

Notice of Meeting

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, 8TH FLOOR, GALVESTON, TEXAS 77550 (409-766-6105) TO MAKE ARRANGEMENTS FOR THE SPECIAL ACCOMMODATION.

Regular Monthly Meeting

Monday, February 29, 2016

9:25 a.m.

Port of Galveston

8th Floor Shearn Moody Plaza

123 Rosenberg Avenue, Galveston, TX 77550

-THE REGULAR MONTHLY MEETING IS OPEN TO THE PUBLIC-

BOARD OF TRUSTEES

**Chairman Benjamin F. Holland, Jr.
Trustee Elizabeth Beeton
Trustee Albert P. Shannon
Trustee Mayor James D. Yarbrough**

**Vice Chairman Edward J. Walsh, III
Trustee Richard D. DeVries
Trustee Gerald A. Sullivan**

**Michael J. Mierzwa, Port Director
Anthony P. Brown, Port Attorney**

I. REGULAR MONTHLY MEETING

A. CALL TO ORDER

A-1 Roll Call

A-2 Declaration of Quorum

B. DECLARATION OF CONFLICTS OF INTEREST BY TRUSTEES

C. GENERAL BUSINESS

1. PRESENTATIONS AND ANNOUNCEMENTS

- A-1 Presentation of Service Awards to Port Employees
- 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 25, 2016
- B-2 Minutes of the Joint Meeting with Galveston City Council Held January 28, 2016

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 Restricted Fund Balances
- D-5 Accept Cash Flow Projections
- 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 Sixth Amendment to Master Services Agreement with Lloyd Engineering, Inc. to Increase the Amount Payable Under the Agreement by \$500,000 for a Total Sum Not to Exceed \$5,000,000

- E-2 Discuss and Consider Engagement Letter for the Performance of Legal Services Between the Board of Trustees of the Galveston Wharves and McLeod, Alexander, Powel & Apffel, P.C.
- E-3 Discuss and Consider Engagement Letter for the Performance of Legal Services Between the Board of Trustees of the Galveston Wharves and Wagner Law Firm, PLLC
- E-4 Discuss and Consider First Amendment to the Professional Services Agreement for Cruise Terminal No. 2 Berth Improvements Dated February 23, 2015 Between the Board of Trustees and CH2M HILL Engineers, Inc. to Increase the Amount Payable Under the Agreement by \$37,830, for a Total Sum Not to Exceed \$195,830
- E-5 Discuss and Consider Interlocal Contract for Cooperative Purchases Between the Board of Trustees of the Galveston Wharves and Galveston County for the Purchase of Certain Products and Services Through the County's Purchasing Program
- E-6 Discuss and Consider Renewal of Stevedore License for Shippers Stevedoring Company for CY2016

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 legal issues relating to use of the name "Port Parking".
- b. Seek or receive advice on legal claim asserted by an employee.
- c. Seek or receive advice on pending litigation, including without limitation:
 - 1. Santa Fe Discount Cruise Parking, Inc., et al. v. the Board of Trustees of the Galveston Wharves et al., Federal Maritime Commission Docket No. 14-06;
 - 2. Santa Fe Discount Cruise Parking, Inc. et al. v. the Board of Trustees of the Galveston Wharves et al., Civil Action No. 3:14-CV-00206, in the United States District Court for the Southern District of Texas, Galveston Division;

3. Civil Action No. 3:14-CV-00383; Baker Pile Driving & Site Work, LLC v. Junttan UK Hire Ltd. et al; in the United States District Court for the Southern District of Texas.

-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 and Deputy 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

ADJOURNMENT OF EXECUTIVE SESSION

RECONVENE REGULAR MONTHLY MEETING

- 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. AS USED IN THIS NOTICE, THE TERM “EXECUTIVE SESSION” MEANS A “CLOSED MEETING” AS DEFINED IN TEXAS GOVERNMENT CODE CHAPTER 551, THE OPEN MEETINGS ACT. THE BOARD RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY SUBJECT, INCLUDING WITHOUT LIMITATION ANY SUBJECT APPEARING ON THIS AGENDA, AS AUTHORIZED BY THE OPEN MEETINGS ACT. FOLLOWING ANY EXECUTIVE SESSION, THE BOARD IN OPEN SESSION MAY TAKE A FINAL ACTION, DECISION, OR VOTE ON A MATTER DELIBERATED IN EXECUTIVE SESSION, AS AUTHORIZED BY THE OPEN MEETINGS ACT.

3:30 p.m., Thursday, February 25, 2016

By: Michael J. Mierzwa
Michael J. Mierzwa, Port Director