

# Minutes of Port Commission Regular Meeting

## October 14, 2021

### In Person & Videoconference

A Regular Meeting of the Port Commission of Port Freeport was held October 14, 2021, beginning at 1:17 PM at the Administration Building, 1100 Cherry Street, Freeport, Texas.

Commissioner Hoss noted the following information that was included on the posted agenda.

This meeting may be attended virtually or in person.

The meeting will be conducted pursuant to Section 551.127 of the Texas Government Code titled "Videoconference Call." This statute provides public officials, employees and members of the public may participate remotely in a public meeting by videoconference call. The Port Commission is utilizing this existing statute to ensure the greatest amount of access to the public and ensure the ability of all Commissioners to participate in meetings during the COVID-19 pandemic.

The quorum of the Port Commission will be located at the Commissioner Meeting Room located at 1100 Cherry Street, Freeport, Texas ("Meeting Location"). The Port Commission intends to have a quorum at the Meeting Location. The presiding Commissioner of this meeting will be physically present at the Meeting Location. The public will be permitted to physically attend the meeting at the Meeting Location.

Public comment will be available at the beginning of the meeting during the agenda item devoted to public comment. Public comment may be communicated virtually and in person, but in either event public comment will be limited to 5 minutes per participant and must be communicated verbally. 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)

The videoconference is available online as follows:

Join Zoom Meeting

<https://us02web.zoom.us/j/84842740580?pwd=dWxsVzBkUmZ3bU9rdzNuK2FqOVNWQT09>

Meeting ID: 848 4274 0580

Passcode: 321634

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Commissioners present in person:

- Mr. John Hoss, Chairman
- Mr. Rudy Santos, Vice Chairman
- Mr. Dan Croft, Secretary
- Mr. Rob Giesecke, Asst. Secretary
- Mr. Ravi Singhania, Commissioner
- Mr. Shane Pirtle, Commissioner

Staff Members Present:

Mr. Matt Allen, 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. Jason Hull, Director of Engineering  
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. Tricia Vela, Public Affairs Assistant  
Mr. Nick Malambri, Engineering Specialist

Also, present:

Mr. Bobby Fuller, Texas Port Ministry  
Mr. Ryan Wilhelm, McCarthy Building Companies  
Ms. Barbara Fratila  
Mr. Henry Chambless

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 Hoss noted that all Commissioners were present in the board room.
5. Public Comment – There were no public comments
6. Approval of minutes from a Regular Meeting held September 23, 2021.

A motion was made by Commissioner Croft to approve the minutes as presented. The motion was seconded by Commissioner Giesecke 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 gave an update on the Port Freeport Golf Tournament benefitting Texas Port Ministry which will be held October 18 stating that a total of \$76,650 has been committed in sponsorships and 43 golf teams have been secured for the two-flight format. Ms. Saathoff mentioned the FOX Business News interview with Ms. Margaret Kidd, who is the Program Director/Supply Chain & Logistics Technology Instructional Assistant Professor at the

University of Houston, and a good partner to Port Freeport. Ms. Kidd had the opportunity to highlight the region's ports and mentioned Port Freeport in her interview. Mr. Miura reported on the Breakbulk Americas Conference recently held in Houston where Port Freeport participated and also hosted a Customer Appreciation Reception that was well attended. Ms. Saathoff reported attending the AAPA Annual Convention in Austin along with Commissioners Singhania and Giesecke. She also reported attending the Automotive Logistics & Supply Chain Conference in Detroit with Mr. Miura where they had the opportunity to interface with a number of OEM's. Mr. Montgomery with ILA recently shared statistics for the contract year October 20 – September 21 stating the ILA manhours worked at Port Freeport during this timeframe were 316,000 hours generating a payroll of \$10.2 million payroll which is up \$1.5 million from prior year. Compared to 2016, it is a 69% increase from 187,000 hours and a payroll of \$6.188 million. Mr. Durel gave an update on the recent incident where a catamaran capsized in the channel. Commissioner Hoss asked if procedures will be created for use in future incidents similar to this. Ms. Saathoff stated that staff will meet with the OSS Advisory Committee to address this matter.

8. Receive report from Commissioners on matters related to meetings and conferences attended, Port presentations and other related Port Commission matters.

