

Minutes of Port Commission Regular Meeting  
March 25, 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, March 25, 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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Commissioner's 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. Jason Hull, Director of Engineering  
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

Absent:

Mr. Chris Hogan, Director of Protective Services  
Mr. Jason Miura, Director of Business & Economic Development

Also, present via teleconference:

Mr. Chris Sallese, Dannenbaum Engineering  
Mr. Bobby Fuller, Texas Port Ministry  
Ms. Colleen Kallestad, Freeport LNG  
Mr. Chad Janosky, Bay-Houston Towing  
Mr. Jonathon Thomas, Moffatt & Nichol  
Mr. Jeff Taylor, Freese & Nichol  
Mr. Jason Foltyn, HDR, Inc.  
Mr. Glen Crocker, RG Miller

Commissioner Pirtle stated the following information...

Today is March 25, 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. 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 Santos, Commissioner Singhanian, Commissioner Croft, Phyllis Saathoff – CEO and Jason Cordoba – Legal Counsel. He also noted Commissioner Hoss would be joining the meeting later, virtually. Ms. Saathoff noted additional staff in the room.
5. Public Comment – There were no public comments.
6. Receive update regarding the dredging at the mouth of the San Bernard River.

Mr. Chris Sallese with Dannenbaum Engineering gave an update on the dredging at the mouth of the San Bernard River stating that after four years of permit and environmental issues, work has finally begun on the San Bernard. Dannenbaum was awarded contract in January and immediately began design work. Additional survey information on channel alignments has just been completed. The Corps identified some off limit areas for dredging activity, so the channel had to be rerouted from what the Corps dredged in 2009.

Dannenbaum is in process of putting design documents together, and a site visit is scheduled with the County next week to verify design. Plan is to have bid documents to the County in April so they can solicit bids and hopefully have a dredge in as soon as possible, but before the August/September peak hurricane season. The quantity of material to be removed is approximately 300,000 yards. Mr. Sallese also shared a graphic of the channel. Chairman Pirtle said he would join the County for the site visit if there was room for him.

7. Receive update regarding NOAA PORTS.

Ms. Colleen Kallestad with Freeport LNG gave an update on the NOAA PORTS system and outreach efforts to get the system set up for Port Freeport. Waiting to hear back from other Port users on how the system will be funded. Freeport LNG has indicated they will match funds with anyone willing to help set it up. The initial set-up cost is approximately \$330,000 with an annual maintenance cost of approximately \$40,000. The plan is to install a current meter on the Surfside bridge and on the #6 Buoy, and tie into the stations that NOAA already has set up in the Port. At this time, there has been no feedback from any other Port user. Ms. Kallestad stated it will take about 9 months to get the system set up once everyone agrees to do it and the contract is signed.

8. Approval of the following minutes from meetings held:

February 25, 2021

February 26, 2021

March 4, 2021

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

At this time, Commissioner Hoss joined the meeting virtually.

9. 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 reported the dredge Carolina will be in Port Freeport on or near April 1<sup>st</sup>. The Port will host a groundbreaking ceremony April 8<sup>th</sup>. State legislature is in full swing with staff and consultants monitoring activity. Ms. Follett gave an update on the TACFT stating the logo contest winners were announced and presented an award this week with first place going to West Brazos Junior High student Luis Garcia Arriaza, second place was Mia Spargo from Brazosport Christian School and third place was Macy Pretz from Our Lady Queen of Peace. The Port has received \$40,450 in sponsorships from port partners and the community which all goes back into the tournament for goodie bags and prizes for the kids. Ms. Follett also shared a picture of the winning drawing. Additionally, Ms. Follett stated the upcoming CAP meeting is scheduled for April 15 with Great Lakes Dredge & Docks to provide an update on the Freeport Harbor Channel Improvement Project dredging.

B. Chief Financial Officer

Mr. Lowe gave a presentation regarding the financial results for the month of February.

C. Director of Engineering

In addition to his written report, Mr. Hull explained the route for the dredge pipeline from the channel to Placement Area #1. He also shared current pictures of the progress at the Berth 8 and levee stabilization wall projects.

D. Director of Operations

Mr. Durel reported on statistics for the month of February stating that even with the challenges and delays the winter storm caused, it was a good month with the Port handling 9 LNG vessels, 9 Ro/Ro vessels, 2 Tenaris, a limestone vessel, 10 container vessels and 17 railcars. YTD the Port has handled 73 LNG vessels, 60 Ro/Ro, 2 limestone and 8 Tenaris. YTD total vessels is 207. Mr. Durel also reported that Mr. Hogan continues with conference calls and meetings related to COVID as well as monitoring vaccine availability. Mr. Quilty continues to meet with stevedores and tenants to monitor their operations and make improvements. Mr. Durel also reported the new skid mounted fire protection system was recently utilized and worked very well with a recent incident.

E. Director of Business & Economic Development

In Mr. Miura's absence, Mr. Wilson gave a brief presentation highlighting topics from the monthly Greater Houston Partnership (GHP) Economic Update presented by Patrick Jankowski, Senior Vice President of Research for GHP.

10. Receive report from Commissioners on matters related to:

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

Commissioner Croft reported attending the Texas Port Ministry (TPM) and Angleton Membership Luncheon.

Commissioner Singhanian reported participating in the weekly Roundtable meeting, TPM Banquet and the AAPA Spring Conference which was held virtually. Commissioner Singhanian also noted that Mark Mallett will be giving a presentation at the next Rotary meeting March 30.

Commissioner Hoss reported attending the BCCA meeting, TPM Banquet, Port of the Future Conference which was held virtually and weekly Roundtable.

Commissioner Pirtle reported attending several meetings including 36A, Corps, NOAA Ports, Bastrop Bayou and Velasco Drainage District. He also attended the TPM Banquet.

Commissioner Kresta reported attending the TPM Banquet and also volunteered at the SPCA event held March 20.

11. Approval of financial reports presented for the period ending February 28, 2021.

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

12. Approval of Change Order No. 2 to the Professional Services Agreement with Moffat & Nichol for modification to design and provide inspection services on a RO/RO ramp for the Velasco Terminal Berth 8 & 9 project, for an increase of \$392,100.00.

Mr. Hull stated this modification is for the design and preparation of sealed drawings for McCarthy to price the construction of a Ro/Ro ramp to the north of Berth 8 within the footprint of future Berth 9. The design will be done in such a way that the wharf piling will be used for the future Berth 9 project. Mr. Hull also shared a drawing of the ramp. After additional discussion, staff recommended approval of this modification in the amount of \$392,100.00.

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

13. Approval of Change Order No. 2 to the Professional Services Agreement with HDR, Inc. to add sediment sampling and testing for the FHCIP Reach 2 Design & Permitting project, for an increase of \$160,000.00.

Mr. Hull stated that this change order is to conduct sampling and testing for six samples in Reach 2 that is necessary to get approval to place of material offshore. Mr. Hull also noted this is eligible for work-in-kind credit should the material be approved. Staff recommends an increase in the contract of \$160,000.00 to perform the testing.

A motion was made by Commissioner Kresta to approve the change order. The motion was seconded by Commissioner Hoss 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 to review and consider the following:

16. Discuss and consider Second Amendment to the Marine Terminal Service Agreement between CMA CGM and Port Freeport.

Ms. Saathoff stated that this second amendment extends the current term of the agreement through September 30 of this year.

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

17. Adjourn.

With no further business before the Commission, the meeting adjourned at 4:44 PM.