lowe, Director of Administration/CFO
Mr. Al Durel, Director of Operations
Mr. Chris Hogan, Director of Protective Services
Mr. Jason Hull, Director of Engineering
Mr. Jason Miura, Director of Business & Economic Development
Mr. Mike Wilson, Director of Economic Development & Freight Mobility
Mr. Brandon Robertson, Network Systems Manager
Ms. Missy Bevers, Executive Assistant

Ms. Mary Campus, Controller
Ms. Jessica Follett, Public Affairs Manager

Also, present via teleconference:

Mr. Bob Arroyave, BGE, Inc.
Mr. Tomas Lis, Horizon Auto Logistics
Mr. Mike Hayes, Texas Port Ministry
Ms. Jackie Ming, Weeks Marine
Mr. Jeff Taylor, Freese & Nickols
Mr. Joe Smith

Commissioner Pirtle stated the following information...

Today is September 24, 2020, and the time is 1:00 p.m. This is the regular meeting of the Port Commission. I am Shane Pirtle, Chairman. We are conducting this meeting by video/telephone conference pursuant to Governor Abbott's order suspending certain provisions of the Texas Open Meetings Act in order to minimize the impact of the coronavirus outbreak. This meeting is being recorded as required by the Texas Open Meetings Act.

With the posting of today's meeting a toll-free call in number was indicated on the agenda, along with the agenda packet. Both may be found on the Port's website www.portfreeport.com. Additionally, the public may join the meeting from a computer, tablet or smartphone or by phone using the toll-free call in number.

This meeting will not be open for the public to physically attend the meeting, but the Port welcomes the public to attend virtually. Public comment will be available at the beginning of the meeting as indicated on the agenda. Following public comment, the public will not be permitted to communicate with the Port Commission.

In the event any member of the public is having any technical difficulty during the meeting, please call (979) 233-2667, and someone will assist you.

Being considerate of all participants on this call today, we respectfully request everyone "mute" their phones unless you are speaking.

An Executive Session was noticed on the published agenda and will occur unless otherwise indicated during the meeting. It will be announced prior to this body going into Executive Session. During Executive Session the public will not be permitted to hear the meeting, as is the case under the Texas Open Meetings Act.

1. CONVENE OPEN SESSION in accordance with Texas Government Code Section 551.001, et. seq., to review and consider the following:
2. Invocation – Mr. Mike Hayes, Texas Port Ministry
3. Roll Call – Commissioner Pirtle stated that Commissioner Singhania and Commissioner Hoss were present online. Those present in the board room (at a safe distance) included himself, Commissioners Kresta, Commissioner Croft, Phyllis Saathoff – CEO and Jason Cordoba – Legal Counsel. He noted Commissioner Santos will be joining the meeting later. Ms. Saathoff noted additional staff in the room.
4. Public Comment – There were no public comments.

5. Approval of minutes from a Regular Meeting held September 10, 2020.

A motion was made by Commissioner Croft to approve the minutes as presented. The motion was seconded by Commissioner Kresta with all Commissioners present voting in favor of the motion.

6. Receive reports from Executive Staff on activities and matters related to COVID-19 health safety matters, administrative affairs, financial results, facility engineering matters, operations and vessel activity, port safety matters, port security matters, Port tenant updates, USCOE, and other related port affairs.

