

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND  
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF  
CAMERON COUNTY, TEXAS HELD AUGUST 2, 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, August 2, 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  
William J. Irwin, Associate District Counsel

**STAFF MEMBERS:** Donna Eymard  
Bea Rosenbaum  
Ariel Chavez  
Steve Fitzgibbons  
Jaime Martinez  
Chief Carlos Garcia  
Lieutenant Mario Esquivel  
Patty Gonzales  
Steve Tyndal  
Michael Davis  
Tony Rodriguez  
Rosie Hinojosa  
Debby Duke  
Margie Recio  
Jorge Montero  
Memo Rico

**OTHERS PRESENT:** Rev. Andreas Lewis  
Alejandro Gaytan  
Nancy Gaytan  
Jorge Gaytan  
Leonel Alejandro  
Representatives of Strike, LLC  
Tecló Garcia  
Joe Linck  
Cynthia Arias  
KBSD

## **1. Meeting Called To Order**

The Chairman called the meeting to order at 5:30 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**

Nancy Gaytan addressed the Board and requested that the Board renew Intercoastal Salvage, Inc.'s and Trinity Scrap Processors, Inc.'s leases.

Alejandro Gaytan addressed the Board and requested that the Board renew Intercoastal Salvage, Inc.'s and Trinity Scrap Processors, Inc.'s leases.

Cynthia Arias addressed the Board and requested that the Board renew Intercoastal Salvage, Inc.'s and Trinity Scrap Processors, Inc.'s leases.

Commissioner Masso then entered the meeting.

## **3. Receive Director's Report**

### **a. Receive Port Monthly Operations Summary Report**

Commissioner Reed asked Mr. Chavez a question about how the AmFELS water line project would be handled by staff. Mr. Chavez addressed the Board briefly.

Commissioner Reed asked Mrs. Duke a question regarding how the Port checks to see if its tenants have provided the required insurance. Mrs. Duke addressed the Board and noted that the staff has a system where the Port is alerted, for example, when a tenant's policy has expired.

Commissioner Reed congratulated Ms. Gonzales on her work on the Port's Facebook page. Discussion followed.

### **b. Receive Port Monthly Operations Summary Report**

Mr. Tyndal and Mr. Montero addressed the Board and provided the marketing update. Brief 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 July 19, 2017.
- b. Approval to authorize payments over \$25,000.00:
  1. HDR Engineering, Inc., the amount of \$44,910.90, for construction administration and observation services for Oil Docks 3 & 6 maintenance dredging; and
  2. Triton Marine Construction, the amount of \$1,194,035.33, for Oil Dock 6 construction, Oil Dock 3 fender system replacement & facility enhancements & maintenance dredging.
- c. Approval of the following leases:
  1. Dix Industries, Inc. (Amendment)

Commissioner Reed moved to approve all consent agenda items, Commissioner Cowen 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. Les Parker (Authority to negotiate)**

The lease to Les Parker, under BND Contract 3588, is due to expire on August 31, 2017, and he has requested a new lease in the name of C. E. Parker Cattle Company, LLC. The purpose is for grazing. Commissioner Reed moved to authorize the Staff to negotiate a new grazing lease with C.E. Parker Cattle Company, LLC, Commissioner Masso seconded, and the motion passed unanimously.

**2. Marine Railway, Inc. (Authority to negotiate)**

The lease to Marine Railway, Inc., under BND Contract 3645 at the Fishing Harbor, is due to expire on November 14, 2017, and Marine Railway has requested a new lease. The purpose of the lease is for a service facility for a shrimp trawler fleet. Commissioner Masso moved to authorize the Staff to negotiate with Marine Railway, Inc. for a new lease, Commissioner Reed seconded, and the motion passed unanimously.

**3. Landro, Inc. dba ST Marine / Strike LLC (Sublease)**

Landro, Inc., d/b/a ST Marine, under BND Contract 3477, is requesting to sublease the premises to Strike, LLC for the purpose of transloading equipment onto a barge to take to their job site down the channel. Commissioner Cowen commended Strike, LLC for their service and rendering of aid at the scene of an accident near the fishing harbor. Commissioner Reed also commended Strike, LLC for its performance so far on the pipeline construction project. Commissioner Cowen moved to consent to the sublease between ST Marine and Strike, LLC, Commissioner Masso seconded, and the motion passed unanimously.

**6. Consideration and Action to on Memorandum of Understanding between Brownsville Navigation District and the Mission Economic Development Corporation.**

Mr. Tyndal addressed the Board and requested action on the Memorandum of Understanding between Brownsville Navigation District and the Mission Economic Development Corporation. Supporting the BND's initiative to serve as the "Valley's" port, in cooperation with the Mission Economic Development Corporation, this Memorandum of Understanding between the parties includes provisions for information sharing and reciprocal marketing linking the organizations for the common good on mutually beneficial regional and international trade initiatives. Tecló Garcia addressed the Board on behalf of the Mission EDC. Commissioner Cowen moved to approve the proposed Memorandum of Understanding, Commissioner Masso seconded, and the motion passed unanimously.

