

September 22, 2022

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 27, 2022. A quorum of the Port Commission is intended to meet at 9:15 a.m. at the Port of Houston Authority Executive Office Building, Fourth Floor Boardroom, 111 East Loop North, Houston, Texas 77029. The member of the Port Commission presiding over the meeting is intended to be present at that location, which shall be open to the public during the open portions of the meeting.

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.

PORT OF HOUSTON AUTHORITY
of
HARRIS COUNTY, TEXAS

Erik A. Eriksson
Secretary



Additional Public Meeting Notifications.

1. 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, and will be available to the public, as will written minutes after Port Commission approval.
2. 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.
3. 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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Tuesday, September 27, 2022
PORT COMMISSION OF THE PORT OF HOUSTON AUTHORITY

9:15 a.m.
111 East Loop North
Houston, TX 77029 Fourth
Floor Boardroom
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 - August 2, 2022

D. STAFF REPORTS

1. Summary of selected financial and operational matters

E. APPEARANCES

1. Public Comment

F. EXECUTIVE

1. No items.

G. BUSINESS EQUITY

1. No items.

H. COMMERCIAL

Staff Report – Selected agenda items – John Moseley, Chief Commercial Officer

Awards, Amendments & Change Orders

1. Approve an approximate ten-month extension for a professional services contract with Love Advertising Inc. for media- buy services in an amount not to exceed \$400,000.

Leases

2. Approve a lease for a six-year term with Cooper/Ports America, LLC for approximately 4.34 acres out of Block 8A at Northside Turning Basin, effective no earlier than October 1, 2022, at an annual base rent of approximately \$91,869, with abatement resulting in an annual net base rent of not less than approximately \$33,535, subject to (i) annual base rent escalation of the greater of 3% or the increase in the Consumer Price Index, and (ii) the cumulative abatement to the base rent not exceeding \$350,000.

3. Approve a lease for a six-year term with Cooper/Ports America, LLC for approximately 7.94 acres out of Block 7 at Northside Turning Basin, effective no earlier than October 1, 2022, at an annual base rent of approximately \$168,073, with abatement resulting in an annual net base rent of not less than approximately \$51,407, subject to (i) annual base rent escalation of the greater of 3% or the increase in the Consumer Price Index, and (ii) the cumulative abatement to the base rent not exceeding \$700,000.
4. Approve a lease for a one-year term with two one-year mutual renewal options with Cooper/Ports America, LLC for approximately 3.57 acres out of Block 4B at Northside Turning Basin, effective no earlier than October 1, 2022, at an annual base rent of approximately \$136,017, subject to base rent escalation of the greater of 3% or the increase in the Consumer Price Index, upon the exercise of each one-year mutual renewal option.
5. Approve a lease for a one-year term with two one-year mutual renewal options with Cooper/Ports America, LLC for approximately 10.08 acres out of Block 3A at Northside Turning Basin, effective no earlier than October 1, 2022, at an annual base rent of approximately \$405,457, subject to base rent escalation of the greater of 3% or the increase in the Consumer Price Index, upon the exercise of each one-year mutual renewal option.
6. Approve a lease for a one-year term with two one-year mutual renewal options with Cooper/Ports America, LLC for approximately 10 acres out of Block 4A at Northside Turning Basin, effective no earlier than October 1, 2022, at an annual base rent of approximately \$402,240, subject to base rent escalation of the greater of 3% or the increase in the Consumer Price Index, upon the exercise of each one-year mutual renewal option.
7. Approve a grazing lease for a five-year term with David Eugene Brown and Polly Brown for approximately 70 acres out of the Ezekiel Thomas Survey A-73 in the City of Galena Park, effective no earlier than November 1, 2022, at an annual base rent of approximately \$1,400.
8. Approve an amendment to the lease with Covey Transport, Inc. for approximately 3.66 acres out of Block 3 at Turning Basin West to extend the term for one year, effective no earlier than October 1, 2022, at an annual base rent of approximately \$86,270.
9. Approve an amendment to the lease with Portwall Partners, Ltd. for approximately 55.89 acres of unimproved real property located on the south side of Port Road effective no earlier than October 1, 2022, to extend (i) the Feasibility Period for six months to March 31, 2023 and (ii) commencement of the Development/Construction Period to April 1, 2023, with base rent payable during these periods as set forth in the lease.
10. Approve a third amendment to the lease with Dixie Cullen Interest, 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, 2022, effective no earlier than October 1, 2022, at an annual base rent of approximately \$317,370, subject to annual base rent escalation of the greater of 3% or the increase in the Consumer Price Index.
11. Ratify the extended term of a month-to-month lease with R. Warehousing & Port Services, Inc., commencing October 1, 2022, for approximately 2.00 acres out of Block 1C at Northside Turning Basin, at an annual base rent of approximately \$102,456.

