

MEMORANDUM

Legal Division



Date: September 28, 2021

To:	Christine Abbruscato	Roger Hoh
	Maria Aguirre	Charlie Jenkins
	Lisa Ashley	David Jochnau
	Chris Brown	Garry McMahan
	Lori Brownell	Bruce Mann
	William Buck	Ryan Mariacher
	Maxine Buckles	John Moseley
	Rich Byrnes	Gilda Ramirez
	Trae Camble	Mike Shaffner
	Yvette Camel-Smith	Jessica Shaver
	Jeff Davis	Mark Smith
	Curtis Duncan	Paulo Soares
	Norma Essary	Randy Stiefel
	Ron Farrow	Dominic Sun
	Tim Finley	RD Tanner
	Roland Gonzalez	Jessica Thomas
	Roger Guenther	Charles Thompson
	Tom Heidt	Roger Walter
	Kerrick Henny	Marcus Woodring

From: Erik Eriksson

Subject: Minute Numbers/Port Commission Meeting, dated September 28, 2021

<u>Minute No.</u>	<u>Amount</u>	<u>Event/Action</u>
-------------------	---------------	---------------------

General

Chairman Campo convened the in-person and virtual Port Commission meeting and provided opening remarks along with Port Commissioners

Minutes

2021-0928-01	Approve the minutes of the July 20, 2021 Port Commission meeting
--------------	--

Staff Reports

2021-0928-02	Roger Guenther, Executive Director, presented a summary of selected financial and operational matters
--------------	---

<u>Minute No.</u>	<u>Amount</u>	<u>Event/Action</u>
Appearances		
2021-0928-03(a)		Chairman Campo introduced Captain Jason Smith, U.S. Coast Guard Captain of the Port, who addressed the Port Commission
2021-0928-03(b)		Chairman Campo recognized Ellu Nasser, Environmental Defense Fund, who addressed the Port Commission
2021-0928-03(c)		Chairman Campo recognized Stephanie Thomas, Public Citizen, who addressed the Port Commission
2021-0928-03(d)		Chairman Campo recognized Rev. James Caldwell, Coalition of Community Organizations, who addressed the Port Commission
2021-0928-03(e)		Chairman Campo asked if anyone else would like to address the Port Commission; there was no response
Executive		
2021-0928-04		Chairman Campo recognized Mr. Heidt to provide a report of selected Executive Division agenda items
2021-0928-05		Enter into a contract with Linebarger Goggan Blair & Sampson, LLP for the collection of delinquent taxes
2021-0928-06		Approve and reaffirm the Audit Committee Charter, Internal Audit Charter, and Internal Audit Policies, effective September 28, 2021
Business Equity (no items)		
Commercial		
2021-0928-07		Chairman Campo recognized Mr. Heidt to provide a report of selected Commercial Division agenda items
2021-0928-08		Approve an amendment to the lease with Covey Transport, Inc. for approximately 3.66 acres at Block 3, Turning Basin, to extend the term for an additional one year, effective no earlier than October 1, 2021, at an annual base rent of approximately \$77,446.20

<u>Minute No.</u>	<u>Amount</u>	<u>Event/Action</u>
2021-0928-09		Approve an amendment to the lease with TPC Group LLC to add an additional 1.469 acres to the 5.49-acre premises located at Sims Bayou, effective no earlier than October 1, 2021, at an annual base rent of approximately \$2,011,134, subject to annual escalation of the greater of 3% or increase in the Consumer Price Index
2021-0928-10		Approve an amendment to the lease with The Lubrizol Corporation, for approximately 2.09 acres of land in the George M. Patrick Survey, A-624 to extend the term for five years, effective no earlier than November 1, 2021, at an annual base rent of approximately \$54,536.04, subject to annual escalation of the greater of 3% or increase in the Consumer Price Index
2021-0928-11		Approve a third amendment to the lease with American Maritime Services of N.J., Inc. d/b/a Integrated Industries Corp. for approximately 10.49 acres located at Barbours Cut Terminal, to extend the term for one year, effective no earlier than October 1, 2021, at an annual base rent of \$451,333.93
2021-0928-12		Approve a second amendment to the lease with Dixie Cullen Interests, Inc. for approximately 10.402 acres, to extend the Phase II Construction Period for an additional twelve months from the current expiration date of December 31, 2021, effective no earlier than October 1, 2021, at an annual base rent of approximately \$300,000, subject to annual escalation of the greater of 3% or the increase in the Consumer Price Index
Finance		
2021-0928-13		Chairman Campo recognized Mr. Heidt to provide a report of selected Finance Division agenda items
2021-0928-14	\$467,500	Award a three-year contract to AndCo Consulting LLC, to provide investment consulting services for the Port of Houston Authority Restated Retirement (Pension) Plan, the Other Post Employment Benefit (OPEB) Plan, an irrevocable trust established for other post-employment benefits, the Defined Contribution 401(a) Plan, and the Deferred Compensation 457(b) Plan

