

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD SEPTEMBER 1, 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, September 1, 2021 at 5:30 p.m.** The following individuals were present and absent:

PRESENT: Ralph Cowen, Vice-Chairman
Esteban Guerra
John Wood
John Reed

ABSENT: Sergio Tito Lopez, Chairman

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

STAFF MEMBERS: Melinda Rodriguez
Chief Garcia
Ariel Chavez
Jose Herrera
Lorena Hernandez
Karina Franco
Jaime Martinez
Michael Davis
Tony Rodriguez
Margie Recio
Janie Velasquez
Memo Rico
Jorge Montero
Rosie Hinojosa
Blanca Melguizo
Martha Gonzalez
Julio Romo
Martin Medrano

OTHERS PRESENT: Rev. Andreas Lewis
Mark Helmke
Michael Greuner
Jorge de la Colina
Dustin Collins
Scott Schroeder

1. Meeting Called To Order

The Vice Chairman called the meeting to order at 5:35 p.m. Reverend Lewis offered a prayer. The Vice 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 reports were in the Board agenda packet. Discussion followed.

Commissioner Reed asked Mr. Chavez for clarification regarding a proposal included in his report. Mr. Chavez addressed the Board.

Commissioner Reed asked Ms. Rodriguez about her work on stakeholder engagement. Ms. Rodriguez addressed the Board regarding her work on the Port's 80th anniversary celebration.

CONSENT AGENDA

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

- a. Approval of the Minutes of the Regular Board Meeting of August 18, 2021.
- b. Approval to authorize payments over \$25,000.00:
 1. Renoworks LLC, the amount of \$57,529.80, for Oil Dock #6 West Pipe Bridge; and
 2. Shey-Harding Associates, Inc., the amount of \$25,000.00, for Executive Search Services.

Commissioner Guerra asked Mr. Campirano to provide a list of all applicants and resumes related to the search for deputy port directors. Mr. Campirano addressed the Board and noted that he would be providing the requested information.

Commissioner Reed moved to approve all Consent Agenda items, Commissioner Wood seconded, and the motion passed unanimously.

5. Consideration and Action to vote on a Resolution to adopt a 2021 property tax rate for the Brownsville Navigation District at a rate not to exceed \$.029955 per \$100

valuation. This rate is comprised of a debt rate of \$.003645 per \$100 valuation and a maintenance and operations rate of \$.026310 per \$100 valuation.

Ms. Hernandez addressed the Board regarding the item. After discussion, Commissioner Wood moved to adopt the property tax rate as presented including the statements required by statute, Commissioner Reed seconded, and the motion passed unanimously.

6. Discussion of proposed Fiscal Year 2021 Operating and Capital Budget Amendments.

Ms. Hernandez addressed the Board regarding the proposed Amendments, which were presented to the Board and displayed in the meeting. Discussion followed, but no action was taken.

7. Presentation and discussion on Port of Brownsville Tariff No. 6 proposed amendments.

Mr. Campirano introduced Mrs. Recio who gave the Board an update regarding possible amendments to Port of Brownsville Tariff No. 6. Mr. Davis also commented on proposed amendments concerning vessel activity. Discussion followed, but no action was taken.

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

Ms. Gonzalez addressed the Board regarding the following items:

1. Little Bird Cattle & Equipment Co., LLC (Authority to negotiate)

A.E. Cantu, current lessee under BND # 4137, has requested a new lease under a new name – Little Bird Cattle & Equipment Co, LLC which is owned and operated by Lucila I. Martin (sole member). The lease term desired is for 1 year with 9 options for 1 year each. The total acreage requested is 359 acres. The purpose would be for grazing, and the lease would include the Port's right to terminate on 30 days notice. Commissioner Reed moved to grant staff authority to negotiate a new grazing lease with Little Bird Cattle & Equipment Co, LLC, Commissioner Wood seconded, and the motion passed unanimously.

2. Snodgrass, Inc. (Authority to negotiate)

Snodgrass, Inc., current lessee under BND # 3916, has requested a new lease with a term of 5 years with one renewal option for 5 years. Lessee is located at 2025 Angler's Place Rd. The purpose of the lease is for shrimp trawler docking, unloading of seafood, & fueling of tugboats. Commissioner Guerra moved grant staff authority to negotiate a new lease with Snodgrass, Inc., Commissioner Reed seconded, and the motion passed unanimously.

3. Gulf Facilities, Inc. (Authority to negotiate)

Gulf Facilities, Inc. current lessee under BND #3927 has requested a new lease with a term of 5 years with one renewal option for 5 years. Lessee's site is located at 4201 Foust Rd. The purpose of the lease would be for storage. Commissioner Reed moved to grant staff authority to negotiate a new lease with Gulf Facilities, Inc., Commissioner Guerra seconded, and the motion passed unanimously.

