

# **BOARD OF TRUSTEES OF THE GALVESTON WHARVES**

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN THREE (3) DAYS PRIOR TO ANY PROCEEDING, CONTACT THIS OFFICE, 123 ROSENBERG AVENUE, 8<sup>TH</sup> FLOOR, GALVESTON, TEXAS 77550 (409-766-6105).

**Regular Monthly Meeting**  
**Monday, February 22, 2010**  
**9:00 a.m.**

**Port of Galveston**  
**8<sup>th</sup> Floor Shearn Moody Plaza**  
**123 Rosenberg Avenue, Galveston, TX 77550**

**-THE REGULAR MONTHLY MEETING IS OPEN TO THE PUBLIC-**

**John Eckel**  
**Robert E. Hoskins**  
**A. D. Suderman, III**  
**John Tindel**

**Roland L. Bassett**  
**Roger R. Quiroga**  
**Mayor Lyda Ann Thomas**

**Steven M. Cernak, P.E., PPM®**  
**Wm. Hulse Wagner, Port Attorney**

## **I. REGULAR MONTHLY MEETING**

### **A. CALL TO ORDER**

- A-1 Roll Call
- A-2 Declaration of Quorum
- A-3 Pledge of Allegiance

### **B. DECLARATION OF CONFLICTS OF INTEREST BY TRUSTEES**

### **C. GENERAL BUSINESS**

#### **1. PRESENTATIONS AND ANNOUNCEMENTS**

- A-1 Presentation of Port of Galveston Employee Service Awards
- A-2 Comments from the Public

**2. APPROVAL OF MINUTES OF THE BOARD OF TRUSTEES**

B-1 Minutes of the Regular Monthly Meeting of the Board of Trustees held January 19, 2010

B-2 Minutes of the Special Meeting of the Board of Trustees held February 16, 2010

**3. PORT DIRECTOR'S REPORT**

C-1 Port Director/Staff Reports – Consideration of Information Received from the Port Director or Other Members of Port Staff with Respect to Port Operations, Including Such Matters as Revenue, Expense, and Other Financial Information; Cargo Tonnage and Ship Calls; Cruise Passenger Activity, Car Counts, and Ship Calls; Security Conditions and Other Security Related Matters; Facility Improvements, Maintenance, Repairs, and Demolition; Dredging; Matters Relating to Parking Operations; Staff and Trustee Travel Reports; and Other Matters Required to be Reported to the Trustees Pursuant to Law or Board Policy.

**4. CONSENT AGENDA**

D-1 Consider Board and Staff Expense Reports

D-2 Consider Financial Statements

D-3 Accept Port Investments Report

D-4 Accept Bank Reconciliation Report and Schedule of Internal Fund Balances

D-5 Accept Comparison of Cash Flow

D-6 Accept Monthly Delinquent Accounts Receivable Analysis

D-7 Accept Vendor Check Register Report

D-8 Consider Trade Development

**5. BUSINESS ITEMS**

E-1 Discuss and Consider Declaring Certain Tools, Vehicles and Equipment Surplus and Authorizing the Disposal/Sale of such Property

- E-2 Discuss and Consider Renewal of Stevedore Licenses for FY2010
- E-3 Discuss and Consider Approval of Operating Agreement Between the Board of Trustees and Keen Transport, Inc. for the Purpose of Conducting Zone Operations in Foreign-Trade Zone No. 36 Relating to the Distribution and Storage of Foreign and Domestic Construction Equipment in Dickinson, Texas
- E-4 Discuss and Consider Approval of Capital Improvement Funds in the Amount of \$50,000 to Develop 1.25 Acres of Property South of Pier 34 Previously in ADM Lease