12. Ratify the extended term of a month-to-month lease with Schroder Marine Services, Inc., commencing October 4, 2022, for approximately 1.89 acres out of Block 23B at Industrial Park East, at an annual base rent of approximately \$79,221.

I. FINANCE

Staff Report – Selected agenda items – Tim Finley, Chief Financial Officer

General

1. Approve and reaffirm the Audit Committee Charter, Internal Audit Charter, and Internal Audit Policies.
2. Authorize the reduction of the investment rate of return assumption for the Port of Houston Authority Restated Retirement Plan and the Other Post-Employment Benefits (OPEB) Plan from 6.25% to 6.00%.
3. Authorize the termination of the fixed income investment management agreement with Smith, Graham & Co. Investment Advisors, L.P. for the Port of Houston Authority Restated Retirement Plan (Pension Plan).
4. Authorize a fixed income investment management agreement with Dodge & Cox for the Port of Houston Authority Restated Retirement Plan (Pension Plan).
5. Adopt an amended investment policy for the Port of Houston Authority Restated Retirement Plan (Pension Plan).
6. Adopt an amended investment policy for the Port of Houston Authority Other Post-Employment Benefit (OPEB) Plan, an irrevocable trust established for other post-employment benefits.
7. Review and adopt the Statement of Objectives and Policy for the Port of Houston Authority 401(a) Defined Contribution Plan and 457(b) Deferred Compensation Plan.

J. INFRASTRUCTURE

Staff Report – Selected agenda items – Rich Byrnes, Chief Infrastructure Officer

Awards, Amendments & Change Orders

1. Approve staff's ranking of vendors and award a two-year environmental consulting agreement in an amount not to exceed \$250,000 for storm water quality program management to the top-ranked proposer: staff ranking - first, SNM2R, LLC; second, Edge Engineering and Science, LLC; and third, TRC Environmental Corporation.
2. Approve staff's ranking of vendors and award a professional services contract in an amount not to exceed \$582,870 for the 2022 electrical and communications Facility Inspection and Condition Assessment Program (FICAP) at Barbours Cut Terminal to the top-ranked proposers: staff ranking – first, Hatch Associates Consultants, Inc.; and second, Jacobs Engineering Group, Inc.
3. Approve staff's selection of four vendors and award two-year professional services contracts, each in the amount of \$50,000, to perform construction material testing (CMT) services for smaller Port Authority projects to the following proposers: Geotech Engineering and Testing, The Murillo Company, Raba Kistner, Inc., and Tolunay-Wong Engineers, Inc.

