

September 23, 2021

NOTICE OF MEETING
OF THE
PORT COMMISSION
OF THE
PORT OF HOUSTON AUTHORITY

In accordance with the official practice of the Port Commission of the Port of Houston Authority, there is attached hereto a copy of the Agenda of the regular meeting to be held on Tuesday, September 28, 2021. The Port Commission will meet at 9:15 a.m., or thereafter, at the Port of Houston Authority Executive Office Building, Fourth Floor Boardroom, 111 East Loop North, Houston, Texas 77029. In addition, pursuant to Government Code Sec. 551.127 permitting a governmental body to hold a public meeting by videoconference call, the meeting may also be accessed via Webex webinar, as provided on the following page. A quorum of the Port Commission may attend such meeting.

PORT OF HOUSTON AUTHORITY
of
HARRIS COUNTY, TEXAS



SECRETARY



Formal Public Meeting Notifications.

1. This virtual meeting is permitted by Governor Abbott's order suspending certain provisions of the Texas Open Meetings Act to minimize the impact of the coronavirus outbreak.
2. In accordance with the Port Commission's usual practice:
 - a. Members of the public may speak during the posted public comment section.
 - Please register to speak no later than an hour before the meeting by emailing to Liana Christian lchristian@porthouston.com or Erik Eriksson eeriksson@porthouston.com
 - Please provide name and the organization the speaker represents, if applicable.
 - Comments are limited to three minutes.
 - b. An audio recording of the meeting is being made, as also required by the governor's order, and will be available to the public, as will written minutes after Port Commission approval.
3. To request accommodations under the Americans with Disabilities Act or language access services, please contact the Port Houston– Legal Division at least three days prior to the meeting. The Legal Division may be reached by telephone at (713) 670-2450, by email at lchristian@porthouston.com or Erik Eriksson eeriksson@porthouston.com, and by mail at 111 E. Loop N, Houston, Texas 77029.

Due to health and safety concerns related to COVID-19, this meeting will offer the options to participate by videoconference or in-person. The meeting will be open to the public but restrictions regarding allowable room capacity and seating arrangements may be in place.



When it's time, join your Webex meeting here.

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Meeting number (access code): 2481 544 6775

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Tap to join from a mobile device (attendees only)

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Tuesday, September 28, 2021
PORT COMMISSION OF THE PORT OF HOUSTON AUTHORITY

9:15 a.m.
111 East Loop North
Houston, TX 77029
And Via WebEx

A. CALL TO ORDER

B. OPENING REMARKS BY CHAIRMAN AND COMMISSIONERS

1. Governance, legislative, policy, operational, and community matters

C. APPROVAL OF MINUTES

1. Port Commission Public Meeting - July 20, 2021

D. STAFF REPORTS

1. Summary of selected financial and operational matters

E. APPEARANCES AND PUBLIC COMMENT

1. Captain Jason Smith, U.S. Coast Guard Captain of the Port
2. Public Comment

F. EXECUTIVE

General

1. Enter into a contract with Linebarger Goggan Blair & Sampson, LLP for the collection of delinquent taxes.
2. Approve and reaffirm the Audit Committee Charter, Internal Audit Charter, and Internal Audit Policies, effective September 28, 2021.

G. BUSINESS EQUITY

1. No items.

H. COMMERCIAL

Leases

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.

I. FINANCE

Awards, Amendments & Change Orders

1. 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, in an amount not to exceed \$467,500.

General

2. 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.
3. 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.

4. Approve an aggregate increase of \$561,146 in the 2021 Operating Budget for estimated expenses associated with the newly-created Business Equity Division.

J. INFRASTRUCTURE

Awards, Amendments & Change Orders

1. Approve staff's ranking of vendors and award a professional service contract in an amount not to exceed \$207,000 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.

2. Approve staff's ranking of vendors and award a construction contract in an amount not to exceed \$2,585,295 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.

3. Approve staff's ranking of vendors and award a professional services contract in an amount not to exceed \$75,000 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.

4. Approve staff's ranking of vendors and award a construction contract in an amount not to exceed \$152,500 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.

5. Approve staff's ranking of vendors and award a construction contract in an amount not to exceed \$1,426,217 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.

6. 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 in an amount not to exceed \$2,662,930.

7. 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 in an amount not to exceed \$1,612,584.

8. Approve a change order with McCarthy Building Companies, Inc. to perform additional work associated with the construction of Container Yard 7 at Bayport Container Terminal in an amount not to exceed \$242,011.

9. 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 in an amount not to exceed \$199,044.

