

Minutes of Port Commission Regular Meeting  
April 27, 2023  
In Person & Videoconference

A Regular Meeting of the Port Commission of Port Freeport was held April 27, 2023, beginning at 1:08 PM at the Administration Building, 1100 Cherry Street, Freeport, Texas.

**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.

Join Zoom Meeting

<https://us02web.zoom.us/j/85748082164?pwd=cFRhekd6Y2tGMGkxWVFtSDJHK01aZz09>

Meeting ID: 857 4808 2164

Passcode: 566278

Dial by your location

+1 346 248 7799 US (Houston)

Meeting ID: 857 4808 2164

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

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:

Ms. Grady Randle, Legal Counsel  
Ms. Phyllis Saathoff, Executive Director/CEO  
Mr. Rob Lowe, Director of Administration/CFO  
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, Director of Information Technology  
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  
Ms. Christine Lewis, Safety Coordinator

Also, present:

Mr. Chris Moore, Texas Port Ministry

Ms. Megan Mikutis, RLO  
Ms. Barbara Fratila  
Ms. Karla Clark  
Mr. Sammy 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 all Commissioners were present in the Board Room.
5. Safety Briefing – Ms. Christine Lewis provided a safety moment with driving tips during rainy weather.
6. 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 by Commissioners.

7. Public Comment – There were no public comments.
8. Public Testimony – There was no public testimony.
9. Approval of minutes from the Regular Meeting held April 13, 2023 and the Special Meeting April 18, 2023.

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

10. 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

Ms. Saathoff reported on the visit with representatives from APS Stevedoring (who will work with Volkswagen) as well as members of the purchasing team at Volkswagen to see the VW site and tour the Port. Staff received a request from Margaret Kidd with the University of Houston for a support letter in their effort to submit a proposal for a grant from the National Science Foundation. The title of the proposal is Climate smart GlobAl porT research centER (GATHER) which has three research thrusts including clean port energy, green port supply chain, and port resilience. Ms. Saathoff will be sending a letter supporting their proposal. Additionally, staff received a note from County Commissioner Dude Payne with a request from TxDOT for a support letter to be sent to the Houston-Galveston Area Council for the call

of projects for regional goods movement. Commissioner Payne is supporting the effort and Ms. Saathoff suggested the Port also send a letter of support as there are several projects important to Brazoria County and improvements to roadways that support the Port. Ms. Saathoff received an invitation from TxDOT to participate in a working group for the US 90 Corridor Project which would span from Interstate 10 Junction in Van Horn to the Louisiana border. There will be three working groups (West, Center & East) with the Port participating in the East working group. The Commission then discussed the May meeting dates with Ms. Saathoff stating that May 11 is the scheduled first meeting in May; however, the Commission must also canvass the election May 15, 16 or 17. Additionally, the second meeting of the month is May 25 however, staff is planning the Berth 8 Ribbon Cutting Ceremony for May 30 and suggested moving the second meeting to that date to accommodate the ribbon cutting event and have a farewell reception for Commissioner Hoss. A suggestion was also made to move the May 11 first meeting to May 16 at 1 p.m. to accommodate the canvassing. The second meeting on May 30 will also be held at 1:00 p.m. With regard to TxDOT potholes, Ms. Saathoff noted the team will collect information on locations and relay it to TxDOT as they have been very responsive. Finally, the Port's 23<sup>rd</sup> Annual Take-a-Child Fishing Tournament is slated for May 6 with the port team working to get everything ready for the event. Captain's Dinner will be held May 4.

B. Chief Financial Officer

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

C. Director of Engineering

Mr. Hull shared current photos of the progress at Berth 8 and rail project on Parcel 14. He also reported the Dock 5 repair has been completed as well as the inspection with an assessment of fair condition. Life expectancy is approximately 100 years with another 30 years expected.

D. Director of Operations

Mr. Durel provided an update on March statistics for the Port stating there were 14 vessels for Freeport LNG with 16 or 17 projected for April. 9 RoRo vessels for March with the same amount projected for April. Steel saw 91,000 tons in March with April expecting 3 vessels. Mr. Durel noted that last fiscal year (2022), the Port averaged 38 vessels per month with this month handling 40 vessels. Total vessels port-wide year to date is 510 vs. 633 last year. Vehicles handled year to date is 50,686 vs. 46,700 last year. Containers' year to date is 23,359 vs. 22,000. Chris Hogan has been preparing for hurricane season by reviewing the Port's Hurricane Plan as well as reviewing Hazard Mitigation Plan topics with staff. Christine Lewis conducted a Safety Walkabout with G&H Towing who hosted a tour of their harbor tug. Additionally, fire extinguisher safety training was recently provided to all port staff. Austin Seth and Katie Tudor attended the Texas A&M Career Fair. Hannah Fitzsimmons hosted a group of exchange students from Denmark that included a Port presentation and tour. Additionally, Austin and Hannah also attended the WGMA Membership Meeting which included a presentation by Ms. Saathoff.

