

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD JUNE 17, 2020 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, June 17, 2020 at 5:30 p.m.** The following individuals were present and absent:

PRESENT: John Reed, Chairman
Ralph Cowen (via telephone)
John Wood
Esteban Guerra

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
Ariel Chavez
Steve Tyndal
Chief Carlos Garcia
Margie Recio
Janie Velasquez
Oscar Garcia

OTHERS PRESENT: Rev. Andreas Lewis
Nancy Gaytan
Robert Peña – Texas Energy Consultants
Denis Adams
Jorge De La Colina

1. Meeting Called To Order

The Chairman called the meeting to order at 5:35 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. Campirano made the 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 June 3, 2020.
- b. Approval to authorize payments over \$25,000.00:
 1. HDR, the amount of \$10,127.50, for BIH Project Task Order #3 and Dike 5B Relocation Project;
 2. G&T Paving, LLC, the amount of \$354,408.75, for 2020 BND Port Road Improvements; and
 3. Wilkins Finston Friedman Law Group LLP, the amount of \$29,070.00, for services provided for Pension Plan.

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

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

Mrs. Eymard addressed the Board regarding the following items:

1. E & J Trawlers Inc. (Authority to negotiate)

E & J Trawlers, Inc. is a shrimp boat company. The purpose of their business is to provide shrimp boat loading. The company is interested in leasing the site located at 1950 Bayou Court at the Fishing Harbor, which was formerly leased to Four Leaf Clover, Inc. d/b/a Shenanigans under BND Contract #4118. Commissioner Wood moved to approve the Authority to Negotiate lease with E & J Trawlers, Inc. for the term of (1) year and an additional (4) four (1) one-year options, Commissioner Guerra seconded, and the motion passed unanimously.

2. Special Crane Services, LLC. (Authority to negotiate)

Special Crane Services, LLC. has been established since 2006. It is a hydraulic and conventional crane rental servicing the construction industry, rigging, pile driving, installation of air conditioners, loading and unloading of industrial size heavy machinery as well as storage. The company is interested in leasing the site located at 2601 N. Indiana Road which was formerly leased to MTZ Group, LLC. d/b/a Allied Trading under BND Contract #3871. This site has delinquent property taxes with the Cameron County Appraisal District in the amount of \$19,532.97. Part of the negotiations, Special Crane Services, LLC will be responsible for liquidating all pending taxes upon approval of the new lease. Commissioner Wood moved to approve the Authority to Negotiate with Special Cranes Services, LLC. for a new lease for the term of (5) five years, but with no credit against the value of the building against the taxes, Commissioner Guerra seconded, and the motion passed unanimously.

3. Terra-Gen Development Company, LLC. (Authority to negotiate)

A proposed tenant is interested in leasing 1,500 to 2,000 acres in the northeast area of Loma Alta for the purpose of solar energy production in support of proposed LNG customers. The company would be handling solar energy panels for the production of electricity interconnect switch facility and battery storage components. Terra-Gen was established in August 2007 and operates more than 3.1 GW of wind, solar and geothermal facilities in the U.S. Mr. Robert Peña also addressed

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the Board. Commissioner Guerra moved to approve the Authority to Negotiate with Terra-Gen Development Company, LLC, Commissioner Wood seconded, and the motion passed unanimously.

4. Ocean Port Maintenance, Inc. (New Lease)

The lease to Ocean Port Maintenance, Inc. BND Contract #3761 expired March 31, 2020. The purpose of the lease is for the operation of shrimp boats. The lease is to take effect April 1, 2020 replacing BND Contract #3761. Commissioner Wood moved to approve and sign the new lease to Ocean Port Maintenance, Inc., Commissioner Guerra seconded, and the motion passed unanimously.

5. Captain Memo Corp. – Contract #4139 (Termination of Lease)

6. Captain Memo Corp. – Contract #4170 (Termination of Lease)

Captain Memo Corp. has requested a termination of leases (BND Contract # 4139 and 4170) from the Commission. Mr. Manuel Fayett, Sr. passed away about a year ago and the family has not been able to find someone to transfer the lease sites to. Contract # 4139 has expired. The property has three storage frame buildings on land that will be transferred to the Port. Contract # 4170 will come due April 4, 2022 and has an additional term of five years which will extend contract till April 4, 2027. Mr. Rentfro stated that he did not believe that any action was necessary on contract # 4139, because that lease had terminated by its own terms. Commissioner Guerra then moved to terminate contract # 4170. Commissioner Cowen then stated that he wished the Board to take action on both leases, and moved to terminate leases to Captain Memo Corp BND Contract #4139 and #4170, Commissioner Wood seconded, and the motion passed unanimously.

