

**CALHOUN PORT AUTHORITY
SPECIAL MEETING
May 25, 2021**

A special meeting of the Calhoun Port Authority was held on Tuesday, May 25, 2021 at 12:01 p.m. in the Calhoun Port Authority Board Room, Calhoun Port Authority Office, 2313 F.M. 1593 South, Point Comfort, Texas.

Board Members attending were:

Commissioner # 1 – Marty Strakos
Commissioner # 2 – Jay Cuellar
Commissioner # 3 – J.C. Melcher, Jr.
Commissioner # 4 – Luis De La Garza
Commissioner # 5 – Johnny Perez
Commissioner # 6 – Dan Krueger

Staff Members attending were:

Charles R. Hausmann – Port Director
Forrest Hawes – Deputy Port Director
Felicia Harral – Director of Engineering
Miranda Malek – Administrative Assistant
Alan Sanders – Law office of Moore Landrey – via telephone

Others in attendance were:

Tony Holladay
Greg Salinas – McCall, Parkhurst & Horton
Aaron Martin – NGL
Todd Edwards – Max Midstream
Steve Svetlik – Max Midstream
Colby Hale – Max Midstream
Will Burdge – Max Midstream
Maggie Mullins - Max Midstream
D.D. Turner – The *Wave*- via telephone
Kali Venable – The *Advocate*

Agenda Item No. 1: Call to Order:

Board Chair Luis De La Garza called the Special Meeting to order at approximately 12:00 p.m. He announced that the agenda of the meeting was posted in accordance with the provisions of the Texas Open Meetings Act.

Board Chair Luis De La Garza led the meeting in the Pledge of Allegiance.

Agenda Item No. 2: Public Comment.

No action was taken on this agenda item.

Agenda Item No. 3: Review and Consideration of Bids Received for the Matagorda Ship Channel (MSC) Improvement Project, Pre-Dredge Sampling and Analysis and Award a Contract.

Port Engineer Felicia Harral informed the Board that the Army Corps of Engineers had reviewed the 3 bids submitted and recommended that the contract be awarded to Tolunay-Wong Engineers in the amount of \$910,938.00. The contract allowed for a 15-day period to start the job and promised completion within 60 days of starting. Pursuant to further review and discussion, a motion was made by Board Member Jay Cuellar to approve the award of the Matagorda Ship Channel (MSC) Improvement

Project, pre-dredge sampling and analysis to Tolunay-Wong Engineers in the amount of \$910,938.00. The motion was seconded by Board Secretary Johnny Perez and the motion carried unanimously.

Agenda Item No. 4: Review and Consideration of Acceptance of the Resignation of Two Members of the Board of Directors of the Calhoun County Navigation District Industrial Development Authority and the Appointment of Two New Members to the Board.

Board Member Jay Cuellar made the motion to accept the resignations from previous Board President and Vice President and to appoint current Board Members Dan Krueger and Marty Strakos to the CCNDIDA Board. Board Member J.C. Melcher, Jr. seconds the motion and the motion carried unanimously.

The Special Meeting of the Calhoun Port Authority was recessed for a meeting of the Calhoun County Navigation Industrial Development Authority at 12:04 p.m. The meeting was reconvened at 12:15 p.m.

Agenda Item No. 5: Board Chair Committee Appointments.

No action was taken on this agenda item.

Agenda Item No. 6: Closed Session: As Authorized by Tex. Gov't Code §551.087(1): to discuss or deliberate regarding commercial information that the Port has received from a business prospect that the Port seeks to have locate, stay, or expand in or near the territory of the Port with which the Port is conducting economic development negotiations. No discussions or deliberations shall be conducted in the presence of any business prospect, the presence (if any) of which shall be limited to presentation of information relevant to the potential economic development activity and with respect to such information it is of a confidential or business-proprietary nature.

As Authorized by Tex. Gov't Code §551.072 for the purpose of discussion with respect to the purchase, exchange, lease or value of real property. No discussions or deliberations shall be conducted in the presence of any business prospect, the presence (if any) of which shall be limited to presentation of information relevant to the potential economic development activity and with respect to such information it is of a confidential or business-proprietary nature.

As Authorized by Tex. Gov't Code §551.071(2): to seek the advice of its attorney. No discussions or deliberations with legal counsel shall be conducted in the presence of any business prospect or any other third party that may result in waiver of the attorney-client privilege.

Board Chair Luis De La Garza announced that As Authorized by Tex. Gov't Code §551.087(1); to discuss or deliberate regarding commercial information that the Port has received from a business prospect that the Port seek to have locate, stay, or expand in or near the territory of the Port and with which the Port is conducting economic development negotiations. No discussions or deliberations shall be conducted in the presence of any business prospect, the presence (if any) of which shall be limited to presentation of information relevant to the potential economic development activity and with respect to such information it is of a confidential or business-proprietary nature.

As Authorized by Tex. Gov't Code §551.072 for the purpose of discussion with respect to the purchase, exchange, lease or value of real property. No discussions or deliberations shall be conducted in the presence of any business prospect, the presence (if any) of which shall be limited to presentation of information relevant to the potential economic development activity and with respect to such information it is of a confidential or business-proprietary nature.

As Authorized by Tex. Gov't Code §551.071(2): to seek the advice of its attorney. No discussions or deliberations with legal counsel shall be conducted in the presence of any business prospect or any other third party that may result in waiver of the attorney-client privilege.

"No action or consensus would be taken in closed session". The Board convened in Closed Session at 12:20 p.m. after a 5-minute recess.

Agenda Item No. 7: Return to Open Session and take any action deemed necessary based on discussion in Closed Session.

The Board adjourned the Closed Session at 1:57 p.m. Board Chair Luis De La Garza announced that "No action or consensus had been taken in closed session".

Agenda Item No. 8: Review and Consideration of Amending the MOU with Ineos Nitriles USA LLC with the Calhoun Port Authority.

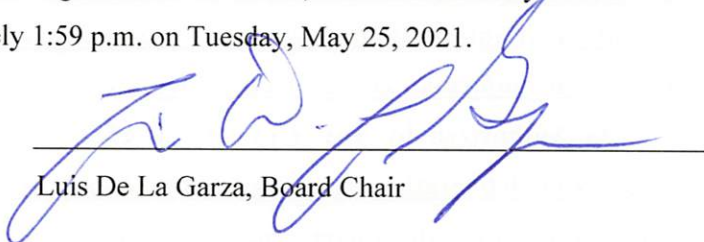
Pursuant to further review and discussion, a motion was made by Board Member Jay Cuellar to approve the MOU with Ineos Nitriles USA LLC as amended. The motion was seconded by Board Secretary Johnny Perez and the motion carried with a vote of 5-1 with Board Member J. C. Melcher, Jr. voting against the motion.

Agenda Item No. 9: Review and Consideration with Respect to Approving, Confirming and Ratifying Amended By-Laws of the Calhoun County Navigation Industrial Development Authority.

Pursuant to further review and discussion, a motion was made by Board Member Jay Cuellar to approve, confirm and ratify the amended By-Laws of the Calhoun County Navigation Industrial Development Authority. The motion was seconded by Board Secretary Johnny Perez and the motion carried unanimously.

Agenda Item No. 10: Adjourn.

There being no further business to be brought before the Board, a motion was duly made that the meeting be declared adjourned at approximately 1:59 p.m. on Tuesday, May 25, 2021.



Luis De La Garza, Board Chair

ATTEST:



Johnny Perez, Board Secretary