

## Minutes of Meeting May 10, 2017

A Regular Meeting of the Port Commission of Port Freeport was held May 10, 2017 beginning at 3:13 PM at the Administration Building, 1100 Cherry Street, Freeport, Texas.

### Commissioners present:

Mr. Ravi Singhania, Chairman  
Mr. Bill Terry, Vice Chairman  
Mr. Paul Kresta, Secretary  
Mr. Rudy Santos, Asst. Secretary  
Mr. Shane Pirtle, Commissioner  
Mr. John Hoss, 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. Chris Hogan, Director of Protective Services  
Mr. Mike Wilson, Director of Economic Development  
Mr. Jason Miura, Director of Business & Economic Development  
Ms. Missy Bevers, Executive Assistant  
Ms. Mary Campus, Controller  
Mr. Nick Malambri, Engineering Specialist  
Ms. Callie Cole, Accounting Clerk

### Absent:

Ms. Dianna Kile, Director of External/Government Affairs

### Also present:

Mr. Bob Arroyave, Brown & Gay Engineer  
Mr. Bobby Fuller, Texas Port Ministry  
Mr. James Nash, Horizon Terminal Services  
Mr. Jeff Taylor, Freese & Nichols  
Mr. Bob Sutton, Freese & Nichols  
Mr. Sam Shilu, Moffatt & Nichol  
Mr. Neil McLellan, HDR  
Ms. Ann Poninski, P66  
Mr. Tim Kulcsar, Red Hook Terminals

1. CONVENE OPEN SESSION in accordance with Texas Government Code Section 551.001, et. seq., to review and consider the following:
2. Invocation – Mr. Bobby Fuller, Texas Port Ministry
3. Pledge of Allegiance: U.S. Flag & Texas Flag

4. Roll Call.

Commissioner Singhania noted that all Commissioners were present with the exception of Commissioner Santos who would be arriving later.

5. Safety Exit Briefing and Safety Moment – Chris Hogan.

6. Approval of minutes from the Regular Meeting held April 27, 2017.

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

7. Receive report from Executive Director/CEO on activities and matters related to administrative affairs. Port tenant updates, USCOE, rail issues, AAPA Committees, leases, contracts, upcoming Port and civic events and other related administrative affairs.

Ms. Saathoff reported on legislative activity in Austin including the Heavy Weight Corridor bill (HB 4156) which was passed by the House. The Senate Transportation Committee earlier today passed the bill and recommended it for Local and Consent Calendar. The Rail District's bill (HB 2557) is on the House calendar for a second reading today. Ms. Saathoff added that at the rate bills are moving through the House, she is concerned about there being enough time left in the session to get the bill out of the House and through Senate. The Gulf Coast Waste Disposal Authority bill (HB4308) is sitting in the Special Districts Committee. The Captain's Dinner for Take-A-Child Fishing Tournament is May 11 and the tournament is May 13. The Corps/Texas Ports Association will be hosting a dinner May 17 for Lt. General Todd Semonite who is visiting the region. The Port has 3 seats available. Customs Border Protection Port Director Hudson will be visiting at the Port May 19 at 1:00 p.m. for a Meet & Greet. The LJ Senior Citizens Group will be at the Port for an update and tour May 16.

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

Commissioner Kresta reported attending hearings in Austin.

Commissioner Singhania reported attending the May 1 Tenaris Reception, the OTC Conference and the Historical Museum Awards Banquet. In addition, the Nexus Group met earlier in the day.

9. Public Comment

There were no comments from the public.

10. Receive update from Freese & Nichols regarding Brazoria-Fort Bend Rail District.

Mr. Bob Sutton, Program Manager with Freese & Nichols gave a presentation to discuss the rail project and process/phases they are following which include project initiation, planning and environmental linkage, investment-level studies, final design and approvals, and initial phase construction.

11. Receive update from Director of Engineering regarding Parcel 14 Rail Development project.

Bids for the Parcel 14 Rail Development project were opened March 2. At that time, contractors were asked to hold the prices/bids for 90 days. The Mr. Hull reminded the Board the expiration date for these bids will expire May 31.

12. Receive update regarding Freeport Harbor Channel Improvement Project GRR.

Mr. Hull shared a schedule with the Board that included major milestones for the General Reevaluation Report. The schedule included the public comment period, ATR Certification (Agency Technical Review), ADM (Agency-Decision Milestone) the MFR (Memorandum for Record), ATR Final Certification, Sign GRR and send to Headquarters.

13. Adoption of a resolution authorizing emergency purchase and contract authority to the Executive Director/CEO and Chief Financial Officer.

Ms. Saathoff explained this annual resolution is put in place prior to the start of hurricane season in the event of a storm, the CEO is authorized to make emergency purchases needed that exceed \$25,000.

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

14. 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.

Ms. Saathoff read the account numbers included in the resolution exhibit adding that it is staff's recommendation to approve these offers.

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

15. 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 tax abatement guidelines.
2. Consultation with attorney regarding legal matters arising out of the Contract for the search of a Chief Financial Officer.

- B. Under authority of Section 551.072 (deliberation of real property) for discussion regarding:

1. The potential exchange, lease, or value of real property located at Port Freeport, including but not limited to Parcels 7, 8, 10, 26, and 37.
2. Discussion regarding the potential exchange, lease or value of real property located in Freeport, Texas, including but not limited to the area known as the East End of Freeport and

bordered by the following streets: FM 1495; East 2<sup>nd</sup> Street; Terminal Street and East 8<sup>th</sup> Street in Freeport, Texas.

3. 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 and 7.
4. The potential exchange, lease, or value of real property located at Port Freeport, including but not limited to Parcels 4, 5, 6, 9, 14, 19, 27, 31, 34, and 38.

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

17. Approval of a Contract for the search of Chief Financial Officer.

This item was tabled.

18. Approval of a Purchase Contract in the amount of \$70,000.00 for property located at 415 E. Second Street.

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

19. Approval of a Purchase Contract in the amount of \$70,000.00 for property located at 302 E. Seventh Street.

A motion was made by Commissioner Kresta to approve the contract. The motion was seconded by Commissioner Terry with all Commissioners present voting in favor of the motion.

20. Discussion regarding the May 25 Board Workshop.

Commissioner Singhania reminded the Board to submit any items of discussion to Ms. Saathoff so they can be included on the agenda. The workshop is scheduled from 8:30 a.m. – 5:00 p.m. but may not last the entire length of time. Commissioner Pirtle understood from previous discussion the Board would take 4-5 hours. He also wanted to consider staff's time away from the office. The group also discussed the re-districting item for the agenda and decided to not move forward with discussion at this time. The update regarding the San Bernard River will stay on the agenda with a presentation from the County.

21. Adjourn.

With no further business before the Commission, the meeting adjourned at 6:26 p.m.