

Minutes of Meeting March 12, 2020

A Regular Meeting of the Port Commission of Port Freeport was held March 12, 2020 beginning at 1:15 PM at the Administration Building, 1100 Cherry Street, Freeport, Texas.

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. Al Durel, Director of Operations
Mr. Jason Hull, Director of Engineering
Mr. Mike Wilson, Director of Economic Development
Mr. Chris Hogan, Director of Protective Services
Ms. Missy Bevers, Executive Assistant
Mr. Brandon Robertson, Network Systems Manager
Mr. Mike Quilty, Safety Coordinator
Mr. Nick Malambri, Engineering Specialist
Ms. Lauren McCormick, Public Affairs Manager
Ms. Jennifer Barrera, Sales & Marketing Specialist

Absent:

Mr. Rob Lowe, Director of Administration/CFO
Mr. Jason Miura, Director of Business & Economic Development
Ms. Mary Campus, Controller

Also, present:

Capt. Daniel Blanton, Brazos Pilots Association
Ms. Dianna Kile
Mr. Javier Infante, Associated Testing
Mr. Bob Arroyave, BGE, Inc.
Mr. Bruce Reed, P66
Mr. Marcelo Moacyr, BGE, Inc.

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

4. Roll Call – Commissioner Pirtle noted that all Commissioners were present.

At this time, Commissioner Pirtle asked Captain Daniel Blanton to give an update on COVID-19 and how it's affecting pilot operations. Capt. Blanton stated the CDC, U.S. Coast Guard and Customs and Border Protection are working together on the issue and screening and vetting vessels before they arrive. The Pilots have also implemented screening at the time pilot order is placed and again upon pilot boarding to ensure the Pilots aren't exposing themselves and in turn, exposing the community. If any additional information is received from Coast Guard or CDC, or there is an affected vessel, the information will be turned over to the Port Commission and interested parties to make sure everyone is as safe as possible. Ms. Saathoff asked Capt. Blanton to explain the process for a vessel arriving and the required reporting to USCG.

Capt. Blanton explained that when a vessel calls the port, it is required to send an electronic notice of arrival (ENOA) to the Coast Guard that includes the name of the vessel, a complete crew list, travel destinations and previous ports of the vessel. If any of the criteria requires additional screening, (i.e., a crew member or the vessel itself traveled to a category 3 country or if anyone on board is displaying symptoms), they must report that as well. If this is reported in the ENOA, the U.S. Coast Guard Houston-Galveston Sector has a liaison with CDC who will flag the vessel for additional screening by CDC which includes boarding the vessel and screening individual crew members. If a vessel is not flagged for any of the criteria, the Coast Guard will place them on a clear to enter list and they will be able to order a pilot and proceed into the port. If there is a gap between the ENOA and when a pilot is ordered (i.e., fog) that could stretch the distance between the ENOA and the vessel arrival to 14-days, which is the incubation period for the virus, a stop gap measure is put in as recommended by the Coast Guard, the agents will again be asked if the vessel or crew members have traveled to a category 3 country and if anyone is displaying symptoms. If yes, they will go back into the screening pool with the CDC. Capt. Blanton also noted that if the original ENOA triggers one of the screening questions the CDC boards the vessels and clears them, an email is sent to the Pilots letting them know the vessel triggered additional inspections under CDC protocol for coronavirus but has since been cleared and the vessel can move forward. Additionally, the Pilots are using Purell on the boat and in vehicles and have instructed other pilots to avoid eating and drinking on board.

Mr. Durel stated that Operations held a tenant/security meeting March 11 with stevedores, tenants and users to discuss security in general but also had open discussion about the virus and how everyone in the port is being very proactive in what to do, how to do it. Mr. Hogan added that staff has reached out Texas Port Ministry and Brazosport Taxi and confirmed they are being very proactive in disinfecting vehicles and using hand sanitizer.

5. Safety Briefing – Mr. Mike Quilty, Safety Coordinator
6. Approval of minutes from the following meetings held:

February 12, 2020 Regular Meeting
February 27, 2020 Special Meeting
February 27, 2020 Regular Meeting

