

Minutes of Port Commission Regular Meeting
September 28, 2023
In Person & Videoconference

A Regular Meeting of the Port Commission of Port Freeport was held September 28, 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.

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Commissioners present in person:

Mr. Ravi Singhania, Chairman
Mr. Rob Giesecke, Vice Chairman
Ms. Barbara Fratila, Secretary
Mr. Kim Kincannon, Asst. Secretary
Mr. Rudy Santos, Commissioner
Mr. Dan Croft, Commissioner

Staff Members Present:

Ms. Grady Randle, Legal Counsel
Ms. Phyllis Saathoff, Executive Director/CEO
Mr. Rob Lowe, Director of Administration/CFO
Mr. Jason Miura, Director of Business & Economic Development
Mr. Jason Hull, Director of Engineering
Mr. Al Durel, Director of Operations
Ms. Missy Bevers, Executive Assistant
Ms. Mary Campus, Controller
Mr. Rico Arbolante, Help Desk Technician
Mr. Don Mullett, Crane Maintenance Manager
Mr. Jesse Hibbetts, Operations Manager
Ms. Tricia Vela, Public Affairs Assistant
Ms. Christine Lewis, Safety Coordinator

Also, present:

Mr. Chris Moore, Texas Port Ministry
Mr. Paul Bridges, Paul Bridges & Associates
Ms. Heather Cook, Randle Law Office

Mr. Mark Friudenberg, Captain Mark's Seafood
Ms. Gloria Milsap, Senator Huffman's Office
Mr. Stuart Herbst, Terracon
Mr. Sammy Chambless
Mr. Santos Aluiso, ILA
Ms. Sheila Marquez, Local 1817
Ms. Louise McKnight, Local 1817
Taylor Washington
A. Higuera
B. Anderson
A. Sanchez

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 Singhanian noted that all Commissioners were present in the board room.
5. Safety Briefing – Ms. Christine Lewis provided a safety moment with tips related to safety health observation.
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 Special Meeting held September 14, 2023.

A motion was made by Commissioner Giesecke to approve the minutes as presented. The motion was seconded by Commissioner Santos 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 announced that the Texas Transportation Commission met earlier in the day and awarded the projects under the \$200 million that was allocated and appropriated by the legislature for port infrastructure projects inside the gate. Port Freeport will receive

\$11.5 million for further improvements in the area adjacent to the container berth (Area 5). The Port also submitted two projects for Seaport Connectivity Funds (formerly called Rider Funds) and received \$4.7 million for those as well. The two projects include improvements at Fifth Street and Gate 4. The Port will match funds at a 25% share. Ms. Saathoff complimented the team on a great showing at the Breakbulk Conference in Houston earlier in the week noting staff highlighted the increase in containerized movements with fruit trucks up 8.7% and generalized cargo up 4.7%. Vehicle units are ahead of last year with more vehicles carried on average per vessel. Ms. Saathoff noted that Chris Hogan recently hosted a Ro/Ro tabletop exercise with participation from several local emergency responders as well as the U.S. Coast Guard. Ms. Saathoff also reported speaking at the Angleton Chamber Women's Leadership Conference held earlier in the day. The Port Freeport Golf Tournament is slated for October 16 at The Wilderness. All teams have been sold, and it looks to be a successful event.

B. Director of Engineering

In addition to his report, Mr. Hull shared a current picture of the bend easing and shoreline stabilization which is complete. Mr. Hull also reported dredging in the upper Stauffer was complete last week. He also shared a picture of the Great Lakes Hopper Dredge Ellis Island which is currently in the channel working in the option Reach 3. Commissioner Singhania inquired when the channel dredging is scheduled to be completed. December 2025. He also commented that he didn't realize the pavement repairs project involved taking out old concrete and replacing with new concrete. He also commented on the Parcel 14 Pump Station long delivery of new pump slated for November of 2023.

C. Director of Operations

Mr. Durel reported on vessel statistics noting that total vessels year to date is 362 vs 433 vessels last year. LNG this year is 109 vs 149 last year. Ro/Ro's are at 97 this vs 124 last year. Currently the Port has 82,000 vehicles vs. 80,000 last year. Containers are up with 44,000 vs 40,000 last year. Total tonnage without LNG is 1.9 million tons vs 1.8 million tons last year. Total Port wide is 1,000 vessels vs 1,105 previous year. Safety is preparing for CPR training classes for Port staff. Security is working to have security personnel trained/certified to conduct the training classes. Mr. Durel also commented on the Ro/Ro Tabletop Exercise and its success in attendance and eye-opening conversations.

