

Minutes of Port Commission Special Meeting
May 19, 2023
In Person & Videoconference

A Special Meeting of the Port Commission of Port Freeport was held May 19, 2023, beginning at 1:01 PM 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.

The videoconference is available online as follows:

Join Zoom Meeting

<https://us02web.zoom.us/j/84766907095?pwd=ZlNpMkxzZzB1M29KSklFETWluYXJ4dz09>

Meeting ID: 847 6690 7095

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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. Shane Pirtle, Commissioner
Mr. Ravi Singhania, Commissioner

Staff Members Present:

Mr. Grady Randle, Legal Counsel
Ms. Phyllis Saathoff, Executive Director/CEO
Mr. Rob Lowe, Director of Administration/CFO
Mr. Jason Hull, Director of Engineering
Ms. Missy Bevers, Executive Assistant
Mr. Brandon Robertson, Director of IT
Ms. Mary Campus, Controller
Mr. Mike Wilson, Director of Economic & Business Development

Also, present:

Mr. Peter Nemeth, Crain, Caton & James
Ms. Megan Mikutis, Randle Law Office
Ms. Barbara Fratila
Mr. Manning Rollerson
Ms. Amy Dinn

1. CONVENE OPEN SESSION in accordance with Texas Government Code Section 551.001, et. seq., to review and consider the following:
2. Roll Call – Commissioner Hoss noted that all Commissioners were present in the Board Room.
3. 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.

4. Public Comment – There were no public comments.
5. Public Testimony – Mr. Manning Rollerson of Freeport addressed the Port Commission regarding Agenda Item 8.
6. 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 or a settlement offer).
 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).
7. RECONVENE OPEN SESSION:
8. Approval of a Third Mediator’s Settlement Proposal dated 04-25-2023 providing a Framework for Resolution of issues between Port Freeport and the City of Freeport.

Commissioner Hoss stated that this third proposal is what the City of Freeport approved at their May 15 meeting and noted for the record, the City Secretary Certificate of the City’s approval of the Third Mediator’s Settlement Proposal has been attached as Exhibit A to the Resolution. Commissioner Giesecke commented that he is fairly pleased with where this ended up, stating that it strikes a good balance between the needs of the Port and the interest of the city. He added that he opposed taking the legislative route voting against the resolution, but he would vote the same way again adding that the ends don’t always justify the means, but where they ended up is good. He appreciates the efforts of Judge Sebesta and Cody Vasut in getting everyone to this point as well as the members of the negotiating team being agreeable to a lot of the City’s requests, going a long way in seeking a good solution for the city as best as they could do at the time. Commissioner Hoss concurred and added that there has been a lot of misinformation on social media, that people have either taken bits and pieces of that is out of context or fabricated information. He believes this is a good solution for the citizens of Freeport as well as the citizens of the district. It gives protection to the citizens and gives an avenue to reach the end of a dispute between lands, between the Port and the City. He further added that it allows the Port to grow with boundaries firmly set in place by statute, assuming the legislation

passes, noting that he feels the Commission has addressed everything that has been presented over the course of time. Commissioner Giesecke added that if they had gotten to this point without the threat of disannexation he would be ecstatic with the agreement, but the process got them to this point, and he looks forward to closing this chapter and moving on to other issues. Commissioner Hoss added they can get back to building things. Ms. Saathoff stated they can continue to build a positive relationship between the Port and City. Commissioner Singhania commented that he believes this will lead everyone to more harmony over time as the wounds heal. Commissioner Santos echoed Ms. Saathoff's comment stating that he feels this will be good for Port Freeport, the city, the area and the County in allowing everything to expand, adding that the Port will be good neighbors in the future.

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

9. Approval of an Interlocal Agreement between Port Freeport and the City of Freeport.

Ms. Saathoff stated that the purpose of this agreement is to set in place the Port's ability to move forward with the completion of certain roadway improvements and repairs in the expansion area. The Port has received a grant through the Texas Department of Transportation (TxDOT) to offset costs to the improvements which will be to Eighth Street and Terminal Street as well as support the creation of a new access into Velasco Terminal. The agreement allows the Port to move forward with the roadway projects and enter into an agreement with TxDOT before monies are allocated elsewhere. This does not cost the city anything and allows the Port to build a new access from East Second Street onto FM 1495. Commissioner Santos commented that he is glad this is going forward but also asks the citizens to forgive the Port for the inconvenience while this project is being done but the outcome will be harmonious.

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

10. Adjourn.

With no further business before the Commission, the meeting adjourned at 2:03 PM.