

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD SEPTEMBER 23, 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 via videoconference due to the COVID-19 health emergency on **Wednesday, September 23, 2020 at 5:30 p.m.** The following individuals were present and absent:

PRESENT: John Reed, Chairman
Sergio Tito Lopez
Ralph Cowen
John Wood
Esteban Guerra

ABSENT: None

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

STAFF MEMBERS: Donna Eymard
Ariel Chavez
Steve Tyndal
Oscar Garcia
Lorena Hernandez
Karina Franco
Jaime Martinez
Chief Carlos Garcia
Rosie Hinojosa
Tony Rodriguez
Margie Recio
Janie Velasquez
Juan Blanco
Blanca Melguizo
Jorge Montero

OTHERS PRESENT: Jorge De La Colina

1. Meeting Called To Order

The Chairman called the meeting to order at 5:30 p.m.

2. Public Audience

No person registered to address the Board.

3. Receive Director's Report

a. Receive Port Monthly Operations Summary Report

Ms. Hernandez made the report to the Board.

CONSENT AGENDA

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

- a. Approval of the Minutes of the Regular Board Meeting of September 9, 2020.

Commissioner Lopez moved to approve the consent agenda item, Commissioner Cowen seconded, and the motion passed unanimously.

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

Mr. Tyndal addressed the Board regarding the following items:

1. Andalusian Energy, LLC (**Authority to negotiate**)

Commissioner Lopez noted that he would be abstaining from this Item.

Mr. Tyndal addressed the Board. Andalusian Energy LLC is seeking Authority to Negotiate on 3 sites on Old S.H. 48, that include the former Intercoastal Salvage, Port of Brownsville Recycling and the 1.9-acre site in between. Combined, the unified tract is approximately 15.6 acres. The property is integral to establishing a container yard necessary to store loaded and empty proprietary containers for the operation of Andalusian's proposed CNG operation. Commissioner Cowen moved to approve the Authority to Negotiate an option to lease, Commissioner Wood seconded, and the motion passed by a vote of 4-0, with Commissioner Lopez abstaining.

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

Mr. Tyndal addressed the Board. Bluewing One, LLC is in the business of owning and operating bulk liquid refined products terminals in the Port of Brownsville. They are wanting to lease the site formerly leased by CRV Terminals, LLC under BND Contract #4406 located at 10155 Old S.H. 48 in the Turning Basin. Bluewing One's proposed business operations on this site will match the current business of Bluewing which is the operation of a state of the art, high efficiency, fully automated bulk liquids terminal in the Port of Brownsville. Commissioner Cowen addressed the Board and stated that Bluewing One was uncooperative with the BND police department during an incident where traffic became congested outside their lease site and noted that he would vote against renewal of the lease if their actions are not corrected. Mr. Campirano noted that the message had been conveyed to Bluewing One. Commissioner Guerra moved to approve the Authority to Negotiate with Bluewing One, LLC for a new lease, Commissioner Wood seconded, and the motion passed unanimously.

3. Texas Best Recycling, Inc. (**Authority to negotiate**)

Mr. Campirano requested that this item be tabled. Commissioner Lopez moved to table this item, Commissioner Cowen seconded, and the motion passed unanimously.

4. TransMontaigne Operating Company, L.P. (**Amendment on Easement**)

Mr. Tyndal addressed the Board. TransMontaigne Operating Company, L.P. requested an amendment to their easement for BND Contract # 4413. The purpose of the amendment is to add

an additional 15' X 30' tract adjacent to the current 20 ft easement for the installation of a control panel. The effective date of the amendment is August 5, 2020. Commissioner Lopez moved to approve the Amendment on Easement for TransMontaigne Operating Company, L.P., Commissioner Wood seconded, and the motion passed unanimously.

6. Consideration and Action to authorize Port Director and CEO to sign engagement letter with Jones Lang LaSalle Valuation & Advisory Services LLC.

Mr. Campirano requested that this Item be tabled. Commissioner Guerra moved to table this Item, Commissioner Lopez seconded, and the motion passed unanimously.

7. Consideration and Action on a Resolution in the Matter of Holding a General Election for the Purpose of Electing Three Navigation and Canal Commissioners of the Brownsville Navigation District of Cameron County, Texas.

Mr. Campirano asked this Item to be tabled. Commissioner Lopez moved to table this Item, Commissioner Guerra seconded, and the motion passed unanimously.

