

## AGENDA

**Port Freeport  
Port Commission  
Special Meeting  
Thursday, February 8, 2024, 1:00 pm - 5:00 pm  
In Person & Videoconference - Administration Building - 1100 Cherry Street - Freeport**

**This meeting agenda with the agenda packet is posted online at [www.portfreeport.com](http://www.portfreeport.com)**

The meeting will be conducted pursuant to Section 551.127 of the Texas Government Code titled "Videoconference Call." A quorum of the Port Commission, including the presiding officer, will be present at the Commissioner Meeting Room located at 1100 Cherry Street, Freeport, Texas. The public will be permitted to attend the meeting in person or by videoconference. The videoconference is available online as follows:

### Join Zoom Meeting

<https://us02web.zoom.us/j/89589343848?pwd=bFVQSWpzcHhsOHl1UnNqcC9WVEREUT09>

Meeting ID: 895 8934 3848

Passcode: 464840

### Dial by your location

• 1 346 248 7799 US (Houston)

Meeting ID: 895 8934 3848

Find your local number: <https://us02web.zoom.us/j/kdmMQSO2Gx>

1. CONVENE OPEN SESSION in accordance with Texas Government Code Section 551.001, et. seq., to review and consider the following:
2. Roll Call.
3. Call to identify and discuss any conflicts of interest that may lead to a Commissioner abstaining from voting on any posted agenda item.
4. Public Comment. (Public comment on any matter not on this Agenda will be limited to 5 minutes per participant and can be completed in person or by videoconference)
5. Public Testimony. (Public testimony on any item on this Agenda will be limited to 5 minutes per agenda item to be addressed per participant and can be completed in person or by videoconference. The participant shall identify in advance the specific agenda item or items to be addressed.
6. Adoption of a Resolution in Support of TxDOT RAISE Grant Application for FM 1495 Truck Parking Project.
7. Approval of Change Order No. 1 to the Construction Contract with McCarthy Building Companies, Inc. for repairing a leaking water line under/through the project area for the Port Wide Pavement Repairs 2023 project.
8. Approval of an Engagement Letter with K&L Gates for legal services.
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):
    1. Consultation with attorney under Government Code Section 551.071(1) (to seek or receive attorney's advice on pending or contemplated litigation).
    2. Consultation with attorney under Government Code Section 551.071(2) (to seek or receive attorney's advice on legal matters that are not related to litigation).
  - B. Under authority of Section 551.072 (Deliberation of Real Property Matters) for discussion regarding:
    1. The potential lease, or value of real property located at Port Freeport, including but not limited to the Expansion Area.

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, 7 and 8.
3. The potential exchange, lease, or value of real property located at Port Freeport, including but not limited to Parcels 14, 19, 27, 34 and property on Quintana Island.
- C. Under authority of Section 551.076 (Deliberation of Security Matters) for discussion regarding:
  1. Discussion regarding issues related to the deployment, or specific occasions for implementation of security personnel or devices or security audit and services.
- D. 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.
10. RECONVENE OPEN SESSION:
11. Adjourn.

***The Port Commission does not anticipate going into a closed session under Chapter 551 of the Texas Government Code at this meeting for any other items on the agenda, however, if necessary, the Port Commission may go into a closed session as permitted by law regarding any item on the agenda.***

With this posted notice, Port Commissioners have been provided certain background information on the above listed agenda items. Copies of this information can be obtained by the public at the Port Administrative offices at 1100 Cherry Street, Freeport, TX.



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Phyllis Saathoff, Executive Director/CEO  
**PORT FREEPORT**

Participation is welcomed without regard to race, color, religion, sex, age, national origin, disability or family status. In accordance with Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, persons with disabilities needing reasonable accommodations to participate in this proceeding, or those requiring language assistance (free of charge) should contact the Executive Assistant no later than forty-eight (48) hours prior to the meeting, at (979) 233-2667, ext. 4326, email: [bevers@portfreeport.com](mailto:bevers@portfreeport.com).

La participación es bienvenida sin distinción de raza, color, religión, sexo, edad, origen nacional, discapacidad o situación familiar. De acuerdo con el Título II de la Ley de Estadounidenses con Discapacidades y la Sección 504 de la Ley de Rehabilitación, las personas con discapacidades que necesiten adaptaciones razonables para participar en este procedimiento, o aquellas que requieran asistencia lingüística (sin cargo), deben comunicarse con el Asistente Ejecutivo a más tardar cuarenta -ocho (48) horas antes de la reunión, al (979) 233-2667, ext. 4326, correo electrónico: [bevers@portfreeport.com](mailto:bevers@portfreeport.com).

## **RESOLUTION IN SUPPORT OF THE TEXAS DEPARTMENT OF TRANSPORTATION FM1495 PROJECT RAISE GRANT APPLICATION**

At a regular meeting of the Port Commission of Port Freeport of Brazoria County, Texas ("Port") held at the office of the Port at 1100 Cherry Street, Freeport, Texas, on the 8th day of February 2024, among other business, on motion duly made and seconded, the following Resolution was passed and adopted:

