

Minutes of Port Commission Regular Meeting
March 10, 2022
In Person & Videoconference

A Regular Meeting of the Port Commission of Port Freeport was held March 10, 2022, beginning at 10:10 AM at the Administration Building, 1100 Cherry Street, Freeport, Texas.

This meeting agenda with the agenda packet is posted online at 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.

Public comment will be available at the beginning of the meeting during the agenda item devoted to public comment. Public comment may be communicated in person or by videoconference, 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.

The videoconference is available online as follows:

Join Zoom Meeting

<https://us02web.zoom.us/j/87386571323?pwd=bHp2NzJuQzhIZXY5WmJwdTk5cEhKQT09>

Meeting ID: 873 8657 1323

Passcode: 925633

Dial by your location

+1 346 248 7799 US (Houston)

+1 301 715 8592 US (Washington DC)

Meeting ID: 873 8657 1323

Find your local number: <https://us02web.zoom.us/u/kctilb0Ub6>

Commissioners present in person:

Mr. John Hoss, Chairman

Rudy Santos, Vice Chairman

Mr. Dan Croft, Secretary

Mr. Rob Giesecke, Asst. Secretary

Mr. Shane Pirtle, Commissioner

Commissioners present virtually:

Mr. Ravi Singhania, Commissioner

Staff Members Present:

Mr. Peter Nemeth, Interim 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. 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. Jesse Hibbetts, Operations Manager
Mr. Nick Malambri, Engineering Specialist

Also, present:

Mr. Chris Moore, Texas Port Ministry
Ms. Patti Worfe, The Alliance
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. Chris Moore, Texas Port Ministry
3. Pledge of Allegiance – U.S. Flag and Texas Flag
4. Roll Call – Commissioner Hoss noted that Commissioner Singhania will be participating in the meeting virtually. All other Commissioners were present in the Board Room.
5. Call to identify and discuss any conflicts of interest that may lead to a Commissioner abstaining from voting on any posted agenda item.

There were no conflicts noted from Commissioners.

6. Public Comment – There were no comments from the public.
7. Approval of minutes from the Special Meeting held February 17, 2022, and Regular Meeting held February 24, 2022.

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.

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 the U.S. Coast Guard sent notice that a HAZID Workshop would be conducted on the vapor control system for the Texas Gulf Link Project. Staff reached out to REM Risk Consultants who participated in the workshop as a representative of Port Freeport. A report from the workshop is forthcoming. Ms. Saathoff reported attending the Port Authority Advisory Committee (PAAC) meeting in Galveston. Additionally, she gave a presentation to the HGAC Freight Advisory Committee on Port Freeport. Port Freeport held its CAP Meeting March 8 with Steve Huttman of G&H Towing as the presenter. Ms. Saathoff acknowledged Texas Port Ministry's successful banquet held March 3, noting the community is very supportive of the work TPM does at Port Freeport. Congress is moving the Appropriations Bill and had hoped to have it passed however more discussion is needed

with regard to further COVID relief funding. Ms. Saathoff noted other considerations for the U.S. Army Corps of Engineers which includes \$2.49 billion in construction funding, \$4.57 billion for operations & maintenance budget as well as additional funding allocated towards the Port Infrastructure Development Program, the Rebuilding America Infrastructure with Sustainability & Equity (RAISE) Program and the Consolidated Rail Infrastructure & Safety Improvements Program. Ms. Saathoff reported on the USACE Galveston District Stakeholder Winter Forum where she had the opportunity to meet with Robyn Colosimo from the ASA's office to brief her on the FHCIP. Briefings were also held with Stacey Brown who is moving to the ASA's office to replace Vance Stewart, and Jaime Pinkham, who was the previous acting interim ASA. Mr. Pinkham confirmed new ASA Connor's visit to Port Freeport March 15, along with BG Beck. March 16, staff will brief OMB, Kelly Colyar and Maria Kim, on the FHCIP. Lastly, Ms. Saathoff noted a dredge is in the channel dredging the widening around the Dow Thumb which will take about 60 days to complete.

9. Approval of a Professional Services Agreement with Freese & Nichols, Inc. for the Parcel 14 Rail Expansion Project, for an amount not to exceed \$399,662.00, and approve acceptance of the C.R.I.S.I. Grant.

Mr. Hull explained that Freese & Nichols is the engineering firm that performed services for Phase I of this project, and recommends they also perform services for Phase II. Staff has reviewed the fee proposal and recommends approval of the agreement. Phase II will add four tracks totaling approximately 20,000 track feet of track on existing stabilized ground to connect and expand the Port's rail capability into Parcel 14.

A motion was made by Commissioner Pirtle to approve the agreement as recommended by staff in the amount of \$399,662.00 and acceptance of the C.R.I.S.I. grant. The motion was seconded by Commissioner Santos with all Commissioners present voting in favor of the motion.

10. Approval of a Professional Services Agreement with Montrose Environmental Solutions, Inc. for the 2022 Environmental Regulatory Compliance Services, for an amount not to exceed \$13,620.00.

Mr. Hull stated that Port Freeport has a TCEQ Stormwater Quality Permit and is required every year to submit samples for testing. The agreement covers the samples and testing of the samples which are reported directly to TCEQ. In the event there is an exceedance, an investigation will be held as a requirement of the permit. This agreement also covers staff training. Staff recommends approval.

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

11. Update and discussion regarding the search for General Counsel and the Request for Proposals.

Ms. Saathoff reported the committee has been working to put together a Request for Proposals (RFP) document and has a final draft ready for discussion. Ms. Saathoff presented the proposed timeline and information requested in the proposal and asked for guidance relating to whether the Commission wants a litigating attorney or a licensed practicing attorney. She noted that once the RFP is finalized, it will be sent out from a special email

account (GCRFP@portfreeport.com) set up specifically for this and posted to the Port's website. Commission discussed additional ways to advertise the RFP and suggested an adjustment to the timeline to allow 30 days for submittal. After the RFP is edited to address the items discussed including additional edits in Section III under Duties/Services and License, it will be distributed and uploaded to the Port website on Friday.

12. 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 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 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, 19, 27, 34 and property on Quintana Island.

13. RECONVENE OPEN SESSION:

14. Adjourn.

With no further business before the Commission, the meeting adjourned at 11:58 PM.