A. Executive Director/CEO

Ms. Saathoff reported on Tropical Storm Beta and the coordination efforts by the Port Freeport team in advance of the storm. Outreach efforts continue in Washington, DC with virtual meetings scheduled with the Port's delegation, ASA's office as well as the USACOE to bring them up to date on Port's channel project. The Galveston District awarded contract for Reach 3 to Great Lakes Dredge and Dock. A project schedule has been requested. Asst. Secretary of the Army RD James was recognized as the Port Person of the Year during the virtual AAPA Annual Convention this week. Alan Clarke with HGAC is retiring and will be recognized during tomorrow's Transportation Policy Council meeting. Ms. Saathoff participated in the virtual AAPA Annual Convention this week and noted that Chris Connor, President and CEO of AAPA will join the Port's next virtual commission meeting to discuss changes in the organization and explain his vision moving forward. Ms. Saathoff will participate virtually in the Port Authority Advisory Committee meeting and Texas Ports Association meeting next week. Ms. Follett, Public Affairs Manager gave an update on the Port's Annual Golf Tournament scheduled for October 19 at the Wilderness which will benefit Texas Port Ministry. 55 sponsors have been secured and committed a total of \$55,600. 33 teams have been filled and due to the current environment, the tournament is limited to 36 teams with a single-flight format.

B. Chief Financial Officer

Mr. Lowe gave a presentation regarding the financial results for August.

C. Director of Engineering

Mr. Hull reported on the progress of the Berth 8 project. He also shared a picture of the new bollard that will be installed at Dock 5. Additionally, he noted that Dr. Edmund Russo has been promoted and will be leaving the team at the Galveston District. Byron Williams is currently serving as the temporary interim deputy district engineer.

D. Director of Operations

With regard to tropical storm Beta, Mr. Durel reported on the status of the ship channel which was opened to limited draft vessels the afternoon of September 22 with normal operations resuming the morning of September 23. For the month of August, the Port handled 15 Ro/Ro vessels and 11,196 vehicles. The YTD vessel total is 106 and 10 vessels are scheduled for September. LNG has 3 vessels, expecting 10 in September and 74 YTD. The Port handled 11 containers vessels in August bringing the total to 141 YTD with 12 expected this month. In addition to monitoring storms and participating on PCT calls, Mr. Hogan continues to stay active with the Port and all agencies regarding COVID-19 and keeping staff up to date. Mr. Durel noted that Mr. Joe Williams with the Velasco Drainage District will begin participating on the Lone Star Harbor Safety

Committee and will be included on the notification list with the PCT. Commissioner Pirtle requested staff to include a more detailed report with regard to safety incidents.

E. Director of Business & Economic Development

In addition to his written report, Mr. Miura noted that Port Freeport has 750 total vessel calls port wide this year, which is a 12% increase over 2019 YTD numbers. He also noted that today is World Maritime Day.

7. Receive report from Commissioners on matters related to:

A. September 23 Finance Advisory Committee

Commissioner Singhanian reported the committee discussed Cemex and plan moving forward.

B. September 23 Operations, Safety & Security Advisory Committee

Commissioner Hoss reported the committee had an executive session discussion regarding property evaluations.

C. Meetings and conferences attended, Port presentations, Rail District and other related Port Commission matters.

Commissioner Singhanian reported attending several virtual chamber luncheons and the Port Visit by Mayor Zimmerman and Cody Vasut. He also participated in the virtual AAPA Annual Convention this week as well.

Commissioner Pirtle also reported participating in AAPA Annual Convention and the 36A Coalition Townhall.

Commissioner Hoss reported participating in various virtual meetings including Angleton Chamber and Port of Galveston.

Commissioner Croft reported participating in the 36A Coalition Townhall, Economic Development Alliance meeting and the Jones Creek Volunteer Fire Department BBQ Fundraiser.

8. Approval of financial reports presented for the period ending August 31, 2020.

A motion was made by Commissioner Singhanian to approve the reports. The motion was seconded by Commissioner Hoss with all Commissioners present voting in favor of the motion.

9. EXECUTIVE SESSION in accordance with Subchapter D of the Open Meetings Act, Texas Government Code Section 551.001, et. seq., to review and consider the following:

A. Under authority of Section 551.072 (Deliberation Concerning Real Property Matters) for discussion regarding:

1. Discussion regarding the potential exchange, lease, or value of real property located in Freeport, Texas, including but not limited to the are known as the East End of Freeport and bordered by or adjacent to the following streets: FM1495; East 2nd Street; Terminal Street and East 8th Street in Freeport, Texas.