4. Approve staff's ranking of vendors and award a construction contract in an amount not to exceed \$374,200 for the repair of Wharves 24, 25, and 26 at Turning Basin Terminal to the top-ranked proposer: staff ranking - first, Epoxy Design Systems, Inc.; second, Forde Construction Company, Inc.; and third, Bryant Industrial Services, LLC.
5. Approve staff's ranking of vendors and award a construction contract in an amount not to exceed \$66,899,413 to construct Container Yard 1 North and 1 Middle at Bayport Container Terminal to the top-ranked proposer: staff ranking - first, Satterfield & Pontikes Construction, Inc.; second, Archer Western Construction, LLC; and third, McCarthy Building Companies, Inc.
6. Award a construction contract to David E. Harvey Builders, Inc. to construct the maintenance complex at Barbours Cut Terminal in an amount not to exceed \$41,114,027.
7. Approve staff's ranking of vendors and award a professional services contract in an amount not to exceed \$475,000 to perform construction material testing services for the construction of Container Yard 1 North and 1 Middle at Bayport Container Terminal to the top-ranked proposers: staff ranking - first, Terracon Consultants, Inc.; second, Aviles Engineering Corporation; and third, Braun Intertec Corporation.
8. Approve staff's ranking of vendors and award a professional services contract in an amount not to exceed \$200,000 to perform construction material testing services for the construction of the maintenance complex at Barbours Cut Terminal to the top-ranked proposers: staff ranking - first, Braun Intertec Corporation; second, Aviles Engineering Corporation; and third, HVJ Associates, Inc.
9. Approve staff's ranking of vendors and award a construction contract in an amount not to exceed \$2,000,000 for annual pavement replacement at Barbours Cut Terminal and Bayport Container Terminal for 2023 to the top-ranked proposers: staff ranking - first, Jerdon Enterprise L.P.; second, Forde Construction Company, Inc.; and third, Total Contracting Limited.
10. Approve staff's ranking of vendors and award a construction contract in an amount not to exceed \$3,220,740 for annual wharf and rubber-tired gantry (RTG) crane painting at Barbours Cut Terminal and Bayport Container Terminal in 2022 through 2023 to the top-ranked proposer: staff ranking - first, Blastco Texas, Inc.; and second, TAM Services, LLC.
11. Approve staff's ranking of vendors and award a services agreement in an amount not to exceed \$450,000 for technical support services in support of grant management to the top-ranked proposer: staff ranking - first, AECOM Technical Services, Inc.; second, Atkins North America, Inc.; and third, The Ecologix Group.
12. Approve staff's ranking of vendors and award a one-year professional services contract in an amount not to exceed \$349,556 to provide professional services for a terminal options study to the top-ranked proposer: staff ranking - first, AECOM Technical Services, Inc.; second, BEA Architects; third, Hamburg Port Consulting; and fourth, Moffatt & Nichol.
13. Award a construction contract to Four Seasons Development Company, Inc. for annual perimeter security fence replacement for 2022, in an amount not to exceed \$200,000.

14. Award a construction contract to Bryant Industrial Services, LLC for the annual fender system maintenance at Barbours Cut Terminal and Bayport Container Terminal for 2022 and 2023, in an amount not to exceed \$1,200,000.

15. Award a construction contract to Indi Construction Partners, LLC for the maintenance building addition and canopy enclosure at Bayport Container Terminal, in an amount not to exceed \$3,695,984.

16. Award a professional services contract to English + Associates Architects, Inc. for design of the new Port Coordination Center facility at the Turning Basin Terminal, in an amount not to exceed \$430,360.

17. Award a professional services contract to Binkley & Barfield, Inc. for design for the removal and replacement of security speed gates at Ramp Roads 2, 4, and 5 at Turning Basin Terminal, in an amount not to exceed \$105,250.

18. Amend the professional services contract with RPS Infrastructure, Inc. to perform final design and engineering services associated with the water line rehabilitation at South Turning Basin Terminal, in an amount not to exceed \$280,770.

19. Amend the professional services contract with AECOM Technical Services, Inc., for master planning and engineering design of Port Authority facilities at Barbours Cut Terminal and Bayport Container Terminal, to include the design of Barbours Cut Terminal pop-up yard Phase I and II and the land development design for Old Highway 146 tracts, in an amount not to exceed \$1,400,000.

20. Amend the contract with Curtin Maritime Corp. for dredging of the Houston Ship Channel between Station 78+844 and 16+000 & Bayport Ship Channel to add Barbours Cut Container Terminal maintenance dredging in an amount not to exceed \$6,500,000 and terminate the Memorandum of Agreement with the U.S. Army Corps of Engineers for maintenance dredging at Bayport Container Terminal and Auto Terminal and Barbours Cut Terminal.

21. Approve a change order with Main Lane Industries, Ltd. to perform additional work associated with the Freight Station Road dedicated right-turn lanes and U-turn connector at Bayport Container Terminal, in an amount not to exceed \$275,504.

22. Enter into an Agreement with Bay-Houston Towing, Suderman & Young Towing, and G&H Towing for the administration of federal grant funding.

23. Provide the Port Authority's contributed funds for Package 4B and cost share portion for Package 5 for construction oversight to the U.S. Army Corps of Engineers, to support Construction of Package 4B/5 of the Houston Ship Channel Expansion Channel Improvement Project, in an amount not to exceed of \$2,574,000.

Permits/Licenses/Pipeline Easements

24. Approve the revised license fees for petroleum and chemical pipeline licenses according to the attached rate schedule, effective October 1, 2022 through December 31, 2029, and remit adjustments to affected customer accounts from October 1, 2019.

25. Approve the renewal of the following expiring Port Authority license for a new ten-year term: CenterPoint Energy Houston Electric LLC.

