

Minutes of Port Commission Regular Meeting
April 22, 2021
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, April 22, 2021 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

Join Zoom Meeting

<https://us02web.zoom.us/j/88160180387?pwd=blptYUhsdzN3UGVqMEFER3VkYmFFZz09>

Meeting ID: 881 6018 0387

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Meeting ID: 881 6018 0387

Find your local number: <https://us02web.zoom.us/u/kMbFj3ymA>

Commissioner's present:

- Mr. Shane Pirtle, Chairman
- Mr. Paul Kresta, Vice Chairman
- 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. Jason Hull, Director of Engineering
- Mr. Mike Wilson, Director of Economic Development & Freight Mobility
- Mr. Chris Hogan, Director of Protective Services
- Mr. Jason Miura, Director of Business & Economic Development

Mr. Brandon Robertson, Network Systems Manager
Ms. Missy Bevers, Executive Assistant
Ms. Mary Campus, Controller
Ms. Jessica Follett, Public Affairs Manager

Absent:

Mr. Rudy Santos, Secretary

Also, present via teleconference:

Mr. Bobby Fuller, Texas Port Ministry
Mr. William Wachel, WSP

Commissioner Pirtle stated the following information...

Today is April 22, 2021, 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. 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. Bobby Fuller, Texas Port Ministry
3. Pledge of Allegiance: U.S. Flag & Texas Flag
4. Roll Call – Commissioner Pirtle stated those present in the board room (at a safe distance) included himself, Commissioners Kresta, Commissioner Singhania, Commissioner Croft, Phyllis Saathoff – CEO and Jason Cordoba – Legal Counsel. Commissioner Hoss was

present online, and Commissioner Santos was absent from the meeting. Ms. Saathoff noted additional staff in the room.

5. Public Comment – There were no public comments.
6. Approval of minutes from the Regular Meeting held April 8, 2021.

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

7. 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

In addition to her written report submitted to Commissioners, Ms. Saathoff highlighted the ceremony held April 8th to celebrate the groundbreaking and start of dredging for the Freeport Harbor Channel Improvement Project. The dredge should finish this first section of the channel in mid-June. She also noted the engineering and design for Reach 2 are moving along and will meet schedule, with 100% plans and specs, in time to have competitive bidding this summer with award late August, early September. Staff has begun efforts to advocate for additional funding in the FY 2022 Corps Work Plan with the hopes of receiving funding to completion. Ms. Saathoff also gave an update on activity in Austin with staff and consultants monitoring several bills closely. Ms. Follett gave an update on the TACFT stating that an in-person event will be held May 8th at Freeport Municipal Park with social distancing, masks, etc. The Captain's Dinner is slated for May 6. Ms. Follett noted that a few additional sponsorships came in from our generous community bringing the total to \$41,400. All monies will go back into the tournament for goodie bags and prizes for the kids. Ms. Follett also announced that Public Affairs Assistant Marilyn Miller will be leaving the Port with her last day being May 8th.

B. Chief Financial Officer

Mr. Lowe gave a presentation regarding the financial results for the month of March. Mr. Lowe also noted that the 30-day posting is up for the Dow Tax Abatement to be handled at a May 13 meeting. Additionally, after review with the Finance Advisory Committee, staff will move forward with exercising the one-year option with KM&L for FY 2021 auditing services. Finally, Mr. Lowe reminded the Commission that 2019 legislation implemented a requirement that all staff and elected officials participate in cyber security awareness training. The training will be available the month of May for staff and Port commissioners to complete.

C. Director of Engineering

In addition to his written report, Mr. Hull shared pictures of the placement area where the discharge from the dredge is located and the Dow Thumb project progress. Mr. Hull also noted the final package for Reach 2 dredging should be submitted to the Corps the first week in May.

D. Director of Operations

Mr. Durel reported on statistics for the month of March stating the month was better than expected with the Port handling 18 LNG vessels, 11 Ro/Ro vessels, 2 Tenaris and 10 container vessels. YTD the Port has handled 91 LNG vessels, 71 Ro/Ro and 10 Tenaris. YTD total vessels is 251. Mr. Durel also reported that Mr. Quilty is currently handling some training and education (CPR, First Aid & AED training). Mr. Hogan continues with conference calls and meetings related to COVID as well as monitoring vaccine availability. Mr. Durel also noted that security and operations continue to meet regularly to discuss truck traffic and congestion in and around the Port and well as meet with the tenants to discuss same.

E. Director of Business & Economic Development

Mr. Miura reported the Breakbulk Conference is scheduled for September 28-30 at the George R. Brown Convention Center in Houston and will be held in person. Additionally, the Shortline Railroad & Port Conference is also scheduled for September 28-30 in Omaha. Mr. Miura also reported the port issued 805 heavy-lift corridor permits during the month of March and Union Pacific reported total tons by rail coming and leaving the port to be 80,752, total miles traveled 235,647 with an emission savings of 1,320 metric tons of CO2 equivalent. Mr. Miura also mentioned new information implemented by FEMA regarding risk ratings.

8. Receive report from Commissioners on matters related to:

A. March 30 and April 19 OSS Advisory Committee – Commissioner Hoss reported the committee met on April 19 to discuss grants. The March 30 meeting was held to receive information on lessons learned from the Winter Storm.

B. April 19 Finance Advisory Committee – Commissioner Singhanian reported the committee met to review a tax abatement application from The Dow Chemical Company and the one-year option on the KM&L contract for FY 2021 auditing services.

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

Commissioner Croft reported attending the San Jacinto Festival and the Brazoria County Economic Development Alliance Board Meeting.

Commissioner Singhanian reported participating in the weekly Roundtable meeting, Rotary meeting held March 30 and various port meetings.

Commissioner Kresta also reported attending the San Jacinto Festival and participating in several meetings.

Commissioner Pirtle reported participating in several meetings and events, including a golf tournament benefiting The Leukemia & Lymphoma Society.

9. Approval of financial reports presented for the period ending March 31, 2021.

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

10. Adoption of a Resolution approving the acceptance of the Port's portion of proceeds received from high bidders on delinquent tax property held in trust by Brazoria County, Texas and authorizing the Chairman to join in conveyance to high bidders.

A motion was made by Commissioner Singhania to adopt the resolution. The motion was seconded by Commissioner Kresta with all Commissioners present voting in favor of the motion.

11. 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) for discussion regarding:

1. Consultation with attorney to discuss potential litigation.

B. 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.

C. Under authority of Section 551.076 (Deliberation of Security Matters) for discussion regarding:

1. Discussion regarding issues related to the deployment, or specific occasions for implementation of security personnel or devices or security audit and services.

12. RECONVENE OPEN SESSION:

13. Adjourn.

With no further business before the Commission, the meeting adjourned at 5:57 PM.