2. The potential purchase, exchange, lease or value of real property located at Port Freeport, including but not limited to the real property located at and contiguous to Berths 1, 2, 5 and 7.
3. The potential exchange, lease, or value of real property located at Port Freeport, including but not limited to Parcel 14 and Surfside Lots.

B. Under authority of Section 551.074 (Deliberation of Personnel Matters) for discussion regarding:

1. Discussion regarding the appointment, employment, evaluation, reassignment, duties of a public officer or employee, including but not limited to: Executive Director/CEO.

10. RECONVENE OPEN SESSION:

Ms. Saathoff noted for the record that Commissioner Santos joined the meeting during executive session at 2:32 p.m.

11. Adjourn.

With no further business before the Commission, the meeting adjourned at 4:35 PM.

Shane Pirtle, Chairman

Paul Kresta, Vice Chairman

Rudy Santos, Secretary

John Hoss, Asst. Secretary

Ravi K. Singhania, Commissioner

Dan Croft, Commissioner



1100 CHERRY ST. • FREEPORT, TX 77541
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MEMORANDUM

TO: Port Commissioners

FROM: Phyllis Saathoff, Executive Director/CEO

DATE: October 8, 2020

SUBJECT: Potential Contribution to AAPA Port Employees Emergency Relief Fund

In the wake of the devastation from Hurricanes on the East and Gulf Coasts of the United States, the AAPA is responding with contributions to impacted employees from its Port Employees Emergency Relief Fund. This is a 501(c)(3) foundation established after Hurricane Katrina in 2005 to provide financial assistance to member port employees following natural disasters.

The assistance is a cash grant up to \$1,000, often the first support available while scrambling to provide for basic needs prior to receiving other aid, insurance proceeds, etc. The size of the foundation varies from time to time, as the foundation disburses funds and receives contributions. Port employees in Texas, including those of Port Freeport, received approximately \$25,000 from the fund post-Harvey.

This has been a record-setting hurricane season for the Atlantic with Hanna, the season's first hurricane, made landfall in South Texas as a Category 1 hurricane, leaving at least \$875 million in damage. Isaias, the second hurricane of the season, brought impacts to much of the Eastern Caribbean and Florida, made landfall in North Carolina as a Category 1 hurricane, causing \$5.225 billion in damages overall. In August, Laura became the strongest tropical cyclone on record in terms of windspeed to make landfall in Louisiana, Overall, Laura caused at least \$10.1 billion in damage and 77 deaths. Sally, the 20th named storm, made landfall near Gulf Shores, Alabama, as a Category 2 hurricane causing an estimated \$2 billion in damage in Alabama and Florida.

A contribution at this time would provide meaningful assistance and reciprocate for the generous aid distributed to employees in the aftermath of Hurricane Harvey. A contribution of \$1,000 is recommended.

[PORT COMMISSION](#)

SHANE PIRTLE, CHAIRMAN; PAUL KRESTA, VICE CHAIRMAN; RUDY SANTOS, SECRETARY; JOHN HOSS, ASST. SECRETARY;
RAVI K. SINGHANIA, COMMISSIONER; DAN CROFT, COMMISSIONER; PHYLLIS SAATHOFF, EXECUTIVE DIRECTOR/CEO



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MEMORANDUM

TO: Port Commissioners

FROM: Phyllis Saathoff, Executive Port Director/CEO

DATE: October 8, 2020

SUBJECT: Van Scoyoc Government Liaison Services Agreement

The Government Liaison Services Agreement entered into between Port Freeport and Van Scoyoc Associates (hereinafter referred to as “VSA”) in 2017 expired September 30, 2020. A new proposal was requested for continuing their services with the Port for another 3-year period. VSA has proposed to continue their services based on the same terms and rate of the third year as in the prior agreement.