E. Director of Business & Economic Development

Mr. Miura reported on conferences recently attended including the Port of the Future Conference, JOC Breakbulk & Project Cargo Conference, Wood Mackenzie Hydrogen/Ammonia briefing as well as the Industry Advisory Board with University of Houston and their Supply Chain Logistics and Technology Program for College of Engineering. Staff will be attending the Finished Vehicle Logistics Conference in May and finally, staff will

release an RFP for a Port Rail Terminal Switching Operator May 1. Commissioner Singhanian commented on the briefing with Wood Mackenzie stating there are a lot of tax incentives with carbon dioxide, green ammonia and gray. He also suggested staff and Commission look further into this and decide what role the Port will play. Wood Mackenzie may also be able to assist with the development of the Port's ESG position.

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

A. April 13 OSS Advisory Committee – Commissioner Pirtle reported the committee reviewed the RFP for a Port Rail Terminal Switching Operator which will be released May 1 as previously reported by Mr. Miura.

B. Port Commission related meetings or conferences, Port presentations and other Port related matters.

Commissioner Pirtle reported attending the BCCA Dinner, BCPC, Texas Port Ministry Banquet, San Jacinto Day Festival, ABC Membership Luncheon and the West Columbia and Brazosport Rotary Shrimp Boils.

Commissioner Croft reported attending the Texas Port Ministry Banquet.

Commissioner Santos reported attending the committee hearing in Austin.

Commissioner Singhanian reported attending several of the events previously mentioned as well as the U.S. Panama Business Council and the Lake Jackson Airport Fly-In.

Commissioner Giesecke also reported attending the Brazosport Rotary Club, Texas Port Ministry Banquet and 100 Club Banquet.

Commissioner Hoss reported attending committee hearings in Austin as well as attending several of the events mentioned above.

12. Approval of financial reports presented for the period ending March 31, 2023.

A motion was made by Commissioner Singhanian to approve the reports as presented and the bills over 90 days resolved. The motion was seconded by Commissioner Giesecke with all Commissioners present voting in favor of the motion.

13. Approval of the purchase of NRVs for camera storage, for an amount not to exceed \$40,736.94.

Mr. Robertson stated it's time to refresh the hardware for camera storage with the last hardware purchase taking place in 2016. As mentioned before, once hardware begins to reach this age, warranty renewals become difficult. Staff obtained two Texas DIR quotes with Waypoint submitting the lowest at \$40,736,94. Staff sized it in such a way that it will meet 6 years of life again. Mr. Robertson explained that currently the hardware stores approximately 60 terabytes of camera footage and the new hardware will be moving to 220 terabytes. The

hardware can be delivered in two weeks so there will be no delay and the installation will be done in-house by staff. Staff reviewed these quotes with the OSS Advisory Committee April 13.

A motion was made by Commissioner Pirtle to approve the purchase from Waypoint as recommended by staff. The motion was seconded by Commissioner Croft with all Commissioners present voting in favor of the motion.

14. Approval of the purchase of a transformer for the ZPMC Gantry Cranes, in the amount of \$44,421.00 plus freight.

Mr. Durel stated there was a recent failure with an auxiliary transformer in crane #2. Because staff had a spare on hand, the repair was made with minimal time lost. Staff would now like to make a purchase from Hitran to replace the spare auxiliary transformer. The transformer is an exact match, sole proprietor however, delivery isn't until January 2024. Mr. Durel noted this is not a budgeted item.

A motion was made by Commissioner Santos to approve the purchase of the transformer in the amount of \$44,421.00 plus freight which is estimated at \$4,000.00. The motion was seconded by Commissioner Singhanian with all Commissioners present voting in favor of the motion.

15. Approval of a Professional Services Agreement with Leaf Engineers for the Fiber Optic Extension Project, for an amount not to exceed \$22,000.00.

