

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND  
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF  
CAMERON COUNTY, TEXAS HELD NOVEMBER 4, 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, November 4, 2020 at 5:30 p.m.** The following individuals were present and absent:

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

**ABSENT:** None

**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  
Lorena Hernandez  
Karina Franco  
Jaime Martinez  
Chief Carlos Garcia  
Michael Davis  
Tony Rodriguez  
Margie Recio  
Janie Velasquez  
Memo Rico  
Jorge Montero  
Jose Herrera  
Karina Franco  
Blanca Melguizo

**OTHERS PRESENT:** Ken Schaefer  
Jorge de la Colina  
Reverend Andreas Lewis

**1. Meeting Called To Order**

The Chairman called the meeting to order at 5:35 p.m. Mr. Chavez 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**

The Board received the reports.

## **CONSENT AGENDA**

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

- a. Approval of the Minutes of the Regular Board Meeting of October 21, 2020.
- b. Approval to authorize payments over \$25,000.00:
  1. Foremost Paving, Inc, the amount of \$1,269,012.64, for South Port Connector Road Project;
  2. G&T Paving, LLC, the amount of \$530,007.28, for 2020 Road Improvements;
  3. Pederson Construction Company, Inc., the amount of \$184,171.14, for 2020 BND Waterline Replacement;
  4. Renoworks, LLC, the amount of \$86,110.65, for Turning Basin Waste Water Treatment Plant Clarifier Rehabilitation; and
  5. Russell Marine, LLC, the amount of \$254,286.00, for Oil Dock 3 Crane Support.

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

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

Mr. Tyndal and Mr. Campirano addressed the Board regarding the following items:

#### **1. NFS Leasing (Tri-Party Landlord Agreement)**

Online Transport International LLC is purchasing the Port's previously owned GHMK 5506 Gottwald mobile harbor crane from the current owner. Financing has been arranged with NFS Leasing in a lease/purchase agreement between the parties. NFS Leasing is based in Beverly, MA and specializes in equipment financing across the U.S. and Canada. A landlord relationship was established with OTI by the BND Commission October 21, 2020. NFS is requesting a Tri-Party Landlord Agreement providing access to the port for equipment recovery in the case of default. Legal counsel has reviewed the document. Commissioner Guerra moved to approve and execute the NFS Leasing Tri-Party Landlord Agreement, Commissioner Wood seconded, and the motion passed unanimously.

#### **2. Brownsville Acquisitions, Inc. c/o Callidus Capital Corporation (New Lease)**

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

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

Bluewing One, LLC is in the business of owning and operating bulk liquid refined products terminals in the Port of Brownsville. Staff requested Authority to Negotiate for the former CRV Terminals, LLC property, BND Contract #4406 located at 10155 Old S.H. 48 in the Turning Basin for approximately 6.04 acres on September 23, 2020. Bluewing One, LLC has requested an additional 5.74 acres, adjacent to this property. Bluewing's proposed business operations on this newly requested 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 Wood moved to approve the authority to negotiate for a lease or lease amendment with Bluewing One, LLC., Commissioner Guerra seconded, and the motion passed unanimously.

**4. Fortune Ferrous, Inc. (Authority to Negotiate)**

Fortune Ferrous, Inc. began negotiation with the Port in September 2010 under Contract # 3786, which was a Right of First Refusal on 35.64 acres. This allowed them time to submit and obtain permits to various agencies for their proposed project. Then in August 2012 Fortune Ferrous went to full lease, Contract #3891 on 20 acres and had an option, Contract # 3892 on the remaining 15.64 acres. Later in 2016 they exercised their option on the 15.64 acres and now have a lease for the original 35.64 acres. The lease site is waterfront property, located on Ostos Road. They source, process, and ship non-ferrous scrap metals. They ship a lot of their metals to China and, as a result of the pandemic, their business has declined. They are requesting to amend their lease to reduce the footprint back to its original size of 20 acres, which would result in reducing it by 15.64 acres. Commissioner Guerra moved to approve the authority to negotiate a lease amendment, Commissioner Wood seconded, and the motion passed unanimously.

**5. ANNOVA LNG COMMON INFRASTRUCTURE, LLC (Amendment to Lease)**

The Brownsville Navigation District and ANNOVA LNG COMMON INFRASTRUCTURE, LLC entered into a lease agreement in November 6, 2019. ANNOVA has requested an amendment to the lease by amending Sections 1e and 2a by replacing the date of November 25, 2020 with November 25, 2022. Commissioner Lopez moved to approve and sign the amendment to Annova LNG Common Infrastructure, LLC, Commissioner Cowen seconded, and the motion passed unanimously.

**6. Consideration and Action on re-scheduling the Regular Board Meeting of November 18, 2020.**

Mr. Campirano addressed the Board requesting authorization to re-schedule the Regular Board Meeting of November 18, 2020. The next Regular Board meeting is scheduled for November 18, 2020. Due to the election canvass needing to be done on or before November 17, 2020, staff requested the BND Commission consider changing the meeting date to November 17, 2020. Commissioner Cowen moved to re-schedule the Regular Board Meeting of November 18, 2020 to November 17, 2020, Commissioner Lopez seconded, and the motion passed unanimously.

**7. Consideration and Action to purchase Forklift for Crane Operation through Harris County Department of Education (HCDE) – Choice Partners Cooperative.**

Mr. Campirano and Mr. Davis addressed the Board requesting approval to purchase Forklift for Crane Operations through Harris County Department of Education (HCDE) – Choice Partners Cooperative. On April 15, 2015, the BND entered into an interlocal Agreement with Harris County

Department of Education for membership in their Choice Partner Cooperative. United Rentals submitted a bid through the Choice Partners Cooperative pricing. Staff requested consideration for approval to purchase (1) Doosan Kubota, 12,000 lb. capacity, dual fuel forklift with disc brakes and pneumatic tires for use by BND crane operations to perform maintenance functions. Commissioner Lopez moved to approve the purchase and authorize payment of invoice once received, Commissioner Guerra seconded, and the motion passed unanimously.

- 8. 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 Wood seconded, and the motion passed unanimously. The Chairman then announced that the time was 5:52 p.m. and that the Board would adjourn into executive session.

The Chairman then announced that the time was 7:31 p.m., and that the Board had reconvened in open session.

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

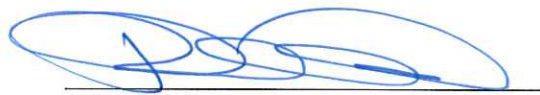
There was none.

- 10. Adjournment.**

Commissioner Lopez moved to adjourn the meeting, Commissioner Wood seconded, and the meeting was adjourned by unanimous consent at 7:32 p.m.

**ATTEST**

  
Secretary

  
John Reed  
Chairman of the Board