

Minutes of Meeting
April 9, 2020
Via Teleconference

Notice is hereby given that in accordance with the order the Office of the Governor issued March 16, 2020, and due to imminent threat to public health and safety and urgent public necessity the Port Freeport Port Commission will conduct a meeting on Thursday, April 9, 2020 at 1:00 p.m. in the Administration Building, 1100 Cherry Street, Freeport, Texas in part by teleconference in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19).

The meeting agenda and agenda packet are posted online at www.portfreeport.com.

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Please remember the Port Commission can only address those items on the agenda. If you have any other questions, please call Port Freeport at 979-233-2667.

Commissioners present:

Mr. Shane Pirtle, Chairman
Mr. Paul Kresta, Vice Chairman
Mr. Rudy Santos, Secretary
Mr. John Hoss, Asst. Secretary
Mr. Ravi Singhania, Commissioner
Mr. Dan Croft, Commissioner

Staff Members Present:

Mr. Jason Cordoba, Legal Counsel
Ms. Phyllis Saathoff, Executive Director/CEO
Mr. Rob Lowe, Director of Administration/CFO
Mr. Al Durel, Director of Operations
Mr. Jason Hull, Director of Engineering
Mr. Chris Hogan, Director of Protective Services
Mr. Jason Miura, Director of Business & Economic Development
Ms. Missy Bevers, Executive Assistant
Mr. Brandon Robertson, Network Systems Manager
Ms. Lauren McCormick, Public Affairs Manager

Also, present via teleconference:

Mr. Bobby Fuller, Texas Port Ministry
Erik Eriksson, Port Houston Authority

Commissioner Pirtle stated the following information...

Today's date is April 9, 2020, and the time is 1:00 p.m. This is the regular meeting of the Commissioners of Port Freeport. I am Shane Pirtle, Port Commission Chairman. We are conducting this meeting by telephone conference pursuant to Governor Abbott's order suspending certain provisions of the Texas Open Meetings Act in order to minimize the impact of the coronavirus outbreak. This meeting is being recorded as required by the Texas Open Meetings Act. Following today's meeting written minutes and this recording will be made available to the public.

With the posting of today's meeting a toll-free call in number was indicated on the agenda, along with the agenda packet. Both may be found on the Port's website www.portfreeport.com. Additionally, as posted on the agenda, the public may join the meeting from a computer, tablet or smartphone for audio listening and document viewing only. For speaking, participants must dial in by phone using the toll-free call in number.

In the event any member of the public is having any technical difficulty during the meeting, please call (979) 233-2667, press zero and someone will do the best they can to assist you. Please state you need technical assistance regarding the Port Commission Teleconference Meeting.

Being considerate of all participants on this call today, we respectfully request everyone "mute" their phones unless you are speaking. This will prevent unintended disruptions from background noises.

As required by law and as a commitment to transparency we continue to include a public comment section with our meeting. If you would like to participate in the public comment section of our meeting the general guidelines and rules still apply. Those guidelines being:

- Each individual will be permitted to speak for five (5) minutes.
- Members of the public will only be permitted to speak during the posted public comment section.
- Members of the public will not be permitted to participate during agenda items.
- Commissioners cannot engage in discussion with members of the public during public comment.

Please be reminded to speak during the public comment section today, participants must join the meeting using the toll-free call in number.

An Executive Session was noticed on the published agenda. It will be announced prior to this body going into Executive Session. During Executive Session the public will not be permitted to hear the meeting, as is the case under the Texas Open Meetings Act. Following Executive Session, the board will resume the public meeting and consider the two posted agenda items before adjourning the public meeting.

A roll call will be taken to record the Commissioners, staff and legal counsel in attendance. The Commissioners, staff and legal counsel will announce their name before they speak each time. After each item on the agenda is introduced, I will call upon each commissioner individually for questions or comments and for their vote on each motion at the appropriate time.

Should a participating commissioner be temporarily disconnected, the meeting will be paused to allow time for the commissioner to rejoin the teleconference meeting.

We will now begin our meeting.

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. Roll Call – Commissioner Pirtle noted that Commissioners Santos, Kresta, Singhania and Croft were present online via teleconference. He also noted those present in the board room (at a safe distance) included himself, Commissioner Hoss, Ms. Saathoff, Mr. Lowe, Mr. Durel, Mr. Miura, Mr. Hogan, Mr. Hull, Mr. Robertson and Ms. Bevers. Staff participating online included Ms. McCormick and Jason Cordoba. Bobby Fuller with Texas Port Ministry and Erik Eriksson with Port Houston Authority are also online.
4. Public Comment – There were no public comments.
5. Approval of minutes from the Regular Meeting held March 26, 2020.