The new agreement will commence October 1, 2020 and terminate September 30, 2023. For services under this agreement, the Port shall pay VSA a monthly retainer of Eleven Thousand Dollars (\$11,000). This fee does not include all travel expenses incurred in traveling to and from the Port for bi-annual updates to the Port Commission. The Port will reimburse VSA for reasonable third-party expenses incurred in the performance of this agreement. Said expenses shall be verified by receipts provided to the Port. VSA agrees not to exceed Eight Thousand Dollars (\$8,000) over the course of the 3-year contract. Either party may terminate this agreement, with or without cause, with thirty (30) days written notice. I recommend Port Commission approval.

[PORT COMMISSION](#)

SHANE PIRTLE, CHAIRMAN; PAUL KRESTA, VICE CHAIRMAN; RUDY SANTOS, SECRETARY; JOHN HOSS, ASST. SECRETARY;
RAVI K. SINGHANIA, COMMISSIONER; DAN CROFT, COMMISSIONER; PHYLLIS SAATHOFF, EXECUTIVE DIRECTOR/CEO

**A RESOLUTION REQUESTING THE ADDITION OF THE STATE
HIGHWAY 36A CORRIDOR (US 59S/IH 69S to US 290/ SH6) TO THE
TEXAS DEPARTMENT OF TRANSPORTATION STATE SYSTEM AND
UNIFIED TRANSPORTATION PLAN AND HOUSTON-GALVESTON
AREA COUNCIL REGIONAL TRANSPORTATION PLAN**

At a regular meeting of the Port Commission of Port Freeport held at the office of said District at 1100 Cherry Street, Freeport, Texas, on the 8th day of October 2020, among other business, on motion duly made and seconded, the following Resolution was passed and adopted:

WHEREAS, PORT FREEPORT supports the advancement of transportation infrastructure critical to the future growth and development of Brazoria County, the Greater Houston region, and beyond; and

WHEREAS, PORT FREEPORT recognizes the important work TxDOT performs for the State of Texas and our region on behalf of the taxpayers, including improving roadways to advance transportation safety and efficiency for motorists, easing congestion, and providing emergency evacuation routes during natural disasters; and

WHEREAS, PORT FREEPORT and its Commissioners have prioritized safer and more efficient mobility in order to account for population and economic growth and to accommodate the citizens' safe daily travel requirements; and

WHEREAS, PORT FREEPORT and its Commissioners recognize the importance of encouraging domestic and international trade by linking the Port to key inland ports in Dallas/Fort Worth and beyond; and

WHEREAS, PORT FREEPORT is deepening and partially widening its channel in a federal cost-share project with the U.S. Army Corps of Engineers to become the deepest port in Texas, capable of receiving the larger ships transiting the Panama Canal to allow for increased growth of waterborne commerce and jobs; and

WHEREAS, PORT FREEPORT is expanding its terminal facilities to accommodate larger vessels and growing international trade; and

WHEREAS, in 2018, the State of Texas led the nation in total foreign waterborne tonnage, with Port Freeport ranked 17th; and

WHEREAS, the mission of the Highway 36A Coalition is to advocate for the development of a regional transportation infrastructure from the Brazosport area into Waller County and beyond, which will provide for improved hurricane evacuation, more efficient mobility, and economic development for the region and the state; and

WHEREAS, local governments, elected officials, private businesses, and individuals work together for the responsible development of regional transportation and multimodal infrastructure to provide a trade corridor for Texas with more efficient mobility; and

WHEREAS, TxDOT has let \$100 million in reconstruction and widening projects from Port Freeport into Fort Bend County along existing Highway 36 to create a four-lane transportation corridor for safer, more efficient mobility; and

WHEREAS, TxDOT launched a \$2 million draft Environmental Impact Statement for the 36A corridor which extends from Rosenberg (US 59S/IH 69S) in Fort Bend County across IH 10 to Hempstead (US 290/SH 6) in Waller County, to tie in to existing infrastructure to link a burgeoning region ripe with economic growth and development; and

