

May 19, 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, May 24, 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.



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Meeting number (access code): 2491 366 1040

Meeting password: MAYPC22

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Tuesday, May 24, 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 - April 26, 2022

D. STAFF REPORTS

1. Summary of selected financial and operational matters

E. APPEARANCES

1. Public Comment

F. EXECUTIVE

Staff Report – Selected agenda item – Tom Heidt, Chief Operating Officer

General

1. Affirmatively impose an additional 15% penalty pursuant to Texas Tax Code §33.07 in connection with 2021 property taxes that becomes delinquent before June 1, 2022.

G. BUSINESS EQUITY

1. No items.

H. COMMERCIAL

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

Leases

1. Approve a lease for a ten-year term with Sunbelt Group, L.P., d/b/a Arrow Steel Processors, for approximately 7.8 acres at Block 13A at Northside Turning Basin, effective no earlier than June 1, 2022, at an annual base rent of approximately \$292,914, subject to annual base rent escalation of the greater of 3% or the increase in the Consumer Price Index.

2. Approve an amendment to the lease with Gulf Winds International, Inc. to add approximately 0.838 acres adjacent to the southwest corner of its 10.435-acre leased premises on the south side of Port Road near the Bayport Container Terminal, effective no earlier than May 25, 2022, at an annual base rent of approximately \$456,227, subject to annual rent escalation of the greater of 3% or the increase in the Consumer Price Index.
3. Approve an amendment to the lease with Conestoga Supply, LLC for approximately 0.87 acres out of Block 24 at Industrial Park East, to extend the term for one year, effective no earlier than July 1, 2022, at an annual base rent of approximately \$19,921.
4. Approve an amendment to the lease with INEOS USA LLC for approximately 1.95 acres near Independence Parkway to extend the term for five years, effective no earlier than September 1, 2022, at an annual base rent of approximately \$48,961, subject to annual base rent escalation of the greater of 3% or the increase in the Consumer Price Index.
5. Ratify the extended terms of three month-to-month leases with Cooper/Ports America, LLC, each commencing July 1, 2022, for approximately 10 acres, 10.08 acres, and 3.57 acres out of Blocks 4A, 3A, and 4B at the Northside Turning Basin, at an annual base rent of approximately \$442,440 for the 10-acre lease, \$445,979 for the 10.08-acre lease, and \$149,640 for the 3.57-acre lease.

I. FINANCE

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

General

1. Hearing and possible action to (i) amend the Port Authority's Restated Retirement Plan ("Plan") to (x) provide for a voluntary lump-sum payment to each participant who has vested and is no longer employed, but who has not yet begun to receive benefit payments, and (y) clarify the Plan's definition of "Disability Termination Date," and (ii) amend the Plan, the 457(b) Deferred Compensation Plan, and the 401(a) Defined Contribution Plan to adjust the required minimum plan distributions from age 70½ to 72.

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 an agreement in an amount not to exceed \$225,000 for non-hazardous and hazardous waste recycling, disposal, and management to the top-ranked proposer: staff ranking- first, Heritage Crystal- Clean, LLC; second, Oil Mop dba OMI Environmental Solutions, LLC; and third, Tradebe Environmental Services, LLC.
2. Approve staff's ranking of vendors and award a construction contract in an amount not to exceed \$1,649,760 for the repair of the Spilman Island bridge to the top-ranked proposer: staff ranking - first, Forde Construction Company, Inc.; and second, NGB Constructors, Inc.
3. Award a construction contract to Jerdon Enterprise, L.P. for restroom renovations at Wharf 8, Wharf 32, and various sheds at Turning Basin Terminal in an amount not to exceed \$3,875,889.

4. Approve staff's ranking of vendors and award a construction contract in an amount not to exceed \$338,469 to construct Container Yard 6 refrigerated storage infrastructure at Barbours Cut Terminal to the top-ranked proposer: staff ranking - first, C.F. McDonald Electric, Inc.; and second, Pfeiffer & Son, Ltd.
5. Approve staff's ranking of vendors and award a construction contract in an amount not to exceed \$815,774 for electrical preventative maintenance services at Barbours Cut Terminal and Bayport Container Terminal in 2022 through 2024 to the top-ranked proposer: staff ranking - first, Shermco Industries, Inc.; second, Saber Engineering Services, LLC; and third, Power Engineering Services.
6. Award a professional services contract to Jacobs Engineering Group, Inc. for engineering evaluation of Wharves 9, 16, 17, 23, 24, 25, 26, 29, 30, 31, and 32 at Turning Basin Terminal in an amount not to exceed \$342,825.
7. Amend the professional services contract with AECOM Technical Services, Inc. to perform services for rehabilitation and repair design of Wharfs 20 and 21 at Turning Basin Terminal in an amount not to exceed \$88,778.
8. Amend the professional services contract with DE Corp. to perform additional services for the rehabilitation and repair of Wharf 2 at Manchester Terminal in an amount not to exceed \$143,285.
9. Amend a professional services contract to GHD, Inc. to further develop Asset Management and Geographic Information System programs, in an amount not to exceed \$720,393.
10. Approve a change order with McCarthy Building Companies, Inc. to perform additional work associated with the construction of Wharf 6 at Bayport Container Terminal in an amount not to exceed \$4,885,000.
11. Enter into an Interlocal Agreement with Harris County to provide wage rate compliance services for a nineteen-month period in an amount not to exceed \$113,346.08.

