

Minutes of Port Commission Regular Meeting  
February 11, 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, February 11, 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)

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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. 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

Also, present via teleconference:

Mr. Bobby Fuller, Texas Port Ministry  
Mr. Geoff Bowman, Van Scoyoc Associates  
Mr. David Garcia, Gallagher  
Mr. William Wachel, WSP

Commissioner Pirtle stated the following information...

Today is February 11, 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](http://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. Bobby Fuller, Texas Port Ministry
3. Pledge of Allegiance – U.S. Flag and Texas Flag
4. Roll Call – Commissioner Pirtle stated that Commissioner Singhania and Commissioner Santos were present online. Those present in the board room (at a safe distance) included

himself, Commissioner Kresta, Commissioner Hoss, Commissioner Croft, Phyllis Saathoff – CEO and Jason Cordoba – Legal Counsel. Ms. Saathoff noted additional staff in the room and online.

5. Public Comment – There were no public comments.
6. Approval of minutes from a Regular Meeting held January 28, 2021.

A motion was made by Commissioner Santos 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 update from federal consultants Van Scoyoc Associates.

Mr. Geoff Bowman with Van Scoyoc Associates discussed the most recent updates from WDC regarding the House and Senate including COVID legislation, impeachment trial, the President's budget, Corps funding and infrastructure package.

8. 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 reported that earlier in the day, the Texas Ports Association recognized Col. Vail as Port Person of the Year for his leadership and support to Texas ports. The Corps Galveston District is holding their Stakeholder Partnering Forum virtually and as TPA president, Ms. Saathoff will be giving a presentation. She also participated in the recent BayTran and CREW webinar events speaking to the groups on Port projects. Representative Vasut accepted an invitation to visit the Port and discuss legislative priorities February 19. Mr. Durel spoke on the departure of the Gottwald crane and shared photos of its loading onto the barge for transport to Galveston. Mr. Hogan gave an update on the upcoming weather event as well as current status of COVID vaccine distribution.

9. Approval and award of contract for Property, Boiler and Machinery, and Terrorism insurance coverage for a one-year term beginning March 1, 2021, as obtained by broker Arthur J. Gallagher & Co.

This item was tabled.

10. Approval and ratification of correct terms for tax abatement with Trinity Turbine Technology, LP, Trinity Turbine Real Estate, LLC and Trinity Coatings, LLC.

Mr. Lowe stated that this was discussed with the Finance Advisory Committee February 1 and explained that in August 2014, the port approved an abatement with Trinity for 7 years following in line with the County; however, the start date of the abatement was incorrectly captured. The County made the correction to their agreement in January 2015; however, the Port had no record of that taking place. Staff recommends making this correction to the agreement which would extend the term of the abatement to December 31, 2021.

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

11. Adoption of a Resolution Ordering an Election to be held May 1, 2021 for the purpose of electing two Port Commissioners, Positions 4 and 6.

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

12. Approval of a Joint Election Agreement and Contract for Election Services between Brazoria County and Port Freeport for the May 1, 2021 Election.

A motion was made by Commissioner Kresta to approve the agreement and contract as presented. The motion was seconded by Commissioner Hoss with all Commissioners present voting in favor of the motion.

13. 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 conveyance to high bidders.

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

14. 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 Parcel 14 and Surfside Lots.

15. RECONVENE OPEN SESSION:

16. Adjourn.

With no further business before the Commission, the meeting adjourned at 3:53 PM.