## **II. RECESS INTO EXECUTIVE SESSION**

### **ANNOUNCE GOING INTO EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE**

#### **-Section 551.071 – Consultation with Attorney**

- a. Seek or Receive Advice on Pending or Contemplated Litigation or a Settlement Offer, Including Without Limitation Cause No. 09CV1729, Carnival Corporation et al. v. the Board of Pilot Commissioners for Galveston County Ports, et al., in the 212<sup>th</sup> Judicial District Court of Galveston County, Texas, Cause No. 61873, E. L. O'Rourke v. Ernest Perkins, et al., in County Court at Law No. 2 of Galveston County, Texas, Cause No. 09CV0011, Augustino Molis v. Del Monte Fresh Produce N.A., Inc., et al., in the 10<sup>th</sup> Judicial District Court of Galveston County, Texas, and Litigation Threatened Against the Port by Gulf Copper & Manufacturing Corporation, by Union Pacific Railroad Company and by Eagle Remediation Services, Inc.
- b. Seek or Receive Advice on Legal Matters Not Related To Litigation or the Settlement of Litigation, Including Without Limitation Consultation with the Port's Legal and Legislative Consultants to Discuss Issues Relating to their Representation and to the Legal Effect of Agreements and Transactions Under Consideration by the Board

#### **-Section 551.072 – Real Property**

- a. Deliberate the Purchase, Exchange, Lease or Value of Property on Galveston and Pelican Islands, Including Without Limitation the Galveston Railroad, Joe's Crab Shack-Texas, Inc., Del Monte Fresh Produce, N.A., Inc., MBP Corp, Cruise Terminal No. 1 Lease, Cruise Terminal No. 2 Lease, Malin International Ship Repair & Drydock, Inc., Wallenius Wilhelmsen Logistics Americas LLC, T&T Marine Salvage,

Incorporated, Archer-Daniels-Midland Company, Southern Compress and Warehouse Co., Pelican Island Storage Terminals, Inc., CHS, Inc., and Gulf Copper & Manufacturing Corporation Agreements

- b. Cruise Terminal Parking, Operating, Financing and Construction Agreements

**-Section 551.074 – Personnel**

- a. Deliberate the Appointment, Employment, Evaluation, Reassignment, or Duties of a Public Officer or Employee, Including Without Limitation the Port Director

**-Section 551.087 – Economic Development Negotiation**

- a. Discuss or Deliberate Regarding Commercial or Financial Information Received from a Business Prospect Seeking to Locate, Stay, or Expand at the Port of Galveston, or Deliberate the Offer of a Financial or Other Incentive to such a Business Prospect

**-Section 551.076 – Security Matters**

- a. Deliberate the Deployment, or Specific Occasions for Implementation, of Security Personnel or Devices

**ADJOURNMENT OF EXECUTIVE SESSION**

**RECONVENE REGULAR MONTHLY MEETING**

**5. BUSINESS ITEMS (CONTINUED)**

- E-5 Discuss and Consider Change Order in the Amount of \$176,585 to the Construction Contract Dated July 22, 2009 Between the Board of Trustees and Eagle Remediation Services, Inc. in the Original Contract Price of \$58,433 Relating to the Repair of the Electrical Shop at the Pelican Island Terminal (Shipyard) Leased by Gulf Copper & Manufacturing Corporation
  
- E-6 Discuss and Consider Request by Gulf Copper & Manufacturing Corporation Under Section 9.03 of the Lease Agreement with the Board of Trustees Dated May 1, 2006, that the Board of Trustees Reimburse Gulf Copper for Approved Costs Expended by Them in Making Agreed Upon Improvements To or Demolition Of Existing Improvements at the Pelican Island Shipyard

E-7 Discuss, Consider and Act Upon Authorization of Legal Action with Respect to Failure to Pay Insurance Claim Relating to the May 2005 Windstorm Event at the Pelican Island Shipyard

**D. COMMENTS FROM THE BOARD OF TRUSTEES**

**E. SET DATE OF NEXT BOARD MEETING, TIME AND LOCATION**

**F. ADJOURNMENT**

THE ITEMS LISTED FOR THE CONSENT AGENDA ARE CONSIDERED ROUTINE AND WILL NOT BE DISCUSSED UNLESS A TRUSTEE DESIRES TO DISCUSS – AS IS THE CASE, THAT SUCH ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED PRIOR TO THE REGULAR AGENDA ITEMS.

4:15 p.m., Thursday, February 18, 2010



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Steven M. Cernak, P.E., PPM®  
Port Director