



NOTICE OF MEETING

A Regular Meeting of the Port Commission (District) will be held on November 19, 2009 at 4:00 p.m. at the Port Freeport Administration Building, 200 West Second Street, Third Floor, Freeport, Texas to conduct the following business at hand:

CONVENE OPEN SESSION in accordance with Texas Government Code Section 551.001, et. seq., to review and consider the following:

1. Review and consideration of the approval of minutes of the Regular Meeting held October 22, 2009.
2. Review and consideration of setting a date and time for the next meeting.
3. Review and consideration of the approval of the following disbursements:

- BRHND Operating Account Check(s) No: 58817-59108
- Port Operations Check(s) No: 177-179
- BRHND Wire Transfer(s): 3769-3782
- BRHND Insurance Account Check(s) No: 1024-1063
- BRHND Payroll - ADP - 10/1/09, 10/8/01, 10/15/09, 10/22/09, 10/29/09

4. Reports from Executive Staff and Commissioners.

- A. Receive report from Executive Port Director/CEO on activities and matters related to federal, state and local governmental affairs, Port tenant updates, USCOE, rail issues, HGAC-TPC/TAC, AAPA Board and Committees, upcoming Port and civic events and other related administrative and governmental matters.
- B. Receive report from Managing Director on monthly activity and matters related to financial results, investments, insurance, Foreign-Trade Zone, leases, contracts, AAPA Committee and other related administrative and governmental matters.
- C. Receive report from Director of Engineering on activities and matters related to Freeport Harbor Federal Channel, capital projects and other projects, Hydrographic Report, EMS Update and other related facility engineering or environmental matters.
- D. Receive report from Director of Operations on activities and matters related to monthly, fiscal year and upcoming operations, vessel activity calendar, monthly tonnage reports and comparisons and other related port operation matters.
- E. Receive report from Director of Security/Safety on activities and matters related to safety meetings/injury report, security meetings and other related safety and security matters.
- F. Receive report from Director of Trade Development on activities and matters related to sales reports, industry meetings and Port presentations, Port events, advertising and web activity, Foreign-Trade Zone and other related trade development or community relations matters.
- G. Receive report(s) from Commissioners related to meetings and conferences attended, Port presentations and other related Port Commission matters.

5. Receive comments from the Public.

6. **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 551.072 to discuss bids received and award of lease of 5.396 acres of land, being out of a 5.721 acre tract and a 1.445 acre tract in the S. F. Austin 1/3 League, Abstract No. 28, City of Freeport, Brazoria County, Texas.

RETURN TO MY HAND on the 16 day of November 2009
 executed by posting a true copy at the Courthouse of
 Brazoria County, Texas, on the 16 day of November 2009
 JOYCE HUDMAN, Clerk
 County Clerk in and for
 Brazoria County, Texas

By J. Hudman
 County Clerk

FILED AT 3:30 O'CLOCK P M
 NOV 16 2009
 Joyce Hudman
 COUNTY CLERK
 BRAZORIA COUNTY TEXAS

FILED AT 3:30 O'CLOCK P M

NOV 16 2009

RETURN TO MY HAND on the 16 day of November 2009
I certify that this is a true and correct copy of the minutes of the meeting of the Board of Commissioners of Brazoria County, Texas, on the 16 day of November 2009.

JOYCE HUDMAN, Clerk
County Court in and for Brazoria County, Texas
J. Hudman

Joyce Hudman
COUNTY CLERK
BRAZORIA COUNTY TEXAS

- B. Under authority of Section 551.072 to discuss the terms and conditions of a lease agreement between the Port and Kirby Marine for 5.396 acres of land, being out of a 5.721 acre tract and a 1.445 acre tract in the S. F. Austin 1/3 League, Abstract No. 28, City of Freeport, Brazoria County, Texas.
- C. Under authority of Section 551.072 to discuss the Lease of Storage Yard Complex between the Port and BP Wind Energy North America, Inc.
- D. Under authority of Section 551.072 to discuss the terms and conditions of a grazing lease between the Port and Bonner Jenkins.
- E. Under authority of Section 551.071 for discussion with attorney the legal matters contained in the October 8, 2009 letter from American Rice, Inc. to Port Freeport concerning the Ground Lease and Definitive Agreement as amended, in particular the Olive Oil Plant to be built under the 12th Amendment.
- F. Under authority of 551.071 for discussion with attorney regarding the terms and conditions of a site access agreement between the Port and DynMcDermott Petroleum Operations Co.
- G. Under authority of Section 551.071 for discussion with attorney regarding pending litigation with RLB Contracting.
- H. Under authority of Section 551.071 for discussion with attorney regarding matters related to the contract between Port Freeport and McCarthy Building Companies, Inc.
- I. Under authority of Section 551.071 for discussion with attorney legal matters regarding the rezoning of Port land by the City of Freeport, the availability of 5th Street for use as access to a new gate, and the deannexation of Port property by the City.
- J. Under authority of Section 551.072 to discuss the terms and conditions of a lease of office space between the City of Freeport and Port Freeport.