6. Consideration and Action on an application for a Steamship Agent's License from Transcoma Shipping USA.

Ms. Recio addressed the Board requesting authorization on an application for a Steamship Agent's License from Transcoma Shipping USA. Transcoma Shipping USA has applied for a Steamship Agent's License at the Port of Brownsville. This agency is headquartered in Houston and their parent company Transcoma Shipping S.L is one of the largest, privately owned shipping and logistics companies in Spain. Transcoma Shipping offers a wide range of services to the offshore Oil and Gas industry. Staff has reviewed the application submitted by Transcoma Shipping USA and is ready to recommend it to the Commission for approval. Transcoma has met with Chief Garcia for its security briefing and executed the Memorandum of Agreement regarding security requirements at the Port of Brownsville for vessel agents. The applicant is aware of the District's requirements that they must have a representative in Port for each of their vessel visits. Commissioner Wood moved to authorize the issuance of a Steamship Agent's License to Transcoma Shipping USA for a term of three years to be effective June 18, 2020 – June 17, 2023, Commissioner Guerra seconded, and the motion passed unanimously.

7. Consideration and Action to authorize Staff to advertise for bids to purchase a new 2020 Excavator, and to open bids thereof.

Mr. Garcia addressed the Board requesting authorization for Staff to advertise for bids to purchase a new 2020 Excavator, and to open bids thereof. BND Staff is seeking authorization to advertise for bids to purchase a new 2020 Excavator. The request for the new Excavator will allow staff to expedite Port projects more efficiently. The BND currently has one excavator that is twelve years old which is becoming unreliable. Staff does not plan to trade in the excavator; it will be used as a

back-up. Commissioner Guerra moved to authorize BND Staff to advertise for bids for a new 2020 Excavator and open bids once received, Commissioner Wood seconded, and the motion passed unanimously.

8. Consideration and Action to authorize Port Staff to advertise for bids on the 2020 BND Water Lines Replacement project, and to open bids thereof.

Mr. Chavez addressed the Board requesting authorization for Port Staff to advertise for bids on the 2020 BND Water Lines Replacement project, and to open bids thereof. BND Engineering staff has been working on surveys of Foust Road, Old State Highway No. 48 and Chemical Road to replace old asbestos cement (AC) water distribution pipelines that have been experiencing breaks recently. The plan is to replace the existing 16", 14", and 12" AC pipes on Foust and Old SH 48 with new 16" Polyvinyl Chloride (PVC) pipes. In addition, staff also plans to replace the old 8" Cast Iron pipeline on Chemical Road with a new 12" PVC pipe. The surveys have been completed and design drawings and specifications for bidding are scheduled to be ready by the end of the third week in June. BND Staff is requesting authorization to advertise for bids on the 2020 BND Water Lines Replacement project and to open bids once received. Under the proposed schedule, staff would open bids the second week of July and present the project for award to BND Commissioners on their second Board Meeting in July. Once authorized, BND Staff will publish an Invitation to Bid in the local newspaper, place the project's Bid Documents on the Port website, and invite known utility contractors by email and by phone. Commissioner Wood moved to authorize BND Staff to prepare the required Invitations to Bid on the 2020 BND Water Lines Replacement project, to publish it in the local newspaper as required by BND Purchasing procedures, and to open bids once they are received, Commissioner Cowen seconded, and the motion passed unanimously.

9. Adjourn into Executive Session, as authorized by Subchapter D of Chapter 551 of the Government Code to discuss with attorneys pending or contemplated litigation, including the City of Port Isabel, Texas, JJ Zamora, and Martin Cantu vs. Brownsville Navigation District of Cameron County, Texas, 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).

Commissioner Guerra moved that the Board adjourn into executive session, Commissioner Wood seconded, and the motion carried unanimously. The Chairman then announced that the time was 6:09 p.m., and that the Board would adjourn into executive session.

The Chairman then announced that the time was 7:05 p.m., and that the Board had reconvened in open session.

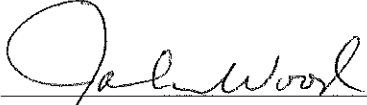
10. Possible action on matters or items discussed in Executive Session.

There was none.

11. Adjournment.

The meeting was adjourned by unanimous consent at 7:05 p.m.

ATTEST



Secretary

7/17



John Reed
Chairman of the Board