<u>Minute No.</u>	<u>Amount</u>	<u>Event/Action</u>
2021-0928-15		Approve adoption and execution of resolutions, agreements, and documents to give effect to a new \$100,000,000 Third Lien Variable Rate Revolving Note Program with Truist Bank and affiliates, including authorization to (a) draw under such financing, (b) incur borrowings thereunder, (c) incur rating agency fees, commitment fees, paying agent fees, financial advisory fees, and other costs relating to the program (Costs) in an amount not to exceed \$1,500,000 for the period through November 30, 2026, and (d) in addition to the Costs, incur applicable interest costs relating to borrowings thereunder
2021-0928-16		Adopt a revised Investment Policy for Port Authority funds, including operating, construction, debt service, and bond reserve funds, and approve the Port Authority's revised Internal Controls for Investments
2021-0928-17	\$561,146	Approve an aggregate increase in the 2021 Operating Budget for estimated expenses associated with the newly created Business Equity Division
Infrastructure		
2021-0928-18		Chairman Campo recognized Mr. Heidt to provide a report of selected Infrastructure Division agenda items
2021-0928-19	\$207,000	Approve staff's ranking of vendors and award a professional service contract for the 2021 corrosion Facility Inspection and Condition Assessment Program for marine assets to the top-ranked proposer: staff ranking - first, Pond & Company; second, Wiss, Janey, Elstner Associates, Inc.; and third, Moffat & Nichol Port Commission adopted the staff-recommended ranking and authorized award
2021-0928-20	\$2,585,295	Approve staff's ranking of vendors and award a construction contract for the Freight Station Road dedicated right turn lanes and U-turn connector at Bayport Container Terminal to the top-ranked proposer: staff ranking - first, Main Lane Industries, Ltd; second, Jerdon Enterprises; and third, Harper Brothers Construction, LLC

<u>Minute No.</u>	<u>Amount</u>	<u>Event/Action</u>
		Port Commission adopted the staff-recommended ranking and authorized award
2021-0928-21	\$75,000	Approve staff's ranking of vendors and award a professional services contract to perform construction material testing for the Freight Station Road dedicated right turn lanes and U-turn connector at Bayport Container Terminal to the top-ranked proposer: staff ranking - first, Raba Kistner, Inc.; second, HVJ Associates, Inc.; and third, Terracon Consultants, Inc.
		Port Commission adopted the staff-recommended ranking and authorized award
2021-0928-22	\$152,500	Approve staff's ranking of vendors and award a construction contract to perform asbestos abatement of restroom buildings at the north side of Turning Basin Terminal to the top-ranked proposer: staff ranking - first, RNDI Companies, Inc.; and second, Separation Systems Consultants, Inc.
		Port Commission adopted the staff-recommended ranking and authorized award
2021-0928-23	\$1,426,217	Approve staff's ranking of vendors and award a construction contract to complete rail spur construction at Bayport Container Terminal Phase II to the top-ranked proposer: staff ranking - first, Standard Constructors, Inc.; second, McCarthy Building Companies, Inc.
		Port Commission adopted the staff-recommended ranking and authorized award
2021-0928-24	\$2,662,930	Amend the professional services contract with Hatch Associates Consultants, Inc. to perform services for the design for rehabilitation of Wharves 4, 5, and 6 at Barbours Cut Terminal
2021-0928-25	\$1,612,584	Amend the professional services contract with AECOM Technical Services, Inc. to perform services for planning and design for reconstruction of eighty-seven acres of container yards at Barbours Cut Terminal
2021-0928-26	\$242,011	Approve a change order with McCarthy Building Companies, Inc. to perform additional work associated with

