

Minutes of Port Commission Special Meeting

February 8, 2024

In Person & Videoconference

A Special Meeting of the Port Commission of Port Freeport was held February 8, 2024, beginning at 1:09 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:

Mr. Grady Randle, Legal Counsel
Ms. Phyllis Saathoff, Executive Director/CEO
Mr. Rob Lowe, Director of Administration/CFO
Mr. Al Durel, Director of Operations
Mr. Chris Hogan, Director of Protective Services
Mr. Jason Hull, Director of Engineering
Mr. Brandon Robertson, Director of Information Technology
Ms. Missy Bevers, Executive Assistant
Ms. Mary Campus, Controller
Mr. Cecil Booth, Project Engineer
Mr. Jesse Hibbetts, Operations Manager

Also Present:

Mr. Rick Stephanow, Gulf LNG Services
Melanie Oldham

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 Singhania noted 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 by Commissioners.

4. Public Comment – Ms. Melania Oldham addressed the Port Commission on a number of topics including, Homeland Security investigation, Freeport LNG Train 4, SPOT Project and the Sustainability Committee.
5. Public Testimony – There was no public testimony.

At this time, Commissioner Singhania thanked the Port Commission for being in attendance and for keeping the second Thursday open for special meetings. Staff also noted that an item will be added to special meeting agendas for Commissioner comments.

6. Adoption of a Resolution in Support of TXDOT RAISE Grant Application for FM 1495 Truck Parking Project.

Ms. Saathoff stated that staff has been working with TXDOT on a project across from the Port's main gate, in an area referred to as the Non-TWIC truck yard. TXDOT had previously conducted a study of freight movement in southeast Texas with a focus on the need for truck parking. TXDOT visited with the Port, analyzed its business growth, and identified areas (for truck parking) that could include in a RAISE Grant application to be filed later this month. TXDOT wants to include the non-TWIC parking area. Ms. Saathoff shared a map of the proposed area and what it would look like. The area would be concreted and striped for truck parking and would also include a security check-in/restroom facility, necessary drainage, vegetation as well as charging stations for passenger vehicles and trucks. Ms. Saathoff complimented Mr. Durel and his team in working with TXDOT to maximize the space for trucks while achieving the goals and priorities of the grant program. Ms. Saathoff also noted a sidewalk will be installed that will run from the parking lot along FM 1495 (to provide pedestrian access) as well as a sidewalk from FM 1495 along W. 8th Street to the bus stop. The space will not only provide an area for trucks to park (not idle) but provide them with basic facilities as well as a way to safely access the local convenience store and Texas Port Ministry. Staff is supportive of the project and asks the Port Commission to approve the resolution which lays out all the improvements, information about the Port and states that the Port is willing to commit the land to the project. Additionally, should TXDOT obtain the grant, the Port will enter into an agreement by resolution and will handle maintenance of the area moving forward. Ms. Saathoff also noted other local entities that have provided letters of support including the Hispanic Chamber, Brazosport Chamber and Texas Port Ministry with Brazoria County slated to approve at their next meeting. Mr. Durel spoke to the congestion relief the lot will provide at the gate since most truck drivers do not have a TWIC card and will have an area to complete the process before moving through the gate. Mr. Hull also noted it could take up to approximately \$4 million if the Port was to build the area.

A motion was made by Commissioner Santos to adopt the resolution as recommended by staff. The motion was seconded by Commissioner Fratila with all Commissioners present voting in favor of the motion.

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.

Mr. Hull stated that while McCarthy was working on the pavement repairs project, a water leak was found underneath Pete Schaff Blvd. The leak was to an existing 4-inch water line enclosed in a steel casing that needed to be capped noting it was an abandoned line that previously fed the transit shed, was no longer needed for the transit shed and left hot. The water line runs between the Dole yard and the transit shed. The all-in costs for this repair which included removing and capping the water line, removal and replacement of additional pavement is \$58,814.91. Mr. Hull believes this leak contributed to the amount of water the Port has been using adding that the end of the casing ended underneath the railroad. The railroad has a French drain that drains the ballast and doing its job of draining the additional water away, so the leak was undetectable. Mr. Hull has reviewed the costs and recommends approval.

A motion was made by Commissioner Croft to approve Change Order No. 1 to the Construction Contract with McCarthy Building Companies, Inc. for repair to leaking water line under/through the project area for the Port Wide Pavement Repairs 2023 project for \$58,814,91. The motion was seconded by Commissioner Kincannon with all Commissioners present voting in favor of the motion.

Commissioner Singhania noted the agenda item 8 would be discussed in executive session first and addressed once the Port Commission reconvenes in open session.

8. Approval of an Engagement Letter with K&L Gates for legal services.

A motion was made by Commissioner Giesecke to authorize the Executive Director to execute an engagement letter with K&L Gates with minor adjustments discussed in executive session. The motion was seconded by Commissioner Kincannon with all Commissioners present voting in favor of the motion. Commission Singhania noted that Commissioner Santos was not present.

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) for discussion regarding:

1. 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 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, 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. Discussion 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:

Commission Santos left the meeting during executive session at 4:09 p.m.

11. Adjourn.

With no further business before the Commission, the meeting adjourned at 4:57 PM.