4. Yolanda Linarte dba Marine Industrial Safety Association (New Lease)

Yolanda Linarte dba Marine Industrial Safety Association, current lessee under BND #3912, seeks a New Lease for a term of 5 years with one renewal option for 5 years. Lessee's site is located at 1120 Everglades Rd. at the Fishing Harbor. The purpose clause is Marine Safety Consulting &

H2b permits. Commissioner Reed moved to approve a New Lease for Yolanda Linarte dba Marine Industrial Safety Association, Commissioner Wood seconded, and the motion passed unanimously.

5. Maria Elena, Inc. (New Lease)

Maria Elena, Inc. current lessee under BND # 3839, seeks a New Lease for a term of 5 years with one renewal option for 5 years. Lessee's site is located at 2600 Cajun Ct. at the Fishing Harbor. The purpose clause is Shrimp Operations. Commissioner Guerra moved to approve a New Lease for Maria Elena, Inc., Commissioner Reed seconded, and the motion passed unanimously.

6. Francisco Peña dba Port Machine Shop (New Lease)

Francisco Peña dba Port Machine Shop, current lessee under BND # 4019, seeks a New Lease for a term of 5 years with one renewal option for 5 years. Lessee's site is located at 1720 Everglades at the Fishing Harbor. The purpose clause is for a Machine Shop. Commissioner Reed moved to approve a New Lease for Francisco Peña dba Port Machine Shop, Commissioner Guerra seconded, and the motion passed unanimously.

9. Consideration and Action to approve the purchase order to Texas Municipal League Intergovernmental Risk Pool for the 2021/2022 renewal policies for Workers Compensation Coverage, Business Automobile Liability, and Automobile Physical Damage and to authorize payment when invoiced in the amount of \$141,388.00.

Mr. Campirano introduced Mrs. Recio, who addressed the Board requesting approval of the purchase order to Texas Municipal League Intergovernmental Risk Pool for the 2021/2022 renewal policies for Workers Compensation Coverage, Business Automobile Liability, and Automobile Physical Damage and to authorize payment when invoiced in the amount of \$141,388.00. Port Staff has received the renewal premium from TML for the October 1st renewal date for those coverages that the District carries through the membership. This renewal is for the Worker's Compensation Insurance, the Business Auto Liability Coverage, and the Automobile Physical Damage Coverage. The Worker's Compensation premium increased this year by 6.4%, from \$96,498 last year to \$102,718. The District's experience modifier, which had been at .67 last year has increased to .69. The auto liability renewal policy premium increased by 10.17%, from \$18,954 to \$20,881. The automobile physical damage policy premium increased only .24%, from \$17,747 to \$17,789. Discussion followed regarding safety training in connection with the Worker's Compensation rate. Commissioner Guerra moved to approve the purchase order to Texas Municipal League in the amount of \$141,388 for the District's contribution for the Worker's Compensation Insurance Coverage, Business Auto Liability Coverage and Automobile Physical Damage Coverage, and to authorize payment of the invoice for these policies once received, Commissioner Wood seconded, and the motion passed unanimously.

10. Consideration and Action authorizing Port Director & CEO to execute Work Authorization No. 7 with S&B Infrastructure, Ltd. to conduct work sessions with BND Board and Executive Staff in Workshop Session to discuss projects and potential development of a strategic plan for the Port of Brownsville.

Commissioner Wood moved to table the item, Commissioner Guerra 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 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, including the annual evaluation of the Port Director / Chief Executive Officer (§551.074); and to conduct deliberations regarding economic development negotiations (§551.087).**

There was none.

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

There was none.

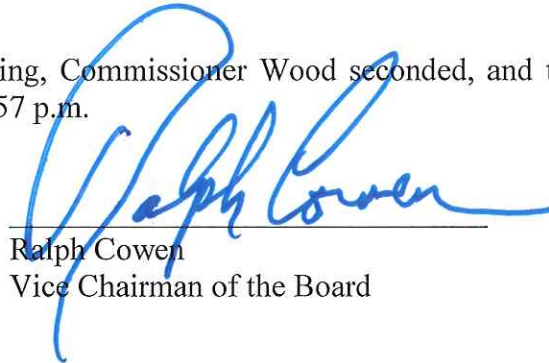
13. **Adjournment.**

Commissioner Guerra moved to adjourn the meeting, Commissioner Wood seconded, and the meeting was adjourned by unanimous consent at 6:57 p.m.

ATTEST



Esteban Guerra, Secretary



Ralph Cowen
Vice Chairman of the Board