26. Issue a transmission line license to Comcast of Houston, LLC for a fiber optic cable line crossing the Port Terminal Railroad Association tracks adjacent to Gate AA at Industrial Park East.

27. Amend a pipeline license with KM Liquids Terminals LLC to add a 12kV electrical conduit on an existing pipe rack across Panther Creek.

K. OPERATIONS

Staff Report – Selected agenda items – Jeff Davis, Chief Port Operations Officer

Awards, Amendments & Change Orders

1. Approve staff's ranking of vendors and award a professional services contract in an amount not to exceed \$592,482 to perform inspection services for three dockside electric container cranes for Wharves Nos. 2, 5, and 6 at Bayport Container Terminal to the top-ranked proposer: staff ranking – first, Liftech Consultants, Inc.; second, Laurence & Associates, LLC; and third, APTIM Port Services International, LLC.

2. Approve staff's ranking of vendors and award a two-year contract in an amount not to exceed \$400,000 for the purchase of scaffolding services for wharf crane maintenance at Barbours Cut Terminal and Bayport Container Terminal to the top-ranked proposer: staff ranking – first, TAP Industrial Services, Inc.; and second, JBR1 Industrial Services.

3. Award the following for the purchase of auto parts for Barbours Cut Terminal, Bayport Container Terminal, and Turning Basin Terminal: (a) a two-year contract in an amount not to exceed \$300,000 to Allen Kerber Auto Parts; and (b) a two-year contract in an amount not to exceed \$200,000 to Auto Plus Auto Parts.

4. Award a three-year contract to TransTech of SC, Inc., the sole source provider, for the purchase of spare and replacement parts for Stemmann-Technik cable reels on wharf cranes at Barbours Cut Terminal and Bayport Container Terminal, in an amount not to exceed \$300,000.

5. Award a three-year contract to Sudden Service, Inc., the sole source provider, for the purchase of captive replacement parts for Taylor equipment at Barbours Cut Terminal and Bayport Container Terminal, in an amount not to exceed \$300,000.

6. Award an annual contract to AssetWorks, LLC, the sole source provider, for software maintenance, support and extended hardware warranty of Fleet Focus M5, Enterprise Asset Management System and Fuel Focus software, the Port Authority's Fueling and Fleet management system, in an amount not to exceed \$100,000.

7. Award a three-year contract to Paceco Corporation, the sole source provider, for the purchase of captive replacement parts and technical support services for Paceco wharf cranes at Barbours Cut Terminal, in an amount not to exceed \$100,000.

8. Award a two-year job order contract to Structural Concrete Systems, LLC for general marine facility repairs, using the Omnia Partners (formally Sourcewell), a cooperative purchase program contract, in an amount not to exceed \$500,000; and authorize staff to procure a two-year job order contract with Generocity Services, Inc. for general marine facility repairs, using Harris County Department of Education's Choice Partners, a cooperative purchase program, in an amount not to exceed \$500,000, for a total amount not to exceed \$1,000,000.

9. Award a contract to Smart Tecs LLC, the sole source provider, to replace the Optical Character Recognition lights at Barbours Cut Terminal and Bayport Container Terminal, in an amount not to exceed \$160,619.

10. Approve a two-year extension of the contract with Total Network Solutions to provide Database administrator, EDI implementation/execution, and monitoring support for the Navis Terminal Operating System, in an amount not to exceed \$554,560.

General

11. Ratify a purchase order issued June 6, 2022, to Byte Crunch Technologies, a new company owned by former Port Authority employee, Yan Chen, for software, power business intelligence tool creation, and maintenance, in an amount not to exceed \$10,000.

12. Approve an amendment to the twenty-year lease with C&C Houston Bayport to restate the footprint of the leased premises, a 21.53-acre parcel of land at Bayport Container Terminal Complex south of Port Road.

13. Approve an amendment to the existing ten-year lease with Cooper/Ports America, LLC of leased premises totaling 6.5 acres, including the warehouse known as Shed 3, at Barbours Cut Terminal to add a .65-acre tract to the premises at a base rent of \$1,325 per month, subject to annual escalation as provided in the lease.

14. 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 Port Authority reimbursement of the tenant's improvements to the access road and intersection with Container Freight Station Road, in an amount not to exceed \$526,724.