WHEREAS, the addition of the 36A corridor to the Texas State Highway System and Unified Transportation Plan and H-GAC Regional Transportation Plan is essential in expanding our regional transportation infrastructure, improving hurricane evacuation routes, establishing safer and more efficient mobility, enhancing domestic and international trade and economic opportunity, and reducing congestion and improving air quality; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF PORT FREEPORT, TEXAS:

Section 1. The findings, definitions, and recitations set out in the preamble to this Resolution are found to be true and correct and are hereby adopted by the Port Commission and made a part hereof for all purposes.

Section 2. The notice and agenda relating to this meeting and heretofore posted by the CEO, and the posting thereof, are hereby authorized, approved, and ratified.

Section 3. TxDOT and H-GAC take any and all actions to include the 36A corridor (US 59S/IH 69S to US 290/SH 6) in its state highway system and Unified Transportation Plan and Regional Transportation Plan, respectively, to improve regional mobility efficiency, in accordance with state law and accepted practice.

PASSED AND APPROVED on this ____ day of _____, 2020.

Shane Pirtle, Chairman

John Hoss, Asst. Secretary

Paul Kresta, Vice Chairman

Ravi K. Singhania, Commissioner

Rudy Santos, Secretary

Dan Croft, Commissioner

RESOLUTION

At a Regular Meeting of the Port Commission of Port Freeport held at the office of said Port at 1100 Cherry Street, Freeport, Texas on the 8th of October 2020, among other business came on to be considered the following resolution, which was upon motion duly made and seconded, adopted by vote of all Commissioners present, which resolution is as follows:

FINDINGS

1. Due and proper notice of the date, time, place and purpose of this meeting has been duly given in accordance with the provisions of the Texas Open Meetings Act, and such meeting has been conducted in accordance with said Open Meetings Act.

2. Section 62.122 of the Texas Water Code provides that the disposition of salvage or surplus personal property shall be in the same manner as a commissioner's court of a county under Subchapter D, Chapter 263 of the Texas Local Government Code.

3. The Commission finds that the property set forth in Exhibit "A" which is hereby incorporated by reference, is found to be salvage or surplus personal property, no longer needed for Port purposes, and should be disposed of as follows:

a. Sold to the highest bidder by competitive bid or auction, after notice in a newspaper after the 30th day but before the 10th day before the date of sale; or **b.** The Port reserves the right to reject any and all bids.

NOW THEREFORE, BE IT RESOLVED that the property set forth in Exhibit "A" and attached hereto is surplus property and shall be disposed of in any one of the following manners and as permitted by law:

a. Sold to the highest bidder by competitive bid or auction, after notice in a newspaper after the 30th day but before the 10th day before the date of sale; or **b.** The Port reserves the right to reject any and all bids.

Exhibit A



GOTTWALD MOBILE HARBOR CRANE

MODEL HMK 280 E (Year 1997)

SERIAL NUMBER: 128278

LOCATION: PORT FREEPORT TEXAS (one owner)

OPERATING HOURS: 17879 (very low for a 1997 crane)

CONDITION: Good working condition with regular maintenance performed. Crane runs smoothly and is used regularly in cargo and container handling operations. Always maintained ready to work.

IMPROVEMENTS: Diesel engine replaced. Crane control system upgraded.

ADDITIONALS: Includes a spare parts package and 2 x Bromma spreaders

(a.)



(b.)



BROMMA SPREADERS

MODELS: (a.) 2007 MSX45 (b.) 1997 EH180

SERIAL NUMBER: (a.) 9669 (b.) 4354

LOCATION: PORT FREEPORT TEXAS (one owner)

CONDITION: Good working condition with regular maintenance performed. Spreaders run smoothly and is used routinely in cargo and container handling operations. Always maintained ready to work.

ADDITIONALS: Includes a spare parts package