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

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

Ms. Saathoff reported attending the National Waterways Conference Legislative Summit in Washington, DC along with Commissioners Pirtle, Kresta and Santos. Additional meetings were scheduled with Senator Cornyn's office, Representative Weber, Ryan Fisher and Senator Ted Cruz's office to say thank you for receiving the new start and work plan funding for the channel project and to begin conversations about the needs for the 2021 Work Plan. Assurances were made that staff is working with the Corps to complete the Project Partnership Agreement so Reach 3 can be put out for bid. Design efforts need to move forward for Reach 1. On the agenda today is an MOU that will give the Port authority to design and construct (if needed) Reaches 1 and 4. Staff is requesting approval to execute the MOU once a signed copy is received from Colonel Vail. Staff reiterated that the Port wants to continue to execute the engineering and design, so there will be a new increment ready for construction each budget cycle. Additionally, staff is pressing for technical review so the bid package can be prepared for Reach 3. The Galveston District advised the Corps can release \$100,000 of the remaining PED funds that were previously appropriated and use it for technical reviews and bid package preparation. While in DC, Ms. Saathoff spoke with Julie Ziino and Pete Perez from Southwest Division (SWD) regarding this. Additionally, staff relayed the need to get the 408 approved on the stability feature for Reach 2. Staff has alerted Corps Division and Headquarters that a PPA with deviations for the FHCIP will be coming. The end of April is the target date for the Galveston District to transmit the PPA to SWD. The target date to have an executed PPA in place is the beginning of June before General Owen leaves. There will be an associated signing ceremony. Ms. Saathoff has meetings scheduled for March 18 with the senate and house appropriations committees to discuss the expectation for the 2021 budget request to include infrastructure projects.

Ms. McCormick reported on TACFT stating that staff increased their goal amount to raise sponsorships to enhance the event for the 20th anniversary. To date, the goal has been met from last year for sponsorships which is about 85% of what the goal is for this year. Additionally, Ms. McCormick announced that Jayleen Macias, a 5th grade student at Westside Elementary in Angleton was the first-place winner of the logo contest. Second place logo contest winner was Isabella Nunez, a 3rd grade student at Velasco and Third place went to Elizabeth Diehl, a 6th grade student at Rasco. Our Lady Queen of Peace was recognized for submitting 125 entries for the logo contest with a \$50 gift card to Wal-Mart to help with art supplies. The top 15 logo entries were also recognized as Honorable Mention and received a Chick-fil-A gift card. Commissioner Hoss asked about information dedicated to our channel project and where it can be found on the website. Ms. McCormick explained that typically the information is located where the coronavirus link is now on the home page. Staff is working with the website designer to add an additional button to access the information directly. The Port Freeport Bond Election is still being updated so for now, information related to the project can be found at the www.portfreeportbondelection.com.

Mr. Durel shared pictures of the Grimaldi Con/Ro vessels that will begin calling the Port. The first vessel is due around March 22.

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

Commissioner Santos reported attending the NWC Legislative Summit in Washington, DC.

Commissioner Kresta also reported attending the NWC Legislative Summit.

Commissioner Croft reported attending the Angleton Rotary Community Fundraiser, Economic Alliance Meeting. He also noted the Sweeny Hospital Foundation will hold a fundraiser for the new hospital.

Commissioner Singhania reported attending the Junior Achievement Celebrity Waiter, Angleton Rotary, India Consulate Reception, Panama Week and Port of Future Conference.

Commissioner Pirtle reported attending the City of Freeport City Council Meeting and the NWC Legislative Summit.

9. Public Comment – There were no public comments.

10. Adoption of a Resolution approving 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.

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

11. 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 to discuss potential litigation.
2. Consultation with attorney and discussion regarding legal matters arising out of Texas Transportation Code, Title 4 Navigation, Subtitle A Waterways and Ports, Chapter 52 Texas Deepwater Port Procedures Act.

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 area known as the East End of Freeport and bordered by or adjacent to the following streets: FM 1495; 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 7, 8, 10, 26, and 37.
 4. The potential exchange, lease, or value or real property located by Port Freeport, including but not limited to Parcel 14.
 5. 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, 35 and 38.
- C. 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.

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

13. Discuss and consider approving of a Design Agreement with the U.S. Army Corps of Engineers for the Freeport Harbor Channel Improvement Project (FHCIP).

This item was tabled.

14. Discuss and consider approval of Memorandum of Understanding for the Freeport Harbor Channel Improvement Project (FHCIP).

Ms. Saathoff previously covered this item under her report.

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

15. Approval of a Purchase Contract for property located at 507 E. Broad Street.

Ms. Saathoff stated this will be a swap transaction with a new home that will be constructed on a 1st Street lot which was approved for purchase at the previous meeting. Upon completion of the home, an exchange will occur.

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

16. Discuss and consider action resulting from Executive Session for Executive Director/CEO.

A motion was made by Commissioner Kresta to approve a 4% raise on present salary with a car allowance of \$800. Both items will be retroactive to October 1, 2019. The motion was seconded by Commissioner Singhania with all Commissioners present voting in favor of the motion.

17. Adjourn.

With no further business before the Commission, the meeting adjourned at 5:11PM.