

THE STATE OF TEXAS §
BROWNSVILLE NAVIGATION DISTRICT §
COUNTY OF CAMERON §

*John Reed, Chairman
Ralph Cowen, Secretary
Esteban Guerra, Commissioner*

*Sergio Tito Lopez, Vice Chairman
John Wood, Commissioner*

Eduardo A. Campirano, Port Director and CEO

**NOTICE OF A REGULAR BOARD MEETING OF THE
BROWNSVILLE NAVIGATION DISTRICT**

THIS MEETING WILL BE CONDUCTED AS A VIDEOCONFERENCE MEETING
DUE TO THE COVID-19 HEALTH EMERGENCY AS AUTHORIZED BY CHAPTER
551 OF THE TEXAS GOVERNMENT CODE AND EMERGENCY ORDERS OF THE
GOVERNOR

Notice is hereby given that the Board of Commissioners of the Brownsville Navigation District will meet on **Wednesday, October 7, 2020** by video/teleconference initiated from the Board Room located at 1000 Foust Road, Brownsville, Cameron County, Texas. The Board of Commissioners will convene in a **Regular Board Meeting at 5:30p.m.**

Pursuant to the action of the Governor of the State of Texas to allow virtual and telephonic meetings, the Board of Commissioners will conduct its meeting virtually. A recording of the meeting will be made available to the public as will written minutes after approval by the Board of Commissioners. The meeting may be accessed as provided below:

Meeting link:

<https://portofbrownsville.webex.com/portofbrownsville/j.php?MTID=m59b97e4ab9476c8583c638a5b3d3148e> (Attendee access code 375 159 38)

Join by phone

1-844-992-4726 United States Toll Free

1-408-418-9388 United States Toll

Attendee access code 375 159 38

All participants who wish to comment publicly should follow the instructions provided under the Public Audience section of the below agenda. Virtual participants will be muted upon entry and should stay muted unless called upon to speak.

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REGULAR MEETING: 5:30 p.m.

1. Call to order.

2. Public Audience

If you wish to address the Board of Commissioners during the Public Audience portion of meeting about either an item on this agenda or other issue, please submit your request to speak no later than an hour before the scheduled meeting electronically to Janie Velasquez at jvelasquez@portofbrownsville.com (Request shall include: name and the agenda item or topic of discussion you wish to address).

In accordance with BND Policy, only those persons who have signed up on the list shall be heard. The speaker must limit remarks to three minutes. The Board shall allot no more than 30 minutes for the Public Audience portion of the meeting. Complaints and concerns for which other channels of resolution are provided shall be directed through those channels. If the Chairman of the Board determines that a person has not attempted to resolve a matter administratively, the person shall be directed to the appropriate individual for attempted resolution before bringing the matter to the Board. A complaint against specific employees or officers of the BND shall be heard in a Closed Meeting, as authorized by the *Texas Government Code Title 5 – Sections 551.074(1) and (2)*. If your topic concerns a complaint against a specific employee or officer, please note this on the sign-in sheet. You must make your points on issues in a constructive and courteous fashion pursuant to *Robert's Rules of Order*.

3. Receive Directors Report
 - a. Directors Report

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CONSENT AGENDA ITEMS

All Consent Agenda Items listed are considered to be routine by the BND Commission and will be approved in one motion. There will be no separate discussion of these items unless at least one BND Commissioner so requests, in which event the item will be removed from the Consent Agenda and considered separately in the Regular Agenda.

4. Consideration and ACTION on the following Consent Agenda Items.

- a. Approval of the Minutes of the Regular Board Meeting of September 23, 2020. 55
- b. Approval of payments over \$25,000. (LH) 61

	Vendor	Purpose	Amount	
1	Foremost Paving, Inc.	BND South Port Connector Project	\$158,736.00	62
2	HDR Engineering, Inc.	BIH Task Order #3	\$11,899.00	64
3	Russell Marine LLC.	Oil Dock 3 Crane Supports	\$80,100.00	66

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ACTION ITEMS

5. Consideration and ACTION on Leases, Assignments, Negotiations, Easements, Subleases, and Contracts in General: (ST)

1	Interlube Corp., Inc. (License Agreement)	69
2	Brownsville Public Utilities Board (Authority to Negotiate)	72
3	Online Transport International, Inc. (Authority to Negotiate)	77
4	Brownsville Acquisition, Inc. c/o Callidus Capital Corporation (Authority to Negotiate)	80
5	Andalusian Energy, LLC. (New Lease)	83
6	Magic Valley Concrete, LLC. (New Lease)	86
7	Bryant Industrial Services, LLC. (New Lease)	89

6. Consideration and ACTION on Fourth Amended Order and Third Amended Notice for an election to be held on November 3, 2020 for the purpose of electing three Navigation and Canal Commissioners. (MR) 92

(Consideración y acción sobre cuarto Enmienda Orden y tercer Enmienda de Aviso de elección que se celebrará el 3 de noviembre de 2020 con el propósito de elegir tres Comisionados de Navegación y Canal.)

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) 102

(Consideración y acción a una Resolución para celebrar una Elección General con el Propósito de Elegir Tres Comisionados de Navegación y del Canal del Distrito de Navegación de Brownsville del Condado de Cameron, Texas.)

BIDS/AGREEMENTS/PURCHASES

8. Consideration and ACTION on the Grantee/Operator's Agreement between the Brownsville Navigation District – Foreign Trade Zone No. 62 and Texas KLM LLC, dba KLM Terminal. (TR) 103

9. Consideration and ACTION on request to authorize staff to advertise for bids on Disposal of Oily Water from Fishing Harbor Sewer Treatment Plant and to open bids thereof. (OG) 113

10. Consideration and ACTION on Bids received for the Bulk Cargo Dock Platforms project, and to authorize BND Staff to issue the Notice of Award to the successful bidder. (AC) 114

11. Consideration and ACTION on Change Order #1 to the contract with RenoWorks on the 2020 Turning Basin WWTP Clarifier Rehabilitation project, to add structural repairs to the drive cage, sandblasting, coating and painting metal surfaces, replace concrete re-grading with concrete repairs including MP3 caulking at perimeter weir, and adjust the contract time as required. (AC) 117

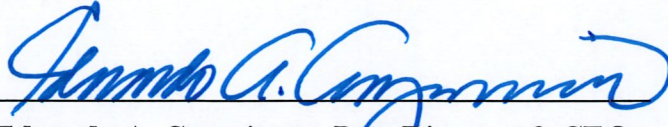
EXECUTIVE SESSION

12. 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 (§551.071); to deliberate the purchase, exchange, lease, or value of 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).
13. Possible ACTION on matters or items discussed in Executive Session.
14. Adjournment.

NOTE: The Board of Commissioners reserves the right to discuss any items in Executive Session whenever authorized under the Texas Open Meetings Act, Chapter 551, Title 5 of the *Texas Government Code*.

NOTE: The Brownsville Navigation District does not discriminate on the basis of disability in the admission of, access to, treatment of, or employment in its programs, activities, or public meetings. Any individual with a disability in need of an accommodation is encouraged to contact the Director of Human Resources by Monday, no later than 5:00 P.M., to make proper arrangements.

I certify that a copy of the October 7, 2020 Agenda of items to be considered by the Brownsville Navigation District Commission was posted on the Bulletin Area at the BND Building on October 2, 2020. I further certify that the Agenda was posted on the BND's website and can be downloaded by accessing: www.portofbrownsville.com.


**Eduardo A. Campirano, Port Director & CEO
Brownsville Navigation District**