

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD NOVEMBER 16, 2016 AT 5:30 P.M.**

The Board of Navigation and Canal Commissioners of the Brownsville Navigation District of Cameron County, Texas, held a regular meeting on **Wednesday, November 16, 2016 at 5:30 p.m.** The following individuals were present and absent:

PRESENT: John Wood, Chairman
John Reed
Sergio Tito Lopez
Carlos R. Masso

ABSENT: Ralph Cowen

ALSO PRESENT: Eduardo A. Campirano, Port Director and CEO
Daniel Rentfro Jr., District Counsel
William J. Irwin, Associate District Counsel

STAFF MEMBERS: Donna Eymard
Bea Rosenbaum
Ariel Chavez
Steve Tyndal
Oscar Garcia
Tony Rodriguez
Steve Fitzgibbons
Jaime Martinez
Chief Carlos Garcia
Lieutenant Mario Esquivel
Patty Gonzales
Michael Davis
Debby Duke
Manuel Martinez
Margie Recio

OTHERS PRESENT: Rev. Andreas Lewis
Kevin Garcia
Claiborne Gregory
KBSD

1. Meeting Called To Order

The Chairman called the meeting to order at 5:36 p.m. Reverend Lewis offered a prayer. The Chairman then led those present in the Pledge of Allegiance to the United States and Texas flags.

2. Public Audience

No person registered to address the Board.

3. Receive Director's Report

a. Receive Port Monthly Operations Summary Report

Mr. Fitzgibbons made a report to the Board. Discussion followed.

CONSENT AGENDA

4. Consideration and Action on the Following Consent Agenda Items:

- a. Approval of the Minutes of the Regular Board Meeting of November 2, 2016.
- b. Approval to authorize payments over \$25,000.00:
 1. Vulcan Construction Materials, the amount of \$73,348.39, for crushed limestone for Patio 22;
 2. 360factors, the amount of \$44,941.61, for collecting and analyzing sediment samples for dock maintenance dredging.
- c. Approval of the following leases:
 1. Strike, LLC (New lease)
 2. Pull-A-Part of Brownsville, LLC (Release of lease)

5. Consideration and Action to amend the Brownsville Navigation District Foreign Trade Zone No. 62, Zone Schedule, administration page to include newly elected board.

Commissioner Masso moved to approve all consent agenda items, Commissioner Lopez seconded, and the motion passed unanimously.

ACTION ITEMS

6. Consideration and Action on Assignments, Negotiations, Easements, Subleases, and Contracts in General.

Mrs. Rosenbaum addressed the Board regarding the following items:

1. Brownsville Public Utilities Board (BPUB) (Authority to negotiate)

The Brownsville Public Utilities Board (BPUB) is requesting an easement for the construction, operation, and maintenance of electrical and pipeline transmission facilities in connection with the Tenaska Project and is requesting additional land to be added to their lease under BND Contract 2218 for the expansion of the "BPUB Loma Alta Electrical Substation". Commissioner Reed moved to authorize the Staff to negotiate with BPUB, Commissioner Masso seconded, and the motion passed unanimously.

2. Bluewing One, LLC (Authority to negotiate)

Bluewing One, LLC is requesting to lease approximately 12 acres between TransMontaigne and R.M. Walsdorf leases and additional acreage to the north of the 12 acres for the purpose of construction and operation of a tank farm to hold, receive, store and deliver crude oil, condensate and petroleum based products.

Chairman Wood asked that Items 6(2) and 6(3) be considered together.

3. **Bluewing One, LLC (Authority to negotiate)**

Bluewing One, LLC is requesting to lease all of the remaining site formerly leased by Deep Southtex for the operation of a tank farm to receive, store and deliver crude oil, condensate and petroleum based products.

Commissioner Masso moved to authorize the Staff to negotiate with Bluewing One, LLC for new leases as requested in items 6(2) and 6(3), Commissioner Lopez seconded, and the motion passed unanimously.

4. **Miss Anid, Inc. / Castro Trawlers, Inc. (Authority to negotiate)**

Miss Anid, Inc. under BND Contract 3911 is selling its improvements to Castro Trawlers, Inc. and therefore, is requesting to be released of their lease subject to the Board approving of a new lease to Castro Trawlers, Inc. Castro Trawlers will use the site for commercial shrimping. Commissioner Lopez moved to authorize the Staff to negotiate a new lease with Castro Trawlers, Inc. and to negotiate a Release of Lease to Miss Anid, Inc., Commissioner Masso seconded, and the motion passed unanimously.

5. **George C. Gavito (Authority to Negotiate)**

The current lease to George C. Gavito under BND Contract 3584 is due to expire on November 30, 2016 and he is requesting a new lease for grazing. Discussion followed. Commissioner Masso moved to authorize the Staff to negotiate a new lease with Mr. Gavito, subject to staff verifying that the site is currently being used for grazing, Commissioner Lopez seconded, and the motion passed unanimously.

7. Consideration and Action to award bids for the purchase of vehicles received November 7, 2016, and to authorize the payment of the invoices for the vehicles once they are received.

Mrs. Duke addressed the Board requesting the award of bids for the purchase of vehicles received November 7, 2016, and to authorize the payment of the invoices for the vehicles once they are received. The bids for three pickup trucks and one full-size sport utility vehicle were received on November 7, 2016. Nine dealers were invited to participate, but only two bids were received, from Tip-O-Tex Chevrolet and from Tipton Ford. The bid called for new, 2017-model vehicles, with an alternate bid allowed for new, 2016-model vehicles. The two bids were only for 2017-model vehicles. After discussion, Commissioner Masso moved to (a) award the bid for two ¾ ton, crew cab, FWD pickups; one ½ ton, regular cab, 2WD pickup; and one full-size SUV to Tipton Motors, Inc. for the 2017-year models for a total of \$110,210.00, with the stipulation that the SUV must be delivered according to specifications with a second row of bucket seats, otherwise the bids for the full-sized SUV will be rejected, (b) to purchase the extended warranties for the vehicles for a total price of \$11,830.00, (c) to award the two trade-in vehicles to Tipton Motors, Inc, for a trade-in allowance of \$11,000.00 and (d) to authorize the payment of the invoices, Commissioner Reed seconded, and the motion passed unanimously.

8. **Adjourn into Executive Session, as authorized by Subchapter D of Chapter 551 of the Government Code to discuss with attorneys pending or contemplated litigation and matters in which the duty of the attorneys under the Rules of Professional Conduct clearly conflict with Chapter 551; to conduct deliberations regarding real property (§551.072); to deliberate the deployment of security personnel or devices (§551.076); to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee (§551.074); and to conduct deliberations regarding economic development negotiations (§551.087).**

The Chairman then announced that the time was 5:55 p.m. Commissioner Masso moved that the Board adjourn into executive session, Commissioner Lopez seconded, and the motion passed unanimously.

The Chairman then announced that the time was 6:20 p.m., and that the Board had reconvened in open session.

9. Possible action on matters or items discussed in Executive Session.

There was none.

10. Public Comment Period.

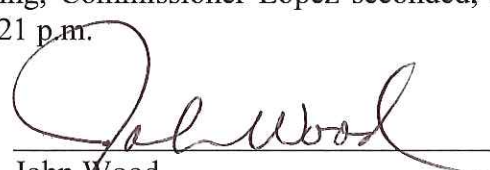
No person wished to address the Board.

11. Adjournment.

Commissioner Masso moved to adjourn the meeting, Commissioner Lopez seconded, and the meeting was adjourned by unanimous consent at 6:21 p.m.

ATTEST


Secretary


John Wood
Chairman of the Board