General

12. Increase funding under the Memorandum of Agreement with the U.S. Army Corps of Engineers for maintenance dredging of berths at the Bayport Container Terminal, Bayport Auto Terminal, and Barbours Cut Terminal by \$4,000,000 for a new total amount not to exceed \$9,000,000.

Project 11

13. Enter into a reimbursement agreement with HSC Pipeline Partnership, LLC for (i) the design and construction of one 24- inch pipeline related to Segment 3 of the Houston Ship Channel Expansion Channel Improvement Project at a cost not to exceed \$8.1 million, for which the Port Authority would be responsible for one half the cost, for a total amount not to exceed \$4.05 million and (ii) shoreline protection work on the Port Authority's behalf in an amount not to exceed 7.3 million.

Permits/Licenses/Pipeline Easements

14. Issue a transmission line license to CenterPoint Energy Houston Electric, LLC for one 138kV transmission line over and across Greens Bayou, approximately 0.63 miles upstream of the Crosby Freeway bridge.

15. Amend a pipeline license contract with INEOS Chocolate Bayou Pipeline, LLC to relocate an existing pipeline under the Houston Ship Channel near the Bulk Materials Handling Plant.

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 three-year contract in an amount not to exceed \$1,200,000 for the purchase of janitorial services at Barbours Cut Terminal and Bayport Container Terminal to the top-ranked proposer: staff ranking – first, Ambassador Services, LLC; second, Unicare Building Maintenance, Inc.; and third, Office Pride Commercial Cleaning of Bayport-Mont Belvieu.

2. Award a two-year contract to Rush Truck Centers of Texas, LP dba Rush Truck Center, Houston for the purchase of Cummins diesel engine parts and related services for Barbours Cut Terminal, Bayport Container Terminal, and Turning Basin Terminal in an amount not to exceed \$1,100,000.

3. Award a two-year contract to Monument Chevrolet for the purchase of General Motors parts and related services for Barbours Cut Terminal, Bayport Container Terminal, and Turning Basin Terminal, using a Sourcewell cooperative purchase program contract, in an amount not to exceed \$300,000.

4. Authorize payment to Navis LLC for annual maintenance services for the Marine Terminal Management Software System for Barbours Cut Terminal, Bayport Container Terminal, and Turning Basin Terminal in an amount not to exceed \$764,480.

5. Authorize payment to Smart Tecs LLC for annual maintenance services for the Marine Terminal Gate Operating Software System for Barbours Cut Terminal and Bayport Container Terminal in an amount not to exceed \$372,214.

6. Authorize an amendment to a previous award to Yard Mule Specialists Texas, Inc. for the purchase of sixteen yard tractors for Barbours Cut Terminal and Bayport Container Terminal for a revised contract amount not to exceed \$2,251,045.

L. PEOPLE

1. No items.

M. SECURITY AND EMERGENCY OPERATIONS

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

Awards, Amendments & Change Orders

1. Approve two-year extensions to both the current professional services contracts with Garner Environmental Services and T&T Salvage for emergency standby products and services.

N. TECHNOLOGY

1. No items.

O. RECESS OPEN MEETING AND CONVENE EXECUTIVE SESSION

1. Consultation with Attorneys (Section 551.071, Texas Open Meetings Act), including consultation regarding claims of the Port Authority against Celanese Ltd.
2. Real Estate (Section 551.072, Texas Open Meeting Act), including deliberation regarding 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. INFRASTRUCTURE

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

Permits/Licenses/Pipeline Easements

1. Approve revised license fees for petroleum and chemical pipeline licenses according to the attached rate schedule, effective June 1, 2022.