L. PEOPLE

Staff Report – Selected agenda items – Jessica Shaver, Chief People Officer

Awards, Amendments & Change Orders

1. Authorize renewal of the agreement with Aetna Life Insurance Company to provide professional third-party administration services for the Port Authority's self-funded group medical benefits program for active employees, retirees who are not Medicare-eligible, and dependents for the calendar year 2023, in an amount not to exceed \$46,400.

2. Authorize renewal of group insurance agreements with the following carriers to include coverage for calendar year 2023 in a total amount not to exceed \$1,783,937 for: (a) Aetna Life Insurance Company, for dental, vision, and Medicare Advantage coverage and (b) Minnesota Life Insurance Company, for basic life, voluntary and dependent life, and retiree life coverage.

General

3. Approve the hiring of Captain Malcolm "Doug" Mims as a casual employee to provide services relating to the M/V Sam Houston.

M. SECURITY AND EMERGENCY OPERATIONS

Staff Report – Selected agenda items – Marcus Woodring, Chief Port Security and Emergency Operations Officer

Awards, Amendments & Change Orders

1. Approve staff's ranking of vendors and award a professional services contract in an amount not to exceed \$135,000 to conduct facility risk assessments for the Port Authority's five Maritime Transportation Security Act regulated facilities to the top-ranked proposer: staff ranking – first, Chemical Security Group LLC; second, ABSG Consulting, Inc.; and third, Guidepost Solutions, LLC.

General

2. Approve renewal of a Memorandum of Agreement with U.S. Coast Guard Sector Houston-Galveston for a five-year period, to exchange and share information and data in order to enhance maritime safety and security.

3. Approve up to four Memoranda of Understanding with Texas Emergency Management Assistance Teams, Texas Division of Emergency Management, Texas A&M Engineering Extension Service, and Texas A&M Forest Service, to provide training, curriculum materials, analytical services, and technical assistance services for each Port Authority personnel participating on their disaster response teams for a five-year term unless terminated earlier.

4. Approve renewal of the Interconnection Security Agreement and Memorandum of Understanding with the U.S. Coast Guard for a three-year period, to connect the Nationwide Automatic Identification System to the Command Bridge system to enhance maritime safety and emergency response.

N. TECHNOLOGY

Staff Report – Selected agenda items – Charles Thompson, Chief Information Officer

Awards, Amendments & Change Orders

1. Award the following for the configuration, installation, and five-year support of the Port Authority's NXGEN wireless solution: (a) Barbours Cut Terminal and Bayport Container Terminal outdoor wireless (LTE) solution to AT&T in an amount not to exceed \$2,400,000 and (b) Barbours Cut Terminal, Bayport Container Terminal, and Turning Basin Terminal indoor and outdoor Wi-Fi to Netsync Network Solutions in an amount not to exceed \$1,200,000, for a total expenditure of \$3,600,000.

2. Award a contract and purchase order to Xerox for continued provision of multi-function printer devices for an additional five-years, using the State of Texas Department of Information Resources cooperative purchase program, in an amount not to exceed \$1,100,000 (total 5 years).

3. Issue a purchase order to Netsync Network Solutions for purchase of networking equipment to support additional ship- to-shore cranes, using Texas Department of Information Resources cooperative purchase program, in an amount not to exceed \$70,000.

4. Amend and extend for an additional five-years, the existing contract with Verizon Business Network Systems, Inc. for session initiation protocol (SIP) telephony services, using Texas Department of Information Resources cooperative purchase program, in an amount not to exceed \$350,000.

5. Amend the professional services contract with Deloitte Consulting, LLP for Next Generation Enterprise Resource Planning (Next Gen ERP) – Phase II, in an amount not to exceed \$240,000.

O. RECESS OPEN MEETING AND CONVENE EXECUTIVE SESSION

1. Consultation with Attorneys (Section 551.071, Texas Open Meetings Act), including consultations regarding (i) Standard Constructors, Inc. v. Port of Houston Authority, in the 151st Judicial District Court of Harris County, Texas, (ii) claims of George Hedge Contractors, Inc., (iii) agreement for litigation services with Interface Consulting International, Inc., and (iv) proposed amendment to the agreement for legal services with Haynes and Boone, LLP

2. Real Estate (Section 551.072, Texas Open Meetings Act)

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

4. Employment and Evaluation of Public Officers and Employees (Section 551.074, Texas Open Meetings Act), including deliberations regarding public employees

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 27, 2022 - Thursday

2. Adjourn Port Commission Meeting