D. Director of Business & Economic Development

Mr. Miura reported on the Breakbulk Conference in Houston thanking his colleagues for their support at the conference as well as the Commissioners for their attendance and support at the conference and customer reception. The RFP for the Rail Switcher will be coming to a close and staff will be meeting with the OSS Committee to make a recommendation. He also noted the Port will soon be receiving steel by rail.

E. Chief Financial Officer

Mr. Lowe gave a presentation regarding the financial results for the month of August. Commissioner Giesecke inquired further about water billing issue. Mr. Lowe explained the first billed received under the new meter was higher than expected so staff requested support from the City. The bill was paid but staff is analyzing the usage as it seemed a little high. The most current billed received was more in line with what staff has seen before but they will remain watchful. Commissioner Giesecke also inquired if the

estimated payments to the City (while the meter was out) was on the mark with what was now being billed to the Port. Mr. Lowe agreed adding that staff estimated a payment amount based on what had been billed 18 months prior to the billings stopping. Commissioner Giesecke stated that after having a few months of good numbers, he would like to make sure the Port was paying its fair share because he doesn't want there to be a perception that we weren't paying and put the rumors to rest of owing several million dollars. Mr. Lowe again acknowledged the Port was the initiator in making any payments when the meter was down because the City was not sending bills for several months. Ms. Saathoff noted the Port was paying about \$25,000/month on the estimated basis while the most recent water bill received was about \$14,000. Commissioner Singhania inquired if the difference between last year and this year's cash provided by operations was primarily because of the LNG difference. Mr. Lowe stated he would follow-up with the answer next month or through a communication to the Port Commission.

11. Approval of financial reports presented for the period ending August 31, 2023.

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

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

Commissioner Croft reported attending the Port's Customer Reception at the Breakbulk Conference, West Columbia Chamber event and the JA Business Hall of Fame Ceremony.

Commissioner Kincannon reported attending the WC Chamber event, CAP Meeting and other fundraisers not Port related.

Commissioner Giesecke reported attending the CAP Meeting, Business Hall of Fame Ceremony, VOW 22 Gala, BCCA Meeting, USCG Capt. Donohue Visit as well as the Breakbulk Customer Reception. In addition, he also helped provide lunch at Texas Port Ministry

Commissioner Fratila reported attending the Friends of the River Annual Meeting and the Angleton Chamber Women's Conference.

Commissioner Santos attended the CAP Meeting and the Breakbulk Conference and Customer Reception.

Commissioner Singhania reminded everyone the Workshop will be held November 2 at 8:30 a.m. In order to make it very productive, Commissioner Singhania asked Commissioners to submit any topics for the workshop to Ms. Saathoff by October 9 so appropriate material can be prepared for the workshop. Items already noted for the agenda include the state charter and the Port's responsibility, business development update and upcoming obstacles, master plan and Public Information Act. Additionally, Commissioner Singhania made a clarification with regard to performance reviews, to please send any comments related to Rob

or Missy to Phyllis by October 15 and send comments related to Phyllis to Commissioner Singhanian by October 15.

Commissioner Singhanian also attended the Breakbulk Conference and Customer Reception as well as the Maritime Dinner, Business Hall of Fame Ceremony and Indo-American Chamber Dinner. He also noted that Ms. Saathoff will be receiving the Texas Transportation Institute Russell Perry Award October 10.

Ms. Saathoff also noted that Bay-Houston Towing announced at the reception that they will have the full complement of tugs back into service.

13. Approval of proposed adjustments to Port Freeport Tariff No. 005.

Mr. Miura stated that July 11 staff met with the Finance Advisory Committee and recommended a 5% general rate adjustment to Port Freeport Tariff No. 005 to be effective October 1, 2023. Subsequently, on August 8 a meeting was held for port partners, tenants and users to provide an overview of the proposed adjustment and answer related questions with no negative feedback received during or after the meeting. Mr. Miura noted additional documents provided which included the following:

1. The final spreadsheet showing the rate adjustments from 2022 to 2023.
2. Spreadsheet comparing Port Freeport rates to other Gulf ports. Mr. Miura noted that in reviewing his notes, he realized he did not include this time but will make it available.
3. Port Freeport Tariff No. 005 redline version showing the recommended changes and adjustments.

Staff recommends approval of the adjustments to the tariff as presented with any additional non-substantial changes such as grammar, formatting, corrections or omissions to be effective October 1, 2023. Commissioner Singhanian inquired about the 2-year running total of CPI adjustment lag. Mr. Miura stated that in 2021 the Port made a 5% rate adjustment. Staff looked at the previous 5-year period and noticed there was a gap of 5% (including the CPI from the previous year) whereas there had been a 15% total change in CPI and the Port only made a 10% adjustment to the tariff. Last year staff saw an inflationary period of 8.4% and recommended only a 5% adjustment but committed to try and make up the delta in future years. This year there is a 4.3% CPI, but staff is still recommending 5% to help with the difference however there will still be a 2.5% lag. Should there be a 1% CPI the Port will recommend a 3.5% minimum adjustment to make up the rest of the lag.