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

6. Receive reports from Executive Director/CEO and/or 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.

Ms. Saathoff reported that no new or suspected cases have been reported at the Port. Staff is conducting weekly update calls to review preventative procedures in place with tenants, stevedores and other parties inside the Port to keep the workforce healthy and support the movement of commerce. Staff is also monitoring other ports who have implemented temperature screenings and how they are conducting those screenings. Port Freeport has non-contact temperature devices on order which were previously in route but were diverted to healthcare facilities. Ms. Saathoff noted that temperature screenings are already in place for Local ILA 30, Clerks Union and Riviana covering a significant portion of the workforce in the Port. Other measures in place at the gates include using UV devices to clean badges, keys and cell phones as well as additional screening of equipment. The Administration Building is closed to the public and will remain closed until the stay in place order from the Governor or the County Judge is lifted. A skeleton crew is working in the building daily and the operations staff is managing their workforce according to vessel schedules.

Ms. McCormick reported that after careful consideration, staff recommends moving the Take-a-Child Fishing Tournament to June 13. Staff is prepared to market the event and distribute updated material accordingly. Additionally, staff has been preparing the budget for the 2020 Port Freeport Golf Tournament and will be ready for approval at the appropriate time with the Port's contribution remaining the same as in past years. Staff also recommends continuing with the two-flight format.

Mr. Hull reported that pursuant with the Port's license from the Corps of Engineers to mine material out of Placement Area 1, it requires a survey before and after the work. Staff has received a multi-phase proposal from Dole & Wachtstetter to do the surveying work in the amount of \$24,132. The first survey would be approximately \$7,000. A notice to proceed has not been issued however staff is ready to move forward at the appropriate time. Mr. Hull also addressed the marker lights requested by the Pilots stating the bid received came in under \$25,000. This was not a budgeted item however there are funds available in the budget and staff is ready to move forward with the project to assist the Pilots with additional tools to navigate more safely at night.

Ms. Saathoff also reported that staff has been working with the USCOE Galveston District on the Project Partnership Agreement (PPA) and has a form of agreement that can be finalized and sent to Southwest Division for consideration. Staff also received confirmation the technical review on the design, specifications and bid package for Reach 3 is underway and should be completed soon. Ms. Saathoff also reported the Port had another strong month in March for vessel activity and tonnage and April is looking to be a good month as well.

At this time, Commissioner Hoss commented on teleconferences. He stated that he has participated in 8-10 meetings over the last two weeks to see how they are conducted. The calls range from informal phone calls with no controls to severe controls that appear to dissway the public from participating in the meeting. Commissioner Hoss believes this will have a lasting impact on how meetings are conducted after COVID19 passes. He noted that while teleconferences are easy to set-up, they also tend to handicap meetings, public access and participation, and can lead to very confusing situations that seem to hamper information presented. He went on to say that the meetings that are true video conferences are very impressive and appear to come from private sectors who conduct them on a regular basis. They have material cued up, can see where they are and have the ability to see who is speaking through some sort of visual cue. Additionally, there are controls to filter out the public for executive session. Commissioner Hoss stated that while the Port has always prided itself in the ability to conduct meetings and be transparent to the public, we may have to stretch a little bit to move forward in getting this done.

Commissioner Kresta stated he would like to see the proposal from Dole & Wachtstetter come to the board to be recognized and ensure it's in the budget. Additionally, he asked if staff anticipates bringing the marker lights project to the board to adjust the budget. Mr. Hull stated that in past, staff has not been required to bring such expenses less than the \$25,000 threshold to the board. These items were authorized, per policy, by the CEO. Ms. Saathoff added there are areas within the budget where funds are included for work that may have not been specifically designated at the time. Funds are available for both projects and will be noted in the financial statements and recordkeeping.

7. 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 Brazoria County, Texas and authorizing the Chairman to join in conveyance to high bidders.

Mr. Lowe stated that none of the properties are in the Port's strategic area in Freeport. Staff recommends approval.

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

8. Review and consider setting of bond amount for Treasurer as outlined in Policy 9.10 – Designation of Treasurer.

Mr. Lowe stated the Finance Committee previously discussed Policy 9.10 and did not recommend any changes however, within the policy there is a notation the CFO would be designated as treasurer and would have a bond. The committee discussed the bond amount and it was noted that in the past, the amount set was \$200,000. Staff recommends that same amount.

A motion was made by Commissioner Singhania to set bond in the amount of \$200,000. The motion was seconded by Commissioner Croft with all Commissioners present voting in favor of the motion.

At this time Commissioner Santos noted he would not be able to join the Executive Session right away but will call in as soon as possible.

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 551.072 (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 and 7.
3. The potential exchange, lease, or value of real property located at Port Freeport, including but not limited to Parcels 6, 7 and 19.

- B. 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.

- C. 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 to review and consider the following:

11. Approval of a Purchase Contract for property located at 212 E. 6th Street.

Mr. Lowe stated that staff recommends the purchase of property at 212 E. 6th in the amount of \$40,000.

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

12. Approval of a Professional Services Agreement with McDonald Public Relations, Inc. for consulting services.

Ms. Saathoff stated the proposed agreement includes communications and media support to the Port in the amount of \$3,750 per month beginning April 9, 2020 for one year. Either party has the right to terminate with 30 days written notice. One change will be made to the terms of the agreement regarding additional expenses to state that expenses only apply to travel outside of the Austin area. Staff recommends approval.

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

13. Adjourn.

With no further business before the Commission, the meeting adjourned at 4:44 PM.