**7. Consideration and Action to acknowledge receipt of submission of Ad Valorem Property Tax calculations for the 2017 levy.**

Mrs. Duke addressed the Board requesting acknowledgment of the submission of the Ad Valorem Property Tax calculations for the 2017 levy. This presentation of the calculations to the Board of Commissioners is a required step in the tax assessment process. The calculations of the Effective and Rollback Tax Rates were published on July 26<sup>th</sup>, and have been posted on the District's web site. These are the required preliminary steps in the setting of a tax rate. Commissioner Reed

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moved to acknowledge the receipt of the Ad Valorem Tax calculations for the 2017 Ad-Valorem Property Tax Levy, Commissioner Masso seconded, and the motion passed unanimously.

**8. Consideration and Action on a 2017 Proposed Ad Valorem Tax Rate for the Brownsville Navigation District of \$.035920 per \$100 valuation. This rate is comprised of a debt portion of \$.011035 per \$100 valuation and maintenance and operations portion of \$.024885 per \$100 valuation. This rate is equal to the 2016 Adopted Tax Rate.**

Mrs. Duke addressed the Board requesting acceptance of the 2017 Proposed Ad Valorem Tax Rate for the Brownsville Navigation District of \$.035920 per \$100 valuation. Staff proposed that the Board adopt the rate of \$.035920 per \$100 valuation, which is the same rate as the 2016 Adopted Tax Rate. This is comprised of a debt portion of \$.011035 per \$100 valuation, and a maintenance and operation portion of \$.024885 per \$100 valuation. Commissioner Masso moved that the property tax rate be increased by the adoption of a tax rate of \$.035920 per \$100 valuation, which is effectively a \$.82 percent increase in the tax rate, Commissioner Reed seconded, and the motion passed unanimously.

**9. Consideration and Action to schedule two public hearings on a proposed tax increase and to schedule the date of the meeting at which the 2017 Ad Valorem Tax Rate will be voted on.**

Mrs. Duke addressed the Board requesting approval to schedule two public hearings on a proposed tax increase and to schedule the date of the meeting at which the 2017 Ad Valorem Tax Rate will be voted on. Due to the restrictions on scheduling and publication deadlines, the hearings need to be held on August 16<sup>th</sup> and on August 23<sup>rd</sup>. August 16<sup>th</sup> is a regularly scheduled Board meeting. The meetings will be advertised in the Herald prior to the meeting, and that publication is scheduled for August 8<sup>th</sup>. The Board will need to schedule the date of the meeting at which they will vote on the tax rate. The meeting will need to be included in a second ad in the Herald. That ad is scheduled to be run on the August 29<sup>th</sup>. The meeting should be scheduled as the regularly scheduled meeting of September 6<sup>th</sup>. In addition to the advertising in the Herald of this date, it needs to be announced at each of the two public hearings. Commissioner Reed moved to schedule two public hearings, one on August 16<sup>th</sup> and one on August 23<sup>rd</sup>, and to schedule the vote on the tax rate to be held at the regularly scheduled meeting of September 6, 2017, Commissioner Cowen seconded, and the motion passed unanimously.

**10. Consideration and Action to approve the contract to purchase that certain warehouse facility generally located at 2001 Foust Road, Brownsville, Texas 78521 from Woodfin Trade Services, Inc. for a purchase price of \$50,000.00 plus closing cost, and to authorize Eduardo A. Campirano, Port Director and CEO, to sign all documents necessary to close the sale.**

Mr. Campirano addressed the Board requesting approval of the contract to purchase that certain warehouse facility located at 2001 Foust Road, Brownsville, Texas 78521 from Woodfin Trade Services, Inc. Woodfin Trade Services, Inc. is a tenant at the Port of Brownsville. They have a 2,400-square foot building that they have offered for sale for \$50,000. It is a steel frame building that has an office and can be used as a storage warehouse. The appraised value of the building is \$75,000. The building would be used by the Port or by a government agency stakeholder at the Port. Commissioner Cowen moved to approve the purchase contract and authorize the Port Director & CEO to sign all documents necessary to close the sale of the building, Commissioner

Masso seconded, and the motion passed unanimously.

- 11. 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).**

At 6:17 p.m., Commissioner Masso moved to adjourn into Executive Session, Commissioner Reed seconded, and the motion passed unanimously.

At 7:06 p.m., Commissioner Reed moved to reconvene into open session, Commissioner Cowen seconded, and the motion passed unanimously.

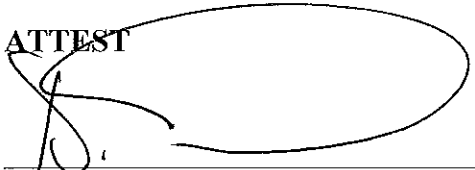
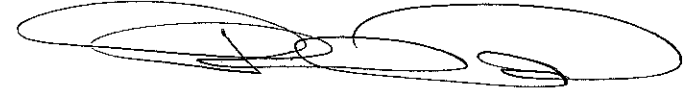
- 12. Possible action on matters or items discussed in Executive Session.**

There was none.

- 13. Adjournment.**

Commissioner Masso moved to adjourn the meeting, Commissioner Cowen seconded, and the meeting was adjourned by unanimous consent at 7:07 p.m.

ATTEST

  
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Secretary  
\_\_\_\_\_  
John Wood  
Chairman of the Board