

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD JANUARY 6, 2021 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, January 6, 2021 at 5:30 p.m.** The following individuals were present and absent:

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

ABSENT: None

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

STAFF MEMBERS: Ariel Chavez
Steve Tyndal
Lorena Hernandez
Karina Franco
Jaime Martinez
Michael Davis
Tony Rodriguez
Margie Recio
Janie Velasquez
Memo Rico
Jorge Montero
Rosie Hinojosa
Blanca Melguizo

OTHERS PRESENT: Rev. Andreas Lewis
Jorge De la Colina
Sean Lonergan
John Slaybaugh
Kevin Garcia
John Michael
Randy Delay

1. Meeting Called To Order

The Chairman called the meeting to order at 5:31 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 Directors 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 December 16, 2020.
- b. Approval to authorize payments over \$25,000.00:
 1. A&I Custom Manufacturing, LLC, the amount of \$48,722.58, for Bulk Cargo Dock Platforms;
 2. HDR, Inc., the amount of \$1,855.75, for BIH Bend Easing Project;
 3. Pederson Construction Company, Inc., the amount of \$270,695.26, for 2020 BND Water Lines Replacement; and
 4. SAAB Technologies, Ltd, the amount of \$97,741.85, for annual user/subscription fees.

Commissioner Reed 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.

Mr. Tyndal addressed the Board regarding the following items:

1. Sugaright LLC (Lease Amendment)

Sugaright LLC has been a port tenant in good standing since January 12, 2018, with existing BND lease Contract Number 4203. The current lease for Shed 15-East is set to expire January 11, 2021. In order to accommodate pressing business exigencies, Sugaright is requesting a lease amendment to extend the lease term by 90 days. The requested amendment would expire April 11, 2021 at 5 p.m. After discussion regarding Sugaright's plans at the Port, Commissioner Wood moved to approve the lease amendment extending Sugaright's current lease through April 11, 2021, Commissioner Guerra seconded, and the motion passed unanimously.

2. Sunoco, LLC (New Lease)

Sunoco, LLC distributes motor fuel to approximately 10,000 convenience stores, independent dealers, commercial customers and distributors located in more than 30 states as well as refined products transportation. Sunoco, LLC has requested to construct a liquid terminal for refined products at the Port of Brownsville that will move from Liquid Cargo Dock #6 terminal. Commissioner Guerra moved to table the item for discussion in executive session, Commissioner Reed seconded, and the motion passed unanimously.

3. Sunoco, LLC (License Agreement)

This License Agreement with Sunoco LLC is for non-exclusive right to locate 4 pipelines from the Licensee lease site to Oil Dock #6. The agreement provides pipeline connectivity from Liquid Cargo Dock 6 to Sunoco's lease site and is subject to the terms and conditions of the Brownsville Navigation District Leasing Policies. Commissioner Guerra moved to table the item, Commissioner Reed seconded, and the motion passed unanimously.

4. Bluewing One, LLC (New Lease)

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 requested an additional 5.74 acres, adjacent to this property on November 4, 2020. A survey has been done and property that is going to be leased to Bluewing One, LLC is 14.65 acres. 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 Reed moved to approve the new lease with Bluewing One, LLC, Commissioner Wood seconded, and the motion passed unanimously.

5. D & A Seafoods, LLC (New Lease)

D & A Seafoods, LLC, has requested a new lease for shrimping purposes. They are requesting to lease the ex: Captain Memo sites. Property 1 is 0.459 acres at 2875 Angler's Place Rd. and Property 2 is 0.198 acres & 165 linear feet of dock at 3345 Dry Dock Rd. Mr. Tyndal noted that this was request for approval of a new lease, not authority to negotiate as indicated in the agenda backup. Commissioner Wood moved to approve the new lease agreement with D & A Seafoods, LLC, Commissioner Guerra seconded, and the motion passed unanimously.

6. Consideration and Action to authorize Port Staff to advertise for bids on the BND Oil Dock #6 West Pipe Bridge project, and to open bids thereof.

Mr. Chavez addressed the Board requesting authorization for Port Staff to advertise for bids on the BND Oil Dock #6 West Pipe Bridge project, and to open bids thereof. BND Staff has been working with BND lessee Sunoco to connect their proposed terminal on Old SH 48 to one of the Oil Docks. After considering use of Oil Dock #1, the lessee determined that their best option was to connect to Oil Dock #6. In order to do that, the West portion of the Pipe Bridge to said Oil Dock #6 will have to be installed. To expedite the installation, the lessee has engaged an engineer to design the needed Bridge. Staff already has a design for the South portion of the Pipe Bridge and has been provided to them to be incorporated in the preparations of construction drawings and specifications that will include the North portion of the Bridge. The Port's preliminary cost

estimate for this bridge is in the range of \$250,000.00 to \$350,000.00 plus construction phase engineering services. 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 lessee's engineer and review and approval by 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. Commissioner Reed moved to authorize BND Staff to prepare the required Invitation to Bid on the BND Oil Dock #6 West Pipe Bridge 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.

- 7. 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).**

Commissioner Wood moved to adjourn into executive session, Commissioner Guerra seconded, and the motion passed unanimously. The Board adjourned into executive session at 5:50 p.m.

The Chairman then announced that the Board had reconvened in open session at 6:39 p.m.

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

The Chairman recalled Items 5(2) and 5(3).

Commissioner Guerra moved to approve the new lease to Sunoco, LLC, with a revision to the lease to provide for a 10-year primary term with 2 renewal terms of 10 years each, Commissioner Reed seconded, and the motion passed unanimously.

Commissioner Guerra then moved to approve the license agreement to Sunoco, LLC with the same term as the lease agreement, Commissioner Reed seconded, and the motion passed unanimously.

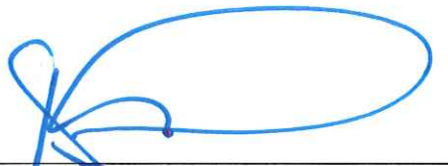
- 9. Adjournment.**

Commissioner Guerra moved to adjourn the meeting, Commissioner Cowen seconded, and the meeting was adjourned by unanimous consent at 6:41 p.m.

ATTEST



Secretary



Sergio Tito Lopez
Chairman of the Board