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

14. Discuss and consider proposals received for two (2) new gantry cranes.

Mr. Durel stated that over the last year staff has worked with Paul Bridges with Paul Bridges & Associates (PBA) to look for used and new cranes and presented a memo of the process over that time. Staff advertised for proposals and received one from ZPMC. The proposal included a bid of \$23,408,000 for two base cranes (sister cranes) and a bid of \$25,168,000 for two super post panamax cranes, for a difference of \$1,760,000. In addition, a spare parts inventory will need to be established at an estimated cost of \$800,000. He also noted the final

terms, commercial and legal terms may impact the final price however staff doesn't feel it will move the needle very much. Staff recommends moving forward to draft a contract to purchase the cranes. Mr. Durel noted that if the Port signs a contract before October 31, there is an incentive of \$99,000 included in the proposal. He also shared a drawing that depicts the size difference in both the existing and proposed cranes. Commissioner Singhania asked if the inspection costs are included in the proposal. Mr. Bridges stated the cost for inspections are not built into the proposal and are estimated to be just over \$500,000. He also briefly explained the process. With regard to training, he stated there are requirements within the specifications that the manufacturer provide a number of hours and weeks to develop and train operators and a new maintenance person. In addition, a maintenance simulator is in the cranes that essentially stimulates the drive in the cranes so that while the cranes are operating, maintenance personnel will be looking at the maintenance of the drives with the simulator. The parts for the maintenance simulator can be used on the cranes should a part go down. Additionally, everything is built custom for the cranes, so the simulator actually is based on the drives of the cranes. Other than the cranes being taller, the equipment will be similar to the existing cranes. Commissioner Croft expressed concerned that only one bid was received asking Mr. Bridges to reiterate why there is a lack of bids. Mr. Bridges explained the type of crane that has been specified is unique to the Port. It is a custom designed crane in order to match the existing cranes which allows them to be as similar to the maintenance and operations of the existing cranes. He went on explain that today's market facilitates a couple of manufacturers throughout the world that provide custom-made canes. Other manufacturers provide cranes based on their set standards and would be different from existing cranes. The price difference between standard vs custom crane is minimal and tends to be higher for the standard package vs custom. Mr. Durel stated that if all items can be ironed out, staff would like to bring the contract to the Port Commission for approval at the next meeting adding that the items may adjust the final number +/- . Mr. Lowe briefly spoke to the financing of the cranes, adding that he's been in discussion with Masterson regarding two options for financing, traditional capital financing or a revenue bond. He stated that should the contract be approved and signed at the October meeting, a 20% down payment will be required, and staff will most likely request use of the capital reserve with an understanding that when the bonds are issued, staff will present a resolution to reimburse the capital reserve in an effort to utilize the Port's assets and not hold up the process to order the cranes.

A motion was made by Commissioner Giesecke to proceed to approve two (2) super post panamax cranes for \$25,168,000 plus an additional \$800,000 for spare parts. The motion was seconded by Commissioner Santos with all Commissioners present voting in favor of the motion.

15. Approval of a Third Amendment to the Second Lease Agreement between Port Freeport and Vulcan Construction Materials.

Mr. Miura stated the Port Commission previously approved staff to move forward with preparing an amendment to the 2nd Lease Agreement with Vulcan Materials that allows Vulcan to operate the portable HMA plant under a standard TCEQ permit for a period of one (1) year under the following main terms:

1. Permitted use allowing a standard permit for the operation of the HMA plant shall be valid for 1 year from the date the standard permit is issued by TCEQ.

2. No later than March 31, 2024, Tenant shall install and maintain holly trees on the existing levee that is located immediately adjacent to the western boundary of the Leased Premises.
3. Should Port Freeport receive complaints regarding the operation of the HMA plant from a 3rd party, then Port Freeport shall notify Vulcan in writing with the details of the complaint received, so Vulcan may remedy the complaint.
4. Vulcan shall reimburse Port Freeport for legal fees incurred for the preparation, negotiation, and execution of the Amendment whether the amendment is approved or not.

Mr. Miura stated that a second version of the amendment has been prepared that also considers the following:

1. The amendment shall renew annually at the end of the one-year period unless Port Freeport submits written notice 30 days in advance of its intent not to renew.

