

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD APRIL 19, 2017 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, April 19, 2017 at 5:30 p.m.** The following individuals were present and absent:

PRESENT: John Wood, Chairman
John Reed
Ralph Cowen
Carlos R. Masso

ABSENT: Sergio Tito Lopez

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
Steve Tyndal
Ariel Chavez
Steve Fitzgibbons
Memo Rico
Jaime Martinez
Oscar Garcia
Manuel Martinez
Lieutenant Mario Esquivel
Chief Carlos Garcia
Michael Davis
Tony Rodriguez
Debby Duke
Patty Gonzales
Officer Israel Martinez III

OTHERS PRESENT: Rev. Andreas Lewis
Debra Baker
Patricia Garza
Joe Rodriguez
Kevin Garcia
Robert Schulte
Wanda Reyes
Pete Sepulveda
Nancy Gaytan
Family of Israel Martinez III

KBSD

1. Meeting Called To Order

The Chairman called the meeting to order at 5:31 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.

Chief Garcia then introduced Israel Martinez III, a new police officer at the Port. Chief Garcia administered the oath of office to Officer Martinez. Officer Martinez briefly addressed the Board.

2. Public Audience

No person registered to address the Board.

The Chairman then announced that the Board would take up Item 7 out of order.

7. Consideration and Action approving Engagement Letter with Baker Wotring, LLP for legal environmental services.

Baker Wotring, LLP is a law firm that specializes in legal environmental services. The engagement letter would authorize engaging Baker Wotring in the event their services would be necessary. Any engagement must be authorized by the District prior to any services being provided. Their services would be provided on an as-needed basis. Commissioner Reed moved to approve the letter of engagement with Baker Wotring, LLP, Commissioner Masso seconded, and the motion passed unanimously.

3. Receive Director's Report

- a. **Receive Port Monthly Operations Summary Report**
- b. **Quarterly Marketing Update**
- c. **Quarterly Investment Report**
- d. **Project Updates**

Mr. Fitzgibbons made the operations summary and quarterly Investments Report to the Board. Discussion followed. Mr. Davis also made a report to the Board regarding operations at the Port.

Mr. Tyndal then made the quarterly marketing update. Discussion followed. Mr. Tyndal then introduced Guillermo Rico, the new account manager for the District. Mr. Rico briefly addressed the Board.

Mr. Chavez then gave the Board an update on construction projects at the Port. 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 April 5, 2017.
- b. Approval to authorize payments over \$25,000.00:
 1. American Surveillance Company, the amount of \$48,663.69, for 2017 software maintenance agreement;
 2. Vulcan Construction Materials, the amount of \$69,525.24, for crushed limestone for Patio 22;

3. ZIWA Corporation, the amount of \$232,118.10, for BND Administration complex rehabilitation and building additions.
- c. Approval of the following leases:
 1. Bluewing One, LLC (New lease)
 2. Interlube Corporation, Inc. (New lease)

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

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

Mrs. Rosenbaum addressed the Board regarding the following items:

1. Valley Crossing Pipeline, LLC (**Authority to negotiate**)

Valley Crossing Pipeline, LLC is requesting a pipeline easement for the pipeline that will come into their Compressor Station site from the North and out on the south side of the station to a point north of new S.H. 48, cross S.H. 48 into the Port of Brownsville's Utility Corridor, cross the Brownsville Ship Channel and continue to the Gulf of Mexico. Commissioner Reed noted the need to inspect the project plans and construction, and to ensure that adequate security is provided for in the easement documents. Discussion followed. Commissioner Masso moved to authorize the Staff to negotiate with Valley Crossing Pipeline, LLC for the pipeline easement, Commissioner Reed seconded, and the motion passed unanimously.

6. Consideration and Action to ratify the Letter of Intent to the United States Army Corps of Engineers (USACE) requesting Preconstruction Engineering and Design (PED) funds for their 2019 budget for the BIH Channel Improvement Project.

