

Minutes of Port Commission Regular Meeting  
April 8, 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 8, 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](http://www.portfreeport.com)

Join Zoom Meeting

<https://us02web.zoom.us/j/86026370825?pwd=WEVYR3VEMmpRYkJUbfJjMFpRUW9Hdz09>

Meeting ID: 860 2637 0825

Passcode: 574390

Dial by your location

- +1 346 248 7799 US (Houston)
- +1 669 900 9128 US (San Jose)
- +1 253 215 8782 US (Tacoma)
- +1 312 626 6799 US (Chicago)
- +1 646 558 8656 US (New York)
- +1 301 715 8592 US (Washington DC)

Meeting ID: 860 2637 0825

Find your local number: <https://us02web.zoom.us/u/kbQxFhiMu1>

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. 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  
Mr. Cecil Booth, Project Engineer  
Mr. Nick Malambri, Engineering Specialist  
Mr. Jason Caywood, Security Technician

Also, present via teleconference:

Mr. Davin Vo, FordAV  
Mr. Bobby Fuller, Texas Port Ministry  
Mr. Chad Janosky, Bay-Houston Towing

Commissioner Pirtle stated the following information...

Today is April 8, 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 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](http://www.portfreeport.com). Additionally, the public may join the meeting from a computer, tablet, or smartphone or by phone using the 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 – Commissioner Shane Pirtle
3. Pledge of Allegiance – U.S. Flag and Texas Flag
4. Roll Call – Commissioner Pirtle stated those present in the board room (at a safe distance) included himself Commissioner Kresta, Commissioner Singhania, Commissioner Croft, Phyllis Saathoff – CEO and Jason Cordoba – Legal Counsel. He noted that Commissioner Hoss and Commissioner Santos would be joining the meeting later, virtually. Ms. Saathoff noted additional staff in the room.

5. Public Comment – There were no public comments.

6. Approval of minutes from a Regular Meeting held March 25, 2021.

A motion was made by Commissioner Kresta to approve the minutes. The motion was seconded by Commissioner Singhania with a correction to Item 13 to include Commissioner Hoss as the second motion for approval of the item. All Commissioners present voted in favor of the motion.

7. Receive reports 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.

Ms. Saathoff thanked Port Freeport staff for all the preparations and work they put into the event held earlier in the day celebrating the groundbreaking of the Freeport Harbor Channel Improvement Project. The Port Commission echoed Ms. Saathoff's comments regarding the event, but also thanking Ms. Saathoff for her efforts in getting support and funding for the project. Mr. Saathoff also reported that she was in Austin this past Tuesday to testify on the Texas Ports Association (TPA) Omnibus Bill (HB3027) which was before the House Transportation Committee. She noted the Senate companion bill will move before the Senate Select Committee on Ports next week.

8. Approval of Construction Contract with AAR Incorporated for the East End Properties 2021 project, for an amount not to exceed \$104,400.00.

Mr. Hull stated the contract before the board is for asbestos abatement and demolition of nine properties in the East End. Three bids were received with AAR submitting the lowest and best bid for an amount not to exceed \$104,400.00. Staff recommends approval of this contract.

At this time, Commissioner Hoss joined the meeting virtually.

A motion was made by Commissioner Kresta to approve this contract as recommended by staff for an amount not to exceed \$104,400.00. The motion was seconded by Commissioner Hoss will all Commissioners present voting in favor of the motion.

Commissioner Santos joined the meeting virtually in Executive Session at 1:27 p.m.

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 551.071 (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 2<sup>nd</sup> Street; Terminal Street and East 8<sup>th</sup> 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, 43 and Surfside Lots.

10. RECONVENE OPEN SESSION to review and consider the following:

11. Discuss and consider approval of Release of Right of First Refusal for 204 South Avenue I.

Mr. Cordoba stated this release regarding the property at 204 South Avenue I was part of the swap program. As part of the program, a restricted covenant is included in the Deed requiring families to maintain their homestead for at least five years. A request has been made by the owners of this property to have the covenant released. Mr. Cordoba presented a letter agreement and read a portion of the agreement detailing the extraordinary circumstances as well as the conditions required by the Port for the release. The release will only be executed by the Port upon all conditions being met by the owners.

A motion was made by Commissioner Singhanian to approve the release as recommended by Counsel. The motion was seconded by Commissioner Croft with all Commissioners present voting in favor of the motion.

12. Adjourn.

With no further business before the Commission, the meeting adjourned at 2:49 PM.