

# Minutes of Pilot Commission Port Freeport April 13, 2017

A Meeting of the Pilot Commission of Port Freeport was held April 13, 2017, beginning at 1:17 PM in the Port Freeport Administration Building, 1100 Cherry Street, Freeport, Texas.

Commissioners present:

Mr. Paul Kresta, Chairman  
Mr. Shane Pirtle, Secretary/Treasurer  
Mr. Rudy Santos, Commissioner  
Mr. Bill Terry, Commissioner  
Mr. Ravi Singhanian, Commissioner

Staff Members present:

Mr. Jason Cordoba, Legal Counsel  
Ms. Phyllis Saathoff, Executive Director/CEO  
Mr. Al Durel, Director of Operations  
Mr. Jason Hull, Director of Engineering  
Mr. Jason Miura, Director of Business & Economic Development  
Ms. Missy Bevers, Executive Assistant  
Ms. Mary Campus, Controller  
Mr. Brandon Robertson, Network Systems Manager  
Ms. Callie Cole, Accounting Clerk

Absent:

Mr. John Hoss, Vice Chairman  
Ms. Dianna Kile, Director of External/Government Affairs  
Mr. Mike Wilson, Director of Business Development  
Mr. Chris Hogan, Director of Protective Services

Also present:

Captain Daniel Blanton, Brazos Pilots Association  
Captain James Teeter, Brazos Pilots Association  
Captain Billy Burns, Brazos Pilots Association  
Ms. Linda Hooser, GAC Shipping  
Ms. Ann Marie Poninski, P66  
Mr. John Hazley, Enterprise  
Mr. Chad Janosky,  
Mr. James Nash, Horizon Terminal Services  
Mr. Shaw Ottis, Freeport LNG  
Mr. Neils Aalund, WGMA  
Mr. Tony Galt, Freeport LNG  
Mr. John DeRose, P66

1. CONVENE OPEN SESSION in accordance with Texas Government Code Section 551.001, et. seq., to review and consider the following:
2. Approval of minutes from the Pilot Commission Meeting held March 28, 2017.

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

3. Receive update from Director of Engineering regarding channel navigation matters, including additional channel lighting.

A light will be installed next week on the radar tower to illuminate the truss and give the Pilots another reference point at night for navigation. In addition, Mr. Hull stated some lights at the seaway point are not working. This is due to a transformer exploding when crews from CenterPoint energized one of the lights. Staff is looking at a solar light that will supplement when power is out. When power is up and running, there will be two lights on the point, when it is out, the solar light will be the only light on the point. Additionally, staff is looking into adding lights around the Dow thumb. Other requests were to reestablish lighting in the Berth 6 area where the rock loader is which Operations has addressed.

4. Receive report from Executive Director/CEO regarding activities and matters related to pilotage and navigation of Freeport Harbor Channel.

Ms. Saathoff stated that after the last meeting and request by the Board, distributed the draft Pilot & Pilotage Rules and Procedures to all the channels users asking they provide comments by the end of the week. These comments were compiled and provided to the users who attended the meeting April 10.

Mr. Durel reported on attendance at the Channel Users meeting stating that he opened the meeting by briefly reading items from the transportation code related to the Pilot Board commissioners, how it is composed as well as the jurisdiction and administrative duties of the Pilot Board. He also talked about the intent of the document which is to bring together rules, procedures and forms into one document adding there were no proposed changes to the Basic Operating Procedures. Mr. Durel shared some of the comments from the meeting and relayed the request that the Port form a working group to discuss the document.

Commissioner Kresta made the following statement on behalf of the Board, *“The Texas Transportation Code Chapter 68 charges the Pilot Board with certain oversight responsibilities and sets out certain rules for the pilotage of the navigable waterways of Brazoria County. The Board recognizes and acknowledges the skill, experience and knowledge required of the Brazos Pilots who daily provide pilotage service to vessels of various types and sizes calling our terminals in the Freeport Harbor Channel carrying an array of cargos. When staff embarked upon the task of developing the Pilotage Rules and Procedures, it was with the intent to develop a document that would serve as an effective administrative tool and increase transparency of the procedures and process for all involved: Port, Pilot Board, Pilots, Channel Users and the public. Input was requested of some of the channels users and the Brazos Pilots, but not all. The Board acknowledges those individuals that attended the last Pilot Board meeting and patiently waited for the Pilot Board to reconvene in open session and rightfully requested the Pilot Board distribute the draft document to the channel users that had not seen it and allow them the opportunity to review it and provide feedback. The item was tabled, and the draft Pilotage Rules and Procedures were distributed the next day to all the Channel Users. The subsequent comments received have been assembled and distributed for all to read. Additionally, a meeting of the Channel Users was held Monday afternoon, where those submitted comments were discussed and additional comments were received. The Board appreciates the input of our partners in the Freeport Harbor Channel. The Pilot Board has been advised of the group’s recommendation that a “working group” be established to document and provide appropriate explanation for the items that need correction or should be further reviewed by the Pilot Board”.*

5. Public Comment. (Comments will be limited to 5 minutes per guest)

Niels Aalund with Western Gulf Maritime Association addressed the Board regarding working groups, their benefit and different avenues can take in forming the working group.

Daniel Blanton, President of the Brazos Pilots Association addressed the Board explaining their opposition to the rule change stating a key industry user did not receive the proposed rules when they were initially drafted, adding that rules of this size and scope would severely affect their operation. The Pilots are still opposed to the changes however if a working group is developed, they look forward to all members of the industry being represented and understand the rules presented.

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 regarding matters pertaining to Pilots & Pilotage Rules and Regulations of Freeport Harbor Channel.
2. Consultation with attorney regarding law affecting pilotage fees.

5. RECONVENE OPEN SESSION to review and consider the following:

6. Discuss and consider matters pertaining to Pilots & Pilotage Rules and Regulations of Freeport Harbor Channel.

Ms. Saathoff addressed one item Captain Blanton previously made in his public comment to the Board stating that it was not her intent to leave the user out of the loop. When the oversight was realized, a draft of the document was immediately sent to them the following day.

Commissioner Kresta inquired if staff has already named the members of the working group.

Ms. Saathoff stated a number of individuals indicated an interest in participating in the working group. These included, Captain Blanton-Brazos Pilots, Gene Theriot-Dow Chemical, Tony Galt-Freeport LNG, Greg DeLong-Enterprise, John Taylor-BP, Calvin Bancroft-P66, Steve McCartney-BASF, and Linda Hooser-GAC. She will also be considering participation from the barge industry.

8. Adjourn.

With no further business before the Commission, the meeting adjourned at 2:05 p.m.