10. 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 in an amount not to exceed \$136,158.

General

11. 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.

Project 11

12. 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, in an amount not to exceed \$45 million.

Permits/Licenses/Pipeline Easements

13. 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.

14. Issue a pipeline license to Linde Inc. for one 10-inch nitrogen pipeline adjacent to Port Road at the Old State Highway 146 intersection.

15. 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.

16. Issue a marine construction permit to TDWP Terminals 1, LLC to relocate a temporary barge dock located in Buffalo Bayou/Houston Ship Channel.

17. 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.

18. 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.

19. Amend a pipeline license issued to Enterprise Houston Ship Channel, L.P. to modify the length of pipe on the Beltway 8 property.

20. 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.

Leases

21. 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.
22. 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.

K. OPERATIONS

Awards, Amendments & Change Orders

1. Approve staff's ranking of vendors and award a two-year contract in an amount not to exceed \$1,500,000 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.
2. Approve staff's ranking of vendors and award a professional services contract in an amount not to exceed \$599,507 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.
3. Award a contract to Davey Coach Sales Incorporated for the purchase of two used shuttle buses for Bayport Container Terminal in an amount not to exceed \$99,000.
4. 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 in an amount not to exceed \$1,750,000.
5. 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 in an amount not to exceed \$600,000.
6. 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 in an amount not to exceed \$2,800,000.
7. 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 in the amount not to exceed \$750,000.
8. Ratify an emergency procurement with Dow Pipe & Fence Supply Co. in the amount not to exceed \$80,000 for fence installation at Barbours Cut rail ramp.
9. 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, in an amount not to exceed \$75,000.

10. Approve a five-year extension of the existing contract with Houston Mooring Company, Inc. for spotting of vessels at all Port Authority facilities in an amount not to exceed \$1,500,000.

11. Approve a five-year extension of the existing contract with Texas Mooring, LLC Inc for spotting of vessels at all Port Authority facilities in an amount not to exceed \$1,500,000.

General

12. 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.

13. 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, not to exceed \$1,287,009.

L. PEOPLE

Awards, Amendments & Change Orders

1. Authorize renewal of group insurance agreements with the following carriers to include coverage for calendar year 2022 in a total amount not to exceed \$2,336,788: (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.

M. SECURITY AND EMERGENCY OPERATIONS

Awards, Amendments & Change Orders

1. Award a two-year professional services contract, with an option for a two-year extension, in an amount not to exceed \$100,000 for Hazardous Material Response services to Oil Mop LLC, dba OMI Environmental Solutions.

2. 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 in an amount not to exceed \$95,000.

General

3. Enter into an Intergovernmental Agreement with the City of Morgan's Point for police services for one year in an amount not to exceed \$24,720.

N. TECHNOLOGY

Awards, Amendments & Change Orders

1. Award purchase orders over a five-year period to HP Inc. for devices and related services, using City of Houston Contract #4600016154-2021-0499, in a total amount not to exceed \$2,000,000.

2. 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, in an amount not to exceed \$820,000.

3. 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, in an amount not to exceed \$62,000.

4. 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, in an amount not to exceed \$60,000.

O. RECESS OPEN MEETING AND CONVENE EXECUTIVE SESSION

1. Consultation with Attorneys (Section 551.071, Texas Open Meetings Act), including consultations regarding (a) Fused Industries LLC v. Port Authority, (b) 33 U.S.C.A. §§5(b) and 2236, (c) Executive Order on Ensuring Adequate COVID Safety protocols for Federal Contractors, and (d) proposed amendment to the agreement for legal services with Best Best & Krieger LLP

2. Real Estate (Section 551.072, Texas Open Meeting Act), including disposition of Barbour's Cut Terminal and Beltway 8 vicinity properties and licensing of miscellaneous Houston Ship Channel and upland properties

3. Economic Development Negotiations or Incentives (Section 551.087, Texas Open Meetings Act)

4. Employment and Evaluation of Public Employees (Section 551.074, Texas Open Meetings Act)

5. Security-Related Matters (Sections 418.175-418.183 of the Texas Government Code, and Section 551.076, Texas Open Meetings Act)

6. Adjourn Executive Session

P. RECONVENE OPEN MEETING

1. Announce any items from Executive Session requiring Port Commission action

Q. CLOSING REMARKS BY CHAIRMAN AND COMMISSIONERS

1. Governance, legislative, policy, operational, and community matters

R. ADJOURN MEETING

1. Next Meeting Requested - October 26, 2021

2. Adjourn Port Commission Meeting