Mr. Hull reminded the Commission when the Gate 12 design was approved, he noted that it would not include the fiber optic extension. This PSA with Leaf Engineers is for the extension of the fiber optic from the EOC to the new Gate 12 location. Staff recommends approval in the amount of \$22,000.00.

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

16. Receive update and discuss legislation under consideration in the Texas 88<sup>th</sup> Legislature.

Ms. Saathoff stated that things are moving quickly through the legislature noting that the House and Senate have appointed their conferees on the budget (appropriations packages) with the initial meeting held this week. Items currently in the House bill include the \$400M funding the Ship Channel Improvement Revolving Loan Fund as well as \$150M in the House/Senate budgets for the Port Capital Improvement Program. Additionally, there is a House substitute for SB30 for an additional \$200M for port capital improvements.

She then gave an update on the bills that are of interest to the Port as well as Commission supported TPA sponsored bills which include the following...

SB5 / HB5 – School tax abatement program; passed Senate and recorded favorably in the House; referred to House Ways and Means.

SB541 – Prevents state government entities from doing business with a vendor who are prohibited from participating in federal contracts under the John S. McCain National Defense Act of 2019; passed Senate and received in the House; referred to House State Affairs.

HB71 – Establishes a program for the oceans of digital identification in Texas; placed on the state calendar for approval April 28.

SB1104 – Disasters and emergencies. Re-establishes the rules governing state declared emergencies; passed Senate and received in the House; referred to House State Affairs.

TPA Sponsored Bills:

SB1499 (Nichols) - Port Improvement Fund; passed Senate and received in House Transportation; reported favorably as substituted.

SB1500 (Nichols) – Port Omnibus Bill; previously passed Senate and referred to House Transportation; reported favorably as substituted.

SB818 (Alvarado) – Land Bill (Disposition of real property); previously passed Senate and referred to House Transportation; reported favorably.

HB2190 – Accidents. Changes terminology from accidents to crashes. Picks up everything in the transportation code including the sections applicable to the Brazos Pilots. They had communication with the bill author about narrowing it down to vehicle/roadway crashes; reported favorably out of Transportation as substituted.

Gulf Coast Protection Trust Fund – Passed House and received in Senate; referred to Natural Resources and Economic Development.

SB1569 Sunset Review of Gulf Coast Protection District – Passed Senate and received in House and State Affairs; reported favorably out of State Affairs.

HB3295 (Vasut) – City Park Lands; reported favorably from Urban Affairs Committee and recommended for local consent.

Substitute bill by Lazano - Would task Texas Transportation Institute with performing an economic impact analysis and growth protection for all Texas ports and would include county wide impacts. Approved and referred to the calendars.

HB5336 (Vasut) – Powers and duties of Port Freeport and relationship within the City of Freeport; staff testified, reported favorably and recommended for local and consent calendar.

Commissioner Singhanian inquired about the possible \$350M port capital improvements asking if it's allocated to certain projects. Ms. Saathoff explained that it's handled like the RIDER programs, it would be administered through the Texas Department of Transportation Maritime Division and the Port Authority Advisory Committee using a similar process. PAAC is working on criteria and guidelines for application as well as how it will be reviewed which will include a separate panel of the Texas Transportation Institute and other bodies representative of the entire coastline who will independently score and present back to PAAC for final approval before submitting to Texas Transportation Commission for final approval.

Commissioner Singhania also inquired if the \$400M was for the Port of Houston ship channel. Ms. Saathoff explained that a number of sessions ago the legislature created the Ship Channel Improvement Revolving Loan Program but never funded it. It will now be funded and provide another financing mechanism for meeting the local sponsor obligation on federal contracts for ship channel projects. All federally authorized projects are eligible to apply for a loan.

Commissioner Croft inquired if there was any funding by the state in association with the trust fund. Ms. Saathoff stated it's not in this bill but if the funding is there, it will come out of surplus and the appropriations package, but she has not seen the funds at this time.

17. 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 551.087 (Economic Development Negotiations or Incentives):
    1. To discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations.
    2. To deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
  - C. 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, 7 and 8.
    3. The potential exchange, lease, or value of real property located at Port Freeport, including but not limited to Parcels 12, 13, 14, 19, 27, 34 and property on Quintana Island.

18. RECONVENE OPEN SESSION:

19. Adjourn.

With no further business before the Commission, the meeting adjourned at 3:26 PM