

Minutes of Port Commission Special Meeting
May 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 Special Meeting on Tuesday, May 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

Join Zoom Meeting

<https://us02web.zoom.us/j/86349421554?pwd=eGpvRTBscIF4NkJmMVNTZ0N2Ync5Zz09>

Meeting ID: 863 4942 1554

Passcode: 944215

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- +1 346 248 7799 US (Houston)
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- +1 646 558 8656 US (New York)

Meeting ID: 863 4942 1554

Find your local number: <https://us02web.zoom.us/u/kehmj1mBPX>

Commissioners present:

- Mr. Shane Pirtle, Chairman
- Mr. Paul Kresta, Vice Chairman
- Mr. Rudy Santos, Secretary
- Mr. John Hoss, Asst. Secretary
- Mr. Ravi Singhanian, 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

Absent:

Mr. Dan Croft, Commissioner

Also, present via teleconference:

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

Commissioner Pirtle stated the following information...

Today is May 11, 2021, and the time is 1:00 p.m. This is the special 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. 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 – Mr. Bobby Fuller, Texas Port Ministry
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 Hoss, Commissioner Santos, Phyllis Saathoff – CEO and Jason Cordoba – Legal Counsel. He

Commissioner Croft 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 a Regular Meeting held April 22, 2021.

A motion was made by Commissioner Hoss to approve the minutes as presented. The motion was seconded by Commissioner Santos with all Commissioners present voting 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 asked Ms. Follett to give an overview of the very successful Take-a-Child Fishing Tournament that was held May 8. Ms. Follett shared some stats from the tournament reporting that 321 kids between the ages of 3-14 registered, 69 kids participated in the weigh-in, 476 fish were caught, and we had 59 sponsors that totaled \$41,000. Over 130 door prizes were given away, and 1431 canned goods were donated to the Brazoria County Dream Center. Ms. Saathoff and Commissioners congratulated Ms. Follett, her staff and volunteers for a successful event. Mr. Saathoff also reported that she and Commissioner Pirtle gave a presentation earlier in the day to the ACEC Transportation Committee. Staff continues to monitor activity at the state legislature. The Texas Ports Association (TPA) will be presenting an award to Speaker Phelan for his role in supporting Texas ports next Tuesday in Austin.

At this time, Commissioner Hoss commented on the new audio/visual equipment stating that from the remote side the audio has extremely improved however from the video side, he feels additional evaluations still need to be made adding that its difficult to carry on a meeting when you cannot see the expressions on people's faces. Staff will evaluate and bring back prices and options.

8. Adoption of a resolution canvassing election returns from the May 1, 2021 Elections for Port Commissioners, Position No. 4 and Position No. 6.

Ms. Saathoff presented the resolution with the official election results. Position 4, Rob Giesecke received 3990 votes and Paul Kresta received 2557 votes. Position 6, Rudy Santos received 5175 votes. Staff recommends adoption the resolution reflecting the canvassed votes for this election.

A motion was made by Commissioner Singhania to approve the resolution as presented. The motion was seconded by Commissioner Kresta 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 551.071 (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 Parcels 14, 43 and Surfside Lots.

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

- 11. Approval of Change Order No. 3 to the Construction Contract with McCarthy Building Companies for adding a RO/RO ramp for the Velasco Terminal Berth 8 project.

This item was tabled.

Before adjourning, Commissioner Pirtle asked the Commission to consider posting the agenda for the June 10 for a 2:00 p.m. start to allow staff and commissioners to attend a Brazosport Chamber event where Rich Wells will be speaking. All agreed for a 2:00 p.m. start.

12. Adjourn.

With no further business before the Commission, the meeting adjourned at 4:56 PM.