<u>Minute No.</u>	<u>Amount</u>	<u>Event/Action</u>
		the construction of Container Yard 7 at Bayport Container Terminal
2021-0928-27	\$199,044	Approve a change order with Satterfield & Pontikes Construction, Inc. to perform additional work associated with the construction of Container Yard 2 South at Bayport Container Terminal
2021-0928-28	\$136,158	Approve a change order with McCarthy Building Companies, Inc. to perform additional work associated with the rehabilitation of Container Yard 3 North at Barbours Cut Terminal
2021-0928-29	\$398,160	Enter into a Memorandum of Understanding and a temporary license with the U.S. Army Corps of Engineers for the placement of maintenance-dredged material from berths at Jacintoport Terminal and Care Terminal into a federally-managed dredged material placement area at a cost of \$331,800 and approve any over-dredge cost at \$5.53 per cubic yard in an amount not to exceed \$66,360
2021-0928-30	\$45,000,000	Enter into reimbursement agreements for pipeline relocation construction with eight pipeline companies for ten pipelines located in Segment 4 of the Houston Ship Channel Expansion Channel Improvement Project for which the Port Authority would be responsible for one-half the cost
2021-0928-31		Approve the renewal of the following expiring Port Authority licenses for new ten-year terms: Cargill Incorporated - Corn Milling Division, Chevron Phillips Chemical Company LP, Equistar Chemicals, LP, ExxonMobil Pipeline Company, Linde Inc., Matheson Tri-Gas Inc., Oxy Vinyls, LP, Southwestern Bell Telephone Company, TPC Group, LLC, and Valero Refining-Texas, LP
2021-0928-32		Issue a pipeline license to Linde Inc. for one 10-inch nitrogen pipeline adjacent to Port Road at the Old State Highway 146 intersection
2021-0928-33		Issue a pipeline license to Celanese Chemicals, Inc. for one 11-inch acetic acid pipeline crossing under the Exxon Pipeline Corridor between State Highway 146 and the Bayport Turning Basin

<u>Minute No.</u>	<u>Amount</u>	<u>Event/Action</u>
2021-0928-34		Issue a marine construction permit to TDWP Terminals 1, LLC to relocate a temporary barge dock located in Buffalo Bayou/Houston Ship Channel
2021-0928-35		Issue a marine construction permit to Oxy Vinyls, LP to make repairs to an existing barge dock facility located in Buffalo Bayou/Houston Ship Channel
2021-0928-36		Issue a transmission line license to Comcast of Houston, LLC for one fiber optic cable line under the Port Terminal Railroad Association's right-of-way at Jacintoport Terminal
2021-0928-37		Amend a pipeline license issued to Enterprise Houston Ship Channel, L.P. to modify the length of pipe on the Beltway 8 property
2021-0928-38		Transfer a private adjacency submerged land lease from MARMAC, LLC to 17500 Market Street, LLC and consent to a sublease to ACBL Transportation Services LLC, for 12.84 acres of barge fleeting area and 3.84 acres of encumbered area in Old River
2021-0928-39		Issue a Port Authority adjacency barge fleeting lease agreement and amend a marine construction permit with AccuTRANS Fleeting Services LLC for approximately 5.92 acres of submerged lands in Old River at an initial monthly rental amount of \$8,880 for a ten-year term
2021-0928-40		Approve a lease with Oxy Vinyls, LP for 0.89 acres of filled submerged land located in Patrick Bayou at an initial monthly rental amount of \$1,335 for a ten-year term
Operations		
2021-0928-41		Chairman Campo recognized Mr. Heidt to provide a report of selected Operations Division agenda items
2021-0928-42	\$1,500,000	Approve staff's ranking of vendors and award a two-year contract for repair of motors, generators, and alternators for Barbours Cut Terminal, Bayport Container Terminal, and Turning Basin Terminal to the top-ranked proposer: staff ranking - first, Northstar Industries; and second, Sulzer Electro-Mechanical Services (US), Inc.

<u>Minute No.</u>	<u>Amount</u>	<u>Event/Action</u>
		Port Commission adopted the staff-recommended ranking and authorized award
2021-0928-43	\$599,507	Approve staff's ranking of vendors and award a professional services contract to perform inspection services for three dockside electric container cranes for Wharf No. 6 at Bayport Container Terminal to the top-ranked proposer: staff ranking - first, Liftech Consultants, Inc.; second, Laurence & Associates, LLC; and third, Paul Bridges & Associates, LLC
		Port Commission adopted the staff-recommended ranking and authorized award
2021-0928-44	\$99,000	Award a contract to Davey Coach Sales Incorporated for the purchase of two used shuttle buses for Bayport Container Terminal
2021-0928-45	\$1,750,000	Award a two-year contract to Wesco Distribution for the purchase of electrical and lighting components for maintenance of facilities and equipment at Barbours Cut Terminal, Bayport Container Terminal, and Turning Basin Terminal
2021-0928-46	\$600,000	Award a two-year contract to Crane Tech Solutions, the sole source provider, for the purchase of spare and replacement parts for Stinis spreader bars and an over-height attachment at Barbours Cut Terminal and Bayport Container Terminal
2021-0928-47	\$2,800,000	Award a three-year contract to Kalmar USA Inc., Bromma Americas, the sole source provider, for the purchase of twistlocks and spreader bar related parts for wharf and rubber tyred gantry cranes at Barbours Cut Terminal and Bayport Container Terminal
2021-0928-48	\$750,000	Award a three-year contract to Conductix, Inc. dba Conductix-Wampfler, the sole source provider, for the purchase of spare and replacement parts for Conductix-Wampfler festoon systems for wharf cranes at Barbours Cut Terminal and Bayport Container Terminal
2021-0928-49	\$80,000	Ratify an emergency procurement with Dow Pipe & Fence Supply Co. for fence installation at Barbours Cut rail ramp