R. CLOSING REMARKS BY CHAIRMAN AND COMMISSIONERS

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

S. ADJOURN MEETING

1. Next Meeting Requested - June 28, 2022
2. Adjourn Port Commission Meeting

FEE SCHEDULE FOR PORT OF HOUSTON AUTHORITY
LICENSES AND PERMITS
Effective June 1, 2022

| | |
|--|---|
| I. Permits (e.g., bulkheads, moorings, docks, dredging, etc.): | |
| <p>Application fee (one time only) for installations on the Houston Ship Channel (HSC), tributaries to the HSC, and other Port Authority property.</p> <p>A \$2,500 deposit for "As-Built" drawings will be required at time of application. Such deposit will be refunded when as-built drawings are furnished as required in the permit, or if said project is canceled. If "As-Built" drawings have not been furnished within one year of completion of project installation, the \$2,500 deposit is forfeited to the Port Authority.</p> | \$ 675.00 |
| II. Licenses (for Pipelines, Cable, or Transmission lines along, across, under or within railroad right-of-way, submerged lands, and other properties): | |
| <ul style="list-style-type: none"> • Please note: the Port Authority reserves the right to charge lease rates rather than license fees for pipelines or transmission lines on or crossing Port Authority terminals | |
| <p>Application fee (term of license) in addition to fees listed below.</p> <p>A \$2,500 deposit for "As-Built" drawings will be required at time of application. Such deposit will be refunded when as-built drawings are furnished as required in the license, or if the license is canceled. If "As-Built" drawings have not been furnished within one year of completion of project installation, the \$2,500 deposit is forfeited to the Port Authority.</p> | \$ 675.00 |
| Petroleum/Chemical* | |
| Under 8" | \$ 9.64 per linear foot (LF) \$ 4,772.00 minimum (min) per line and per crossing |
| Over 8" but not over 16" diameter | \$ 11.57 per LF \$ 5,727.00 min per line and per crossing |
| Over 16" but not over 32" diameter | \$ 21.21 per LF \$ 7,953.00 min per line and per crossing |
| Over 32" but not over 48" diameter | \$ 33.74 per LF \$ 14,316.00 min per line and per crossing |
| Over 48" but not over 64" diameter | \$ 46.28 per LF \$ 17,497.00 min per line and per crossing |
| Over 64" but not over 80" diameter | \$ 60.73 per LF \$ 20,678.00 min per line and per crossing |
| Over 80" but not over 96" diameter | \$ 74.23 per LF \$ 25,450.00 min per line and per crossing |
| 96" and greater | \$ 86.76 per LF \$ 30,223.00 min per line and per crossing |

*The following provisions are applicable to petroleum and chemical pipeline licenses only:

1. The rates for petroleum and chemical pipeline licenses will remain constant through December 31, 2029.
2. The rates for new petroleum and chemical pipeline licenses will be adjusted to Port Authority-determined market rates beginning January 1, 2030.
3. Petroleum and chemical pipeline licenses will be issued for thirty year terms, with rate adjustments in year 11 and year 21.
4. Those adjustments will be equal to the change in the Consumer Price Index, but not less than 2.5% or more than 6%.

| Non-Petroleum / Non-Chemical (e.g. water lines, conduits, etc.) | |
|---|--|
| Under 8" | \$ 3.63 per LF \$ 1,794.00 min per line and per crossing |
| Over 8" but not over 16" diameter | \$ 4.99 per LF \$ 2,044.00 min per line and per crossing |
| Over 16" but not over 32" diameter | \$ 9.50 per LF \$ 3,928.00 min per line and per crossing |
| Over 32" but not over 48" diameter | \$ 15.89 per LF \$ 6,477.00 min per line and per crossing |
| Over 48" but not over 64" diameter | \$ 21.55 per LF \$ 7,924.00 min per line and per crossing |
| Over 64" but not over 80" diameter | \$ 28.57 per LF \$ 10,144.00 min per line and per crossing |
| Over 80" but not over 96" diameter | \$ 34.90 per LF \$ 12,366.00 min per line and per crossing |
| 96" and greater | \$ 35.49 per LF \$ 14,590.00 min per line and per crossing |
| Electrical Transmission / Distribution | |
| 12KV | \$ 3.63 per LF \$ 1,794.00 min per line and per crossing |
| 35KV | \$ 4.21 per LF \$ 1,975.00 min per line and per crossing |
| 69KV | \$ 4.35 per LF \$ 2,155.00 min per line and per crossing |
| 138KV | \$ 4.73 per LF \$ 2,334.00 min per line and per crossing |
| 345KV | \$ 5.07 per LF \$ 2,514.00 min per line and per crossing |
| Wooden support poles | \$ 250.00 each |
| Steel towers | \$ 1,000.00 each |
| III. Dredged Material Placement Agreements | |
| Application Fee | \$ 675.00 each use |
| Material Placement Fee (payable to the Port Authority) | \$ 4.12 per cubic yard |
| IV. Temporary Access License (Right-of-entry letter) | |
| | \$ 500.00 per letter |
| V. Seismic Exploration (Right-of-entry letter) | |
| Fee for right-of-entry | \$ 500.00 per letter |
| Fee for exploration | 3D \$25.00 per acre 2D \$2,475.00 per mile \$ 2,475.00 minimum |
| Vi. Transfers, assignments, name changes, or other amendments | |
| | \$ 675.00 each |
| VII. Surface Site Licenses (e.g. valve sites, road grade crossings, pipe bridges, access) | |
| <ul style="list-style-type: none"> Please note: the Port Authority reserves the right to charge lease rates rather than license fees for surface sites on or crossing Port Authority terminals | |
| Application Fee | \$ 675.00 |
| License Fee | \$ 4.86 per ft ² \$ 8,016.00 minimum |
| VIII. Penalty for delinquent renewals | |
| <ul style="list-style-type: none"> Please note: It is the responsibility of the Licensee to renew its License with the Port Authority before the License expires, even if no renewal notice is received. | |
| For delinquencies of 30 days or less, the greater of 5% of the License Fee or \$25.00 For delinquencies of more than 30 days, the greater of 10% of the Licensee Fee or \$50.00 | |