The Commission does not anticipate going into a closed session under Chapter 55 of the Texas Government Code at this meeting for any other items on the agenda, however, if necessary, the Commission may go into a closed session as permitted by law regarding any item on this agenda.

RECONVENE OPEN SESSION to review and consider:

- 7. Review and consideration of bids received and award of lease of 5.396 acres of land, being out of a 5.721 acre tract and a 1.445 acre tract in the S. F. Austin 1/3 League, Abstract No. 28, City of Freeport, Brazoria County, Texas.
- 8. Review and consideration of the adoption of a resolution approving the terms and conditions of a lease between the Port and Kirby Marine for 5.396 acres of land, being out of a 5.721 acre tract and a 1.445 acre tract in the S. F. Austin 1/3 League, Abstract No. 28, City of Freeport, Brazoria County, Texas.
- 9. Review and consideration of the adoption of a resolution approving the terms and conditions of the Lease of Storage Yard Complex between the Port and BP Wind Energy North America, Inc.
- 10. Review and consideration of the adoption of a resolution approving the terms and conditions of a grazing lease between the Port and Bonner Jenkins.
- 11. Review and consideration of determining response to October 8, 2009 letter from American Rice, Inc. to Port Freeport concerning the Ground Lease and Definitive Agreement as amended, in particular the Olive Oil Plant to be built under the 12th Amendment.
- 12. Review and consideration of the adoption of a resolution approving a site access agreement between Port Freeport and DynMcDermott Petroleum Operations Co.
- 13. Review and consideration of the approval of a cost of living salary adjustment for Executive Port Director/CEO A. J. Reixach, Jr.

14. Review and consideration of the adoption of a resolution authorizing payment of Incentive Awards for the Fiscal Year 2009 Port Incentive Plan.
15. Review and consideration of the adoption of a resolution of Compliance with Public Funds Investment Act, approving Amendment of Investment Policy and Update of Investment Strategies.
16. Review and consideration of the approval of amendments to the Port Freeport Incentive Plan.
17. Review and consideration of the adoption of a resolution approving financial measures for FY 2010 for the Port Incentive Plan.
18. Review and consideration of the adoption of a resolution approving the acceptance of the Port's portion of the proceeds received from high bidders on delinquent tax property held in trust by Brazoria County, Texas and authorizing the Chairman to join in the conveyance to high bidders.
19. Review and consideration of the adoption of a resolution authorizing a contribution to the Port Freeport Retirement Fund.
20. Review and consideration of bids received and award of contract for Velasco Terminal Backland Development, Phase I Flexible Base Procurement Project.
21. Review and consideration of Change Order No. 15 to McCarthy Building Companies, Inc. for the Velasco Terminal Phase I (Berth 7) Project.
22. Review and consideration of Change Order No. 16 to McCarthy Building Companies, Inc. for the Velasco Terminal Phase I (Berth 7) Project.
23. Review and consideration of a request by the Village of Surfside Beach for assistance with erosion problem.
24. Discussion regarding how to restructure Commission Meetings to make them more public attendance friendly.
25. Review and consideration of the election of Chairman, Vice Chairman, Secretary and Assistant Secretary for the period from the date of election of each officer through May 31, 2011.

With this posted notice, Port Commissioners have been provided certain background information on the above listed agenda items. Copies of this information can be obtained by the public at the Port Administrative offices at 200 W. 2nd Street, 3rd Floor, Freeport, TX.

A. J. Reixach, Jr., Executive Port Director
PORT FREEPORT

In compliance with the Americans with Disabilities Act, the District will provide for reasonable accommodations for persons attending its functions. Requests should be received at least 30 hours in advance.

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TO MY HAND on the 16 day of November, 2009
attested by posting a true copy at the Courthouse of
Brazoria County, Texas, on the 16 day of November, 2009
JOYCE HUDMAN, Clerk
County Court, in and for
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By: A. Bodde

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