### **FINDINGS**

1. WHEREAS, the Texas Department of Transportation (TXDOT) has studied freight movement in Southeast Texas and is applying for a U.S. Department of Transportation RAISE (Rebuilding American Infrastructure with Sustainability and Equity) grant for Redefining Rest Stops: A Multimodal Strategy for Sustainable Truck Parking in Southeast Texas that includes the TXDOT FM 1495 Parking Project.
2. WHEREAS, Port Freeport is a diverse port and a leading economic and jobs catalyst for the Texas Gulf Coast. Port Freeport currently ranks 13th among U.S. ports in total foreign waterborne tonnage handled. Approximately 30 million tons of cargo is transported annually port wide.
3. WHEREAS, according to the 2022 Economic Impact Study completed by the Texas A&M Transportation Institute (TTI), Port Freeport and the Freeport Harbor Channel support 266,300 jobs nationally, generating \$22.5 billion in labor income, with a total national economic impact of \$157.3 billion.
4. WHEREAS, according to the 2022 Economic Impact Study completed by TTI, Port Freeport and the Freeport Harbor Channel support 10,000 direct Brazoria County jobs, generating \$1.7 billion in labor income, with a total annual Brazoria County economic impact of \$52.6 billion.
5. WHEREAS, as many as 1,000 people can be working at the Port Freeport public facilities on any given day. This does not include over-the-road truck drivers.
6. WHEREAS, locally, union employment of men and women from nearby underserved communities is fast growing. Longshoreman hours and wages have been steadily growing and will increase substantially with new business operations commencing in 2024.
7. WHEREAS, Port Freeport public facilities are in the City of Freeport, an underserved community.
8. WHEREAS, FM 1495 provides direct connection to all Port Freeport gates of entry and exit and is critical to maintaining safe and efficient commodity flows to and from Port Freeport.
9. WHEREAS, the TXDOT FM 1495 Parking Project will provide critical freight infrastructure by providing staging and pre-clearance area for truckers accessing Port Freeport.
10. WHEREAS, the TXDOT FM 1495 Parking Project will reduce truck congestion on the state roadway, reduce truck idling and related emissions, and improve access gate and roadway safety.
11. WHEREAS, the TXDOT FM 1495 Parking Project includes electric charging stations for trucks which will support the transition to cleaner alternative fuels.
12. WHEREAS, the TXDOT FM 1495 Parking Project includes sidewalks, ADA ramps and other intersection improvements that will provide a safe alternate mode of transportation to trucker drivers when accessing food and retail.

13. WHEREAS, the TXDOT FM 1495 Parking Project includes pedestrian improvements that will provide the Freeport community with an ADA accessible first-last mile connection from transit to Port Freeport.
14. WHEREAS, Port Freeport has been and continues to strategically invest in its container handling terminal, expanded gate facilities, multi-modal access, and the Freeport Harbor Channel. These investments are attracting new business, investment and jobs to the Port and our community.
15. WHEREAS, a \$140 million berth extension project was completed in 2023 adding 1,000 linear feet of berth to the Port's container terminal and two electric super post-Panamax ship-to-shore cranes are on order.
16. WHEREAS, in a joint venture with the U.S. Army Corps of Engineers, the Freeport Harbor Channel is being deepened to depths ranging between 51 feet and 56 feet. The final contract on this \$295 million project was awarded in 2023, and the project is scheduled for completion by the end of 2025.
17. WHEREAS, in 2024, Volkswagen Group of Americas will open a 120-ac vehicle processing and distribution facility that will handle 140,000 vehicle imports per year from Mexico and Europe to serve 300 dealers in the United States creating 300 new jobs in the community.
18. WHEREAS, Fresh Del Monte Produce, Inc. is relocating their operations to Port Freeport and will begin operations in 2024. To support the Del Monte operation, an 80,000 square foot chilled cross-dock facility with 80 cargo doors is also being built. Their operation will bring 80 to 100 new jobs to the area.
19. WHEREAS, given the greater freight movement, the proposed freight parking project will address spill-over cueing along FM 1495 as well as support efficient operations at Port Freeport.
20. WHEREAS, Port Freeport, as a project partner, is willing to commit the land, known as Parcel 42 located on FM 1495, for freight parking and is willing and able to enter into an agreement with TXDOT by resolution, should the project get selected for funding.
21. WHEREAS, Port Freeport, as a project partner, is willing and able to provide ongoing maintenance for the project.

**NOW, THEREFORE, be it RESOLVED**, the Port Commission of Port Freeport does hereby support TXDOT's application to the U.S. Department of Transportation for a RAISE grant that includes the TXDOT FM 1495 Parking Project and is committed to work with the State to implement the proposed project that will greatly enhance safety and promote economic development and jobs in our region.

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Ravi K. Singhania, Chairman

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Kim Kincannon, Asst. Secretary

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Rob Giesecke, Vice Chairman

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Rudy Santos, Commissioner

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Barbara Fratila, Secretary

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Dan Croft, Commissioner



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## MEMORANDUM

**TO:** Commissioners  
Directors  
Legal Counsel

**FROM:** Jason Hull, P.E.   
Director of Engineering

**DATE:** February 2, 2024

**SUBJECT:** Port-wide Pavement Repairs, Change Order #1

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During the execution of the work, McCarthy crews discovered an existing waterline leak inside a steel casing and under the pavement. In addition to the scoped pavement that was to be removed and replaced, a much larger area of pavement needed to be removed and excavated to locate the line so that it could be capped. Because of nearby waterlines, storm sewer lines, electrical power lines, and passing traffic, the waterline took 5 days to locate and cap. At the time I am writing this memo, I do not have the final costs of the change order. I am writing this memo in order to get on the agenda and I expect to have a cost for approval at the meeting on 2/8/24.

### PORT COMMISSION

RAVI K. SINGHANIA, CHAIRMAN; ROB GIESECKE, VICE CHAIRMAN; BARBARA FRATILA, SECRETARY; KIM KINCANNON, ASST. SECRETARY;  
DAN CROFT, COMMISSIONER; RUDY SANTOS, COMMISSIONER; PHYLLIS SAATHOFF, EXECUTIVE DIRECTOR/CEO