Mr. Miura stated this second version was done because there was no discussion at the last meeting about what would happen after the one-year period. Commissioner Singhania stated that after a long discussion at the previous meeting, the Commission agreed to one year and doesn't agree with bringing an amendment to that now. He would rather wait a year and see what the Commission wants to do and put the responsibility on Vulcan to request renewals 30-60 days before expiration. Commissioner Fratila commented that from her experience with contract drafting, she does not agree with evergreen contracts that keep continuing unless you know who and what you're dealing with. As pointed out, the Commission agreed to one year adding that perhaps after one or two years, the Commission could look at an evergreen contract but doesn't like to put the burden on the Port to cut it off. Commissioner Giesecke recalled the agreement was to give Vulcan one year and then take another look at it after that time period. The automatic renewal is a change from what was agreed upon at the last meeting. Commissioner Croft noted the additional dialogue among the Commission was that if Vulcan came in at 6-9 months and things were progressing well, that consideration could be given at that time. Mr. Miura stated the amendment for the one-year term (without automatic renewal) has been prepared, reviewed by counsel and signed by Vulcan.

A motion was made by Commissioner Giesecke to approve the first amendment presented for the one-year term with the Commission revisiting after one year (or before). The motion was seconded by Commissioner Fratila with all Commissioners present voting in favor of the motion.

16. Discuss and consider approval of a Resolution Establishing Permitting Procedures Pursuant to HB 5336, 88th Legislative Session for Port Freeport.

Mr. Hull stated the resolution for consideration is to adopt the following building codes as listed in the resolution...

2018 International Building Code
2018 International Mechanical Code
2018 International Plumbing Code
2018 International Fire Code
2020 National Electrical Code

The resolution has been reviewed and prepared by counsel. Staff recommends approval.

A motion was made by Commissioner Santos to adopt the resolution establishing permitting procedures pursuant to House Bill 5336. The motion was seconded by Commissioner Fratila with all Commissioners presents voting in favor of the motion.

17. Approval of a Professional Services Agreement with SAFEbuilt Texas, LLC for building code plan review and code inspections for the Fruit Transfer Facility project, for an amount not to exceed \$50,000.

Mr. Hull stated that it is staff's recommendation to table this item until such time the Port has a ground lease in place to accompany this agreement. The project calls for plan review and inspection on a project still in the works. Once the lease is approved, this agreement will follow with approval.

18. Approval of a Blanket Gas Easement to CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Texas Gas Operations for VW Development.

Mr. Hull stated that he previously brought a blanket easement for electrical service over to the Volkswagen site for CenterPoint could install the electrical infrastructure. This blanket easement is similar and will give CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Texas Gas Operations the right to come onto port property to install and maintain gas services to the Volkswagen buildings. Staff recommends approval.

Ms. Saathoff noted that Commissioner Giesecke briefly left the meeting. Commissioner Giesecke reentered the meeting right before the vote was taken for this item.

A motion was made by Commissioner Santos to approve the staff's recommendation. The motion was seconded by Commissioner Kincannon with all Commissioners present voting in favor of the motion.

19. Approval of an Easement to Velasco Drainage District for levee easement on the East River Levee.

Mr. Hull stated that this levee easement system was built in the 70s by the Corps and he was recently notified there was a gap in the easement, meaning a piece of the easement that was never recorded containing 0.53 acres of land. The easement before the Commission corrects this. Staff recommends approval.

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

20. Discussion regarding request for creation of Reinvestment Zones for Del Monte terminal improvements and proposed fruit transfer facility.

Mr. Lowe stated that in the legislation related to the City, it includes the right for the Port to seek creation of reinvestment zone for tax abatements for projects taking place on port property. Potential customers began reaching out to the Port regarding abatement, so staff contacted the County to make them aware and see how they wanted to handle. There is a