<u>Minute No.</u>	<u>Amount</u>	<u>Event/Action</u>
2021-0928-50	\$75,000	Issue a purchase order to Red River LLC for the purchase of twenty Cisco 829 routers to enhance yard crane Wi-Fi network connectivity performance, using Texas Department of Information Resources cooperative purchase program
2021-0928-51	\$1,500,000	Approve a five-year extension of the existing contract with Houston Mooring Company, Inc. for spotting of vessels at all Port Authority facilities
2021-0928-52	\$1,500,000	Approve a five-year extension of the existing contract with Texas Mooring, LLC Inc for spotting of vessels at all Port Authority facilities
2021-0928-53		Enter into the following Freight Handling Assignment Agreements for terminal services at the Turning Basin Terminal: Cooper/Ports America, LLC, Suderman Contracting Stevedores, Inc. DBA Metro Ports, Richardson Stevedoring and Logistics Services, Inc., and APS Stevedoring, LLC
2021-0928-54	\$1,287,009	Approve an amendment to the Lease Agreement with CMC Americas LLC for 22.52 acres at Bayport Container Terminal Complex south of Port Road providing for construction of improvements on behalf of the Port Authority and reimbursement of the tenant's construction costs for certain work

People

2021-0928-55		Chairman Campo recognized Mr. Heidt to provide a report of selected People Division agenda items
2021-0928-56	\$2,336,788	Authorize renewal of group insurance agreements with the following carriers to include coverage for calendar year 2022: (a) Aetna Life Insurance Company, for dental, vision, and Medicare Advantage coverage; (b) Minnesota Life Insurance Company, for basic life, voluntary and dependent life, and retiree life coverage; and (c) Hartford Life and Accident Insurance Company, for long-term disability (LTD) coverage and short-term disability (STD) coverage

Security and Emergency Operations

2021-0928-57		Chairman Campo recognized Mr. Heidt to provide a report of selected SEO Division agenda items
--------------	--	---

<u>Minute No.</u>	<u>Amount</u>	<u>Event/Action</u>
2021-0928-58	\$100,000	Award a two-year professional services contract, with an option, for a two-year extension for Hazardous Material Response services to Oil Mop LLC, dba OMI Environmental Solutions
2021-0928-59	\$95,000	Award a purchase order to Genasys Corporation, the sole source provider, for the purchase of replacement parts and installation services for the existing Long-Range Acoustic Device Mass Notification outdoor siren system
2021-0928-60	\$24,720	Enter into an Intergovernmental Agreement with the City of Morgan's Point for police services for one year

Technology

2021-0928-61		Chairman Campo recognized Mr. Heidt to provide a report of selected Technology Division agenda items
2021-0928-62	\$2,000,000	Award purchase orders over a five-year period to HP Inc. for devices and related services, using City of Houston Contract #4600016154-2021-0499
2021-0928-63	\$820,000	Issue a purchase order to Xennex LLC for purchase of replacement data storage and increased redundancy equipment, using Texas Department of Information Resources cooperative purchase program
2021-0928-64	\$62,000	Issue a purchase order to Set Solutions, Inc. for renewal of Infoblox maintenance, which provides network-related functionality, using Texas Department of Information Resources' cooperative purchase program
2021-0928-65	\$60,000	Issue a purchase order to CDWG LLC for purchase of annual software subscription and support services for ManageEngine Service Desk ticketing software, using the National Intergovernmental Purchasing Alliance

Recess Open Meeting and Convene Executive Session

Reconvene Open Meeting

2021-0928-66		Authorize the Port Authority to settle the claims of Fused Industries LLC on the terms discussed in Executive Session, and to authorize the Executive Director to do all things
--------------	--	---

Minute No.

Amount

Event/Action

necessary to give effect to the foregoing

2021-0928-67

Authorize the Port Authority to amend the agreement for legal services with Best Best & Krieger LLP on the terms discussed in Executive Session, and to authorize the Chief Legal Officer to do all things necessary to give effect to the foregoing

Closing Remarks by Chairman and Commissioners

Adjourn Meeting

Copy: RIM