Mr. Campirano addressed the Board requesting the ratification of the Letter of Intent to the United States Army Corps of Engineers (USACE) requesting Preconstruction Engineering and Design (PED) funds for their 2019 budget for the BIH Channel Improvement Project. Staff met with USACE on April 11th for a quarterly planning meeting on the BIH Channel Improvement project. They reported that they were in the process of submitting their 2019 budget request to HQ and said they would like to include a request for PED funds for the project. Currently the District is pursuing a permit for the project and is self-funding that initiative. If federal funding is allocated in the 2019 budget, then this will expedite the permitting process. This action is not a commitment on behalf of the District but does provide for funding by the USACE for the BIH Channel Improvement Project. Commissioner Masso moved to ratify the Letter of Intent to the USACE for PED funds on the BIH Channel Improvement project, Commissioner Cowen seconded, and the motion passed unanimously.

8. Consideration and Action to enter into an agreement between the Brownsville Navigation District and the Cameron County Regional Mobility Authority to pursue environmental clearance on the Port Connector Project.

Mr. Campirano addressed the Board requesting approval to enter into an agreement between the Brownsville Navigation District and the Cameron County Regional Mobility Authority to pursue environmental clearance on the Port Connector Project. Staff has been working with the Cameron County Regional Mobility Authority (CCRMA) on the East Loop (SH32) project. Part of the East Loop project includes the Port Connector Road from SH 4 North into the Port connecting with Ostos Road. This is an opportunity to secure funding for this portion of the East Loop project and to construct the Port Connector Road. In order to secure funding for the project, environmental clearance is necessary. The CCRMA will undertake this effort as delineated in the subject agreement. Mr. Sepulveda also addressed the Board regarding the matter. Discussion followed. Commissioner Masso moved to approve the interlocal agreement between the Brownsville Navigation District and the Cameron County Regional Mobility Authority for the Port Connector Project, Commissioner Reed seconded, and the motion passed unanimously.

9. Consideration and Action to authorize Port Director and CEO and Port Legal Counsel Mr. Daniel Rentfro to execute the U.S. Army Corps of Engineers' Consent to Easement for the Docks Maintenance Dredging project on behalf of the Port.

Mr. Chavez addressed the Board requesting the authorization for Port Director and CEO and Port Legal Counsel Mr. Daniel Rentfro to execute the U.S. Army Corps of Engineers' Consent to Easement for the Docks Maintenance Dredging project on behalf of the Port. After working with the Real Estate (RE) department of the Galveston Division (SWG) of the United States Army Corps of Engineers (USACE) on the Real Estate Outgrant permit for the Dredging required in the Docks Maintenance Dredging (DMD) project component of the BND's Oil Dock #6/Oil Dock #3 Enhancements/Docks Dredging contract, and after satisfying all USACE SWG requirements including Sediment Sampling Analysis, the Corps issued the Consent to Easement document which states their concurrence to authorize placement by the BND of the material from DMD work into the District's Dredged Material Placement Area #8 (DMPA-8). The document requires signatures by the Port Director and C.E.O. and by Port Legal Counsel. Mr. Daniel Rentfro reviewed the document and indicated no objections. Commissioner Reed moved to authorize Port Director and CEO, Mr. Eduardo Campirano, and Port Legal Counsel, Mr. Daniel Rentfro, to execute the Consent to Easement document on the U.S. Army Corps of Engineers Outgrant Permit to place dredged material from the Docks Maintenance Dredging project into the BND's Dredged Material Placement Area #8, Commissioner Cowen seconded, and the motion passed unanimously.

10. 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).

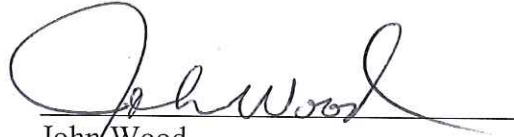
There was no need to adjourn into Executive Session.

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

There was none.

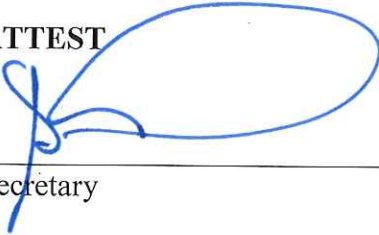
12. Adjournment.

The meeting was adjourned by unanimous consent at 6:19 p.m.



John Wood
Chairman of the Board

ATTEST



Secretary