process whereby any reinvestment zone that is created on Port property, the County requests the applicant and the Port submit a letter of request for the creation of a reinvestment zone along with a map and metes and bounds. This does not approve the abatement but is step one to allow someone to apply for an abatement. Legal counsel has been in contact with the County on the abatement process and whether or not they will take the lead on the abatement process or the City. Ms. Saathoff added that since entities were beginning to look at the abatement program, staff needed address the changes in legislation to make sure the process with the County was understood. Entities have the option to initiate through the County or the City. Commissioner Giesecke recalled a previous discussion about this particular facility and thought it might be tax exempt based on the nature of the product moving through it. Staff advised them to hire their own independent tax consultants on the matter and they've been given initial information that perhaps there's a case that may be decided differently so its still being reviewed. Commissioner Singhania inquired if the City can still do the reinvestment zone, or if it falls on the Port or County. Mr. Lowe stated that the way its interpreted and written now, the County would establish the reinvestment zone based on the request of the applicant and the Port. The City is not involved in this portion of it. Commissioner Singhania further clarified the Port will support the applicant; applicant will then submit to the County who will then establish the reinvestment zone. Commissioner Santos clarified the reinvestment zone would be where the project itself would be taking place. Mr. Lowe followed up stating the Port could have a dozen reinvestment zones by the time all is said and done. The applicant will also provide the metes and bounds and maps, the Port just supports it. Commissioner Giesecke further clarified that the decision to grant a tax abatement will be up to each individual entity, same as before. Mr. Lowe agreed adding that staff is still working with the DA's office to determine whether the County or the City will take the lead on the first approval after the reinvestment zone is created. Commissioner Singhania asked why the City is involved in the Port zone. Mr. Randle stated that each taxing entity can have their own tax abatement. A tenant can get one from the City and the County however the County has been reluctant to grant one because they claim the City should go first. They have given a 1954 AG opinion on a provision of the law that is no longer in the books. The Port is saying an AG opinion can't be given because this is the first time this has been done, the legislation has been given granting to a port the right to a county to establish the zone. Discussions are still ongoing. Staff will keep the Commission updated on the process.

21. Adoption of a Resolution approving the acceptance of the Port's portion of proceeds received from high bidders on delinquent tax property held in trust by Brazoria County, Texas and authorizing the Chairman to join in conveyance to high bidders.

Mr. Lowe stated that he received this from the County in July with a page attached stating "No map is available. The property location is unknown." He reached out to the County to find out how and why would someone bid on a property if they don't know the location. Their response was how is because its posted as having delinquent taxes, why, we don't know. Mr. Lowe did some research and shared a map where he believes the property is located which is in Old Ocean. The County has already approved, and staff recommends approval.

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

22. Discuss and consider appointment to fill vacancy on the Board of Directors of the Brazos Harbor Industrial Development Corporation.

Ms. Saathoff briefly went over the history of the Brazos Harbor Industrial Development Corporation (BHIDC), how it came to be and what it is used for. She explained that the governing body for the IDC is set up with nine Board of Directors with the six Port Commissioners and three additional appointments. The appointments are made for 6-year terms. The last appointments were made/approved in June 2019 with Lonnie Key, Preston Phillips and Bill Terry appointed. With the passing of Mr. Terry, an appointment needs to be made to fill his vacancy. While there has been no activity or immediate need for the BHIDC, she asked the Commission consider candidates in the coming weeks so the vacancy can be filled. If the Commission is ready in November, an appointment can be made at that meeting and then an IDC meeting will be scheduled to elect officers. Ms. Saathoff also shared a history of bond issuances noting the last issuance was in 2007.

23. Discussion regarding proposal for term limits (two elected 6-year terms) for Port Commissioners.

Mr. Randle began by referencing Subchapter B, Chapter 5002 of the special district code in the laws of the State of Texas and the laws that created the Port. The legislature created the Port, and the legislature will have to change the parameters on how the Commissioners are elected. He shared a modified version of proposed legislation with an added line that reads "*Commissioners are limited to two terms*", noting it is a starting point for discussion regarding term limits. He further stated that its easy to say you want term limits but its hard to implement it. Questions to consider include the following...

1. How many terms?
2. Do you want it to be years, months or days?
3. Do partial terms, years or months count?
4. Does a term count for appointments?
5. Does grandfathering count?

An extensive discussion then began regarding each of these considerations with the Commission ultimately directing counsel with the following requests:

1. It will be terms, not years, months or days.
2. Full elected terms with no grandfathering.
3. Appointments don't count and it doesn't have to be consecutive terms, just two six-year full elected terms.
4. The effective date, should this pass at the next legislature, will be September 1, 2025.

Mr. Randle will prepare legislation for the 89th legislative session to impose term limits for two full elected terms. Talking points can be drafted to be entered into the record (legislative history) so if there is a challenge to its intent, the points will be in the record.

24. Discuss Strategic Planning Workshop agenda.

Commissioner Singhania noted that he covered this item under his report earlier in the agenda.

25. 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.
 - i. Business and Economic Development Reports.
 - 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 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, 7 and 8.
 - 3. The potential exchange, lease, or value of real property located at Port Freeport, including but not limited to Parcels 6, 7, 14, 19, 27 and 34.
- D. 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.
- E. 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 and Executive Assistant.

26. RECONVENE OPEN SESSION:

27. Adjourn.

With no further business before the Commission, the meeting adjourned at 6:18 PM.