8. Consideration and Action on a Second Amended Notice for an election to be held on November 3, 2020 for the purpose of electing three Navigation and Canal Commissioners. (*Consideración y acción sobre Segunda Enmienda de Aviso de elección que se celebrará el 3 de noviembre de 2020 con el proposito de elegir tres Comisionados de Navegación y Canal.*)

Mrs. Recio addressed the Board, noted that BISSD was being added as a polling location and that the Order of Election will need to be revised and presented at the next meeting. Mrs. Recio requested approval on a Second Amended Notice for an election to be held on November 3, 2020 for the purpose of electing three Navigation and Canal Commissioners. The District's original Notice of Election was presented to the Commission on February 5, 2020 and the Commission approved the Notice subject to adding Rancho Viejo and Cameron Park as additional Early Voting locations. On March 18, 2020 the Commission approved an Amended Notice to add the following three schools as additional Early Voting locations: Olmito Elementary School, Rancho Verde Elementary School and Resaca Middle School. Due to the postponement of the May 2 Election to November 3, the District is required to Amend their Notice of Election to reflect the Cameron County polling locations for Election Day and Early Voting. Commissioner Guerra moved to adopt the Second Amended Notice of General Election for an election to be held on November 3, 2020 for the purpose of electing three Navigation and Canal Commissioners, Commissioner Wood seconded, and the motion passed unanimously.

9. Consideration and Action to authorize Staff to request proposals for the District's external audit services for Fiscal Years 2020-2022.

Ms. Hernandez addressed the Board requesting the authorization for Staff to request proposals for the District's external audit services for Fiscal Years 2020-2022. The District contracts with a certified public accounting firm to perform the District's annual financial and compliance audits for a three-year term. Fiscal Year 2019 was the third and final audit year of the current contract with Carr, Riggs & Ingram, LLC (formerly Long Chilton, LLP). Staff is requesting authorization to solicit Proposals for the District's external audit services for the Fiscal Years Ending 12/31/2020, 12/31/2021, and 12/31/2022. The procurement process will follow Section 2254.003 for professional services and be posted in the District's website along with an advertisement to be published in the local newspaper. Commissioner Lopez moved to authorize staff to solicit

proposals for the required external audit services for the next three audit years, Fiscal Years 2020, 2021, and 2022, Commissioner Cowen seconded, and the motion passed unanimously.

10. Consideration and Action to authorize Port Staff to Advertise for Bids on the Port of Brownsville Anchor Park project, and to open bids thereof.

Mrs. Eymard addressed the Board requesting authorization for Port Staff to Advertise for Bids on the Port of Brownsville Anchor Park project, and to open bids thereof. BND Staff has been working with architect Roberto Ruiz on the Port of Brownsville Anchor Park project to be located across Foust Road from the Administration Building. The objective is to develop a site in the proximity of the Administration Building to install the Anchor from one of the dismantled aircraft carriers for display to the public. The plan is for our in-house Maintenance staff to perform the site work and related work and contract out the rest of the proposed improvements. Preliminary estimates provided by the architect place the cost in the range of \$162,980.00 for materials, plus the labor to install. BND Staff is requesting authorization to Advertise for Bids for this work, in conformance with BND purchasing policies. Once authorized, and after completion of the bid documents by the architect and BND Staff, staff will publish an Invitation to Bid in the local newspaper, place the project's Bid Documents on the Port website, and invite known construction contractors by email and by phone. Mrs. Eymard noted that staff is waiting for final drawings for the site. Commissioner Cowen moved to authorize BND Staff to prepare the required Invitations to Bid on the Port of Brownsville Anchor Park project, to publish in the local newspaper as required by BND Purchasing procedures, and to open bids once they are received, Commissioner Wood 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, 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 to adjourn into executive session, Commissioner Lopez seconded, and the motion passed unanimously. The Chairman then announced that the time was 5:51 p.m. and that the Board would adjourn into executive session.

Vice Chairman Lopez then announced that the time was 7:08 p.m., and that the Board had reconvened in open session. Chairman Reed did not return from Executive Session.

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


There was none.

13. Adjournment.

Commissioner Guerra moved to adjourn the meeting, Commissioner Cowen seconded, and the meeting was adjourned by unanimous consent at 7:09 p.m.

ATTEST

Secretary



John Reed
Chairman of the Board