Commissioner Giesecke reported attending the AAPA Annual Convention in Austin as well as a Pearland Chamber Elected Officials event.

Commissioner Singhania also reported attending the AAPA Annual Convention as well as the Breakbulk Conference, Friends of River (FOR) Breakfast and Glenn Hegar Luncheon.

Commissioner Santos reported attending the Breakbulk Conference.

Commissioner Croft reported attending the JA Business Hall of Fame event, FOR Breakfast, and BC Economic Development Alliance Board Meeting. He also noted he will participate in a virtual public meeting regarding Texas Gulf Link this evening.

Commissioner Pirtle reported attending the Roughneck Blowout Banquet, 36A Executive Committee Meeting, Alliance Quarterly Luncheon, JA Hall of Fame, Boys & Girls Club Golf Tournament, FOR Breakfast and FOR Fundraiser.

9. Approval to ratify purchase orders to Diver Overhead Door in the amount of \$43,100 and Strategic Roofing Solutions in the amount of \$443,716 for the emergency repairs related to damages from Hurricane Nicholas.

As previously discussed at the last meeting, Mr. Hull notified the Port Commission of the damages on various buildings due to Hurricane Nicholas and this item is to ratify the emergency purchase orders issued for repairs. Staff recommends approval.

A motion was made by Commissioner Santos to ratify the purchase orders for both Diver Overhead Door and Strategic Roofing Solutions. The motion was seconded by Commissioner Pirtle with all Commissioners present voting in favor of the motion.

10. Discussion regarding appointment of an Ad-Hoc Committee to review extension of legal services contract with Cordoba Law Firm.

Commissioner Hoss stated that he and Ms. Saathoff received a letter from Cordoba Law Firm stating their rates would be increasing. Since the law firm also represents the Port Commission, Commissioner Hoss suggested an Ad-Hoc Committee be set up to discuss the rate increase/changes. Commissioner Hoss asked for an additional Commissioner to serve on the committee along with himself and Ms. Saathoff. Commissioner Singhanian suggested Commissioner Santos or Commissioner Croft to serve on the committee. After further discussion between Commissioners regarding their concerns, Commissioner Santos accepted the nomination to serve on the committee.

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 pending litigation.
  - 2. 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.
- C. Under authority of Section 551.074 (Deliberation of Personnel Matters) for discussion regarding:
  - 1. Deliberation regarding the appointment, employment, evaluation, reassignment, duties of a public officer or employee, including but not limited to: Executive Director/CEO, Chief Financial Officer, Director of Operations, Director of Engineering, Director of Protective Services, Director of Economic Development and Director of Business & Economic Development.

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

13. Discuss and consider action resulting from Executive Session for Executive Director/CEO.

Commissioner Hoss stated the Port Commission discussed the performance of the CEO during executive session and asked the chairman of the Personnel Advisory Committee for the recommendation. Commissioner Singhanian stated they are all very pleased with the last year's overall performance.

A motion was made by Commissioner Singhanian to recommend a 5% raise at \$11,950 to be effective the first paycheck in October. The motion was seconded by Commissioner Pirtle with all Commissioners present voting in favor of the motion.

14. Discuss and consider Commissioner compensation.

Commissioner Singhanian stated that a salary increase is in the budget for this year and as port employees, this includes the Port Commissioners; however, Commissioner Singhanian's personal recommendation is to give no raises to the Commissioners. Commissioner Giesecke stated that he would like to see their compensation brought in line with other Texas ports as well as other governing bodies within Brazoria County/Navigation District. After some discussion, it was suggested that staff pull together commissioner compensation packages for other Texas ports to present and discuss at the next meeting.

A motion was made by Commissioner Singhanian for Commissioners to not take a raise. The motion was seconded by Commissioner Pirtle with all Commissioners present voting in favor of the motion.

Commissioner Giesecke then made a motion that the Commissioners' pay go to \$0/month, delete the \$75/month cell phone allowance and instead of a mileage expense or automobile allowance, have a general category of expenses to compensate Commissioners for other out of pocket expenses in the amount of \$175/month. The motion died for lack of a second.

15. Adjourn.

With no further business before the Commission, the meeting adjourned at 5:41 PM.