

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

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

ABSENT: Ralph Cowen

ALSO PRESENT: Eduardo A. Campirano, Port Director and CEO
Daniel Rentfro, District Counsel

STAFF MEMBERS: Melinda Rodriguez
Arturo Gomez
Ariel Chavez
Michael Davis
Jose Herrera
Karina Franco
Jaime Martinez
Chief Carlos Garcia
Tony Rodriguez

Janie Velasquez
Memo Rico
Jorge Montero
Rosie Hinojosa
Blanca Melguizo
Julio Romo

OTHERS PRESENT: Rev. Andreas Lewis
Norma Torres
Sergio Sabatini
Eric Hinojosa
Brian Bennett

1. Meeting Called To Order

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

BROWNSVILLE NAVIGATION DISTRICT MINUTES

October 06, 2021

Page 1 of 4

2. Public Audience

No person registered to address the Board.

3. Receive Director's Report

Members of the Board asked several questions about the reports, which were in the agenda packet. Discussion followed.

CONSENT AGENDA

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

- a. Approval of the Minutes of the Regular Board Meeting of September 15, 2021.
- b. Approval to authorize payments over \$25,000.00:
 1. Texas Economic Development Corporation, the amount of \$25,000.00, for Membership Dues for the Go Big in Texas formally known as Texas One.

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

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

Ms. Rodriguez addressed the Board regarding the following items:

1. Gonzalez Trawlers, Inc. (Authority to Negotiate)

Gonzalez Trawlers, Inc. current lessee under BND #3850, seeks Authority to Negotiate a New Lease for a term of 5 years with one renewal option for 5 years. Lessee site is located at 1700 Bayou Court. Purpose clause: Vessel Maintenance & Repairs. Commissioner Wood moved to approve the request for authority to negotiate for Gonzalez Trawlers Inc, Commissioner Guerra seconded, and the motion passed unanimously.

2. Gulf Facilities, Inc. (New Lease)

Gulf Facilities, Inc. current lessee under BND #3927, seeks a New Lease for a term of 5 years with one renewal option for 5 years. The Lessee site is located at 4201 Foust Rd. The purpose clause: Storage. Commissioner Reed moved to approve the new lease to Gulf Facilities, Inc, Commissioner Wood seconded, and the motion passed unanimously.

3. Brownsville & Rio Grande International Railway, LLC. (Bill of Sale)

This Bill of Sale naming Brownsville & Rio Grande International Railway, LLC. under BND Master Franchise Agreement #3994 is to transfer the property described in Exhibit 1, namely the office building and associated equipment, to said lessee. Section 2.4 of the Agreement states that upon full payment for a period of 7 years, Franchise shall own, free and clear, all rights and title to the property. Note: This Bill of Sale does not include any interest in the real estate where the property described on the Exhibit 1 is located. Property location: 1600 Fishprint Rd. & S.H. 48 at the Turning Basin Purpose Clause: Railroad Operations. Commissioner Reed moved to approve the Bill of Sale for Brownsville & Rio Grande International Railway, LLC, Commissioner Guerra seconded, and the motion passed unanimously.

6. Consideration and Action on License Agreement between Brownsville Navigation District and Brownsville Rio Grande International Railway, LLC consenting to the construction of additional tracks at the Palo Alto Railyard.

Mr. Campirano addressed the Board requesting approval of a License Agreement between Brownsville Navigation District and Brownsville Rio Grande International Railway, LLC consenting to the construction of additional tracks at the Palo Alto Railyard. OmniTRAX is seeking concurrence from the BND to expand the Palo Alto Railyard. OmniTRAX is proposing to construct three (3) additional tracks providing an additional 75 rail car spots of support track. Commissioner Guerra moved to table the item until after executive session, Commissioner Reed seconded, and the motion carried unanimously.

The Chairman then recognized Ms. Torres, who made a presentation regarding the item. Sergio Sabatini and Eric Hinojosa from BRG addressed the Board also.

7. Consideration and Action to authorize BND Staff to Advertise for Bids for pipe and materials required for the Patio #22 East Side Entrance Driveway and Drainage project, to open bids thereof, and to issue the pertinent purchase orders for those materials.

Mr. Campirano addressed the Board requesting authorization for BND Staff to advertise for bids for pipe and materials required for the Patio #22 East Side Entrance Driveway and Drainage project, to open bids thereof, and to issue the pertinent purchase order for those materials. BND Staff has been working with BND Lessee Gulf Stream Marine (GSM), with OmniTRAX/BRG (OmniTRAX) and their consultant AECOM Technical Services, Inc. (AECOM) on various components of the Pesqueria/Patio 22 and South Rail Yard Expansion project. One of those components was the design of a driveway on the East side of the South Yard crossing by the Dock 16 Road entrance. AECOM has designed the entrance and the plan is for BND Maintenance staff to install the required improvements for windmill blades to be moved from Cargo Dock 16 to Patio #22. The design calls for Reinforced Concrete Pipe (RCP) and other materials for proper and positive storm water run-off. BND Staff is requesting authorization to advertise for bids on the required materials. The Limestone and GeoGrid materials that will be used for the driveway will come from the annual contract BND has with those suppliers. Commissioner Reed moved to authorize BND Staff to publish an Invitation to Bid on the #22 East Side Entrance Driveway and Drainage project, as per the Bid Proposal document prepared by BND Engineering staff, to publish same in the local newspaper as required by BND Purchasing procedures, to open bids once they are received, and to issue the pertinent Purchase Order or Orders as needed, Commissioner Wood 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 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).

The Chairman then announced that the time was 6:28 p.m., and that the Board would adjourn into executive session.

BROWNSVILLE NAVIGATION DISTRICT MINUTES

October 06, 2021

Page 3 of 4

The Chairman then announced that the time was 8:03 p.m., and that the Board had reconvened in open session.

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

The Chairman recalled Item 6. Commissioner Guerra moved to approve the License Agreement consenting to the construction of additional tracks at the Palo Alto Railyard, Commissioner Wood seconded, and the motion passed unanimously.

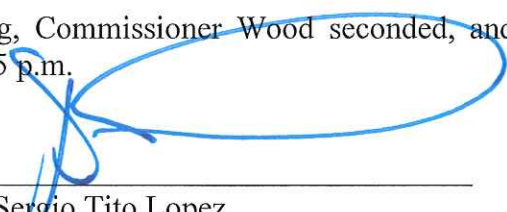
10. Adjournment.

Commissioner Reed moved to adjourn the meeting, Commissioner Wood seconded, and the meeting was adjourned by unanimous consent at 8:05 p.m.

ATTEST



Secretary



Sergio Tito Lopez
Chairman of the Board