

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD OCTOBER 20, 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 20, 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: Melinda Rodriguez
Arturo Gomez
Jaime Martinez
Manuel Martinez
Chief Carlos Garcia
Michael Davis
Tony Rodriguez
Margie Recio
Janie Velasquez
Memo Rico
Jorge Montero
Karina Franco
Jose Herrera
Rosie Hinojosa
Blanca Melguizo
Julio Romo

OTHERS PRESENT: Rev. Andreas Lewis
Michael Gruener
Mark Helmke
Randy Delay
Jorge De la Colina

1. Meeting Called To Order

The Chairman called the meeting to order at 5:40 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 Port Monthly Operations Summary Report

Ms. Franco made the report to the Board. 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 October 6, 2021.
- b. Approval to authorize payments over \$25,000.00:
 1. Renoworks, LLC, the amount of \$35,595.00, for Oil Dock #6 West Pipe Bridge; and
 2. Foremost Paving, Inc, the amount of \$1,245,163.95, for BND South Port Connector.

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

5. Presentation of District's Investment Report for the quarter ended September 30, 2021.

Ms. Franco spoke about the District's Investment Report for the quarter ended September 30, 2021. Discussion followed.

6. Presentation by BND Engineering Department Staff on the past, current, and future BND Water Distribution Lines Replacement projects.

Mr. Campirano introduced Mr. Gomez, who together with Mr. Martinez, spoke about past, current and future BND Water Distribution Lines Replacement projects. Discussion followed.

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

Mrs. Rodriguez addressed the Board regarding the following items:

1. Motus T1 (Lessor Agreement)

Motus T1 is a current lessee under BND contract #3964 requesting the Board's Consent in favor of a Lessor Agreement with Candence Bank and Victory Hill Midstream, LLC (owner of Motus T1) to provide financing for their operation.

2. Motus T2 (Lessor Agreement)

Motus T2 is a current lessee under BND contract #4026 requesting the Board's Consent in a favor of a Lessor Agreement with Candence Bank and Victory Hill Midstream, LLC (owner of Motus T2) to provide financing for their operation.

Commissioner Guerra moved to approve items 1 and 2, Commissioner Wood seconded, and the motion carried unanimously.

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3. **Bluewing One, LLC (Phase IV) (Amendment to the Option)**

Bluewing One, LLC. (Phase IV) currently has an Option to Lease for a period of 6 months for 70 acres of land space with an option to extend for an additional period of 6 months. This amendment to the Option is to reflect the July 1, 2021, Consumer Price Index (CPI) rate increase on their Option to Lease Contract #4531. Purpose clause for this site: Railcar loading and storage of liquid fuels.

4. **Bluewing One, LLC (Phase V) (Amendment to the Option)**

Bluewing One, LLC. (Phase V) currently has an Option to Lease for a period of 6 months for 30 acres of land space with an option to extend for an additional period of 6 months. This Amendment to the Option is to reflect the July 1, 2021, Consumer Price Index (CPI) rate increase on their Option to Lease Contract #4530. Purpose clause for this site: tank storage, truck-loading, and a potential renewable energy project.

Commissioner Wood moved to approve items 3 and 4, Commissioner Reed seconded, and the motion carried unanimously.

5. **Alamo Fireworks, Inc. (Release of Lease)**

Alamo Fireworks, Inc. under BND Contract #3632 located at 18505 S.H. 48 is requesting a release of lease from the Board Commission. Alamo Fireworks, Inc. has sold the building to the Port of Brownsville. Commissioner Wood moved to approve the Release of Lease to Alamo Fireworks, Inc. as of August 11, 2021, Commissioner Guerra seconded, and the motion passed unanimously.

6. **Lil Bird Cattle & Equipment Co, LLC. (New Lease)**

A.E. Cantu, current lessee under BND #4137, seeks a New Lease under new name – Lil Bird Cattle & Equipment Co, LLC. which is owned and operated by Lucila I. Martin (sole member). The lease will be effective October 1, 2021, and the preferred term is for 1 year with 9 options of 1 year each. The site is 359 acres and is located North and South of FM 550. Purpose of Lease: Grazing Lease with a 30-day termination clause. Commissioner Reed moved to approve the New Lease for Lil Bird Cattle & Equipment Co, LLC., Commissioner Cowen seconded, and the motion passed unanimously.

8. Consideration and Action to authorize Port Staff to apply for a grant under Operation Lone Star for law enforcement software and equipment.

Chief Garcia addressed the Board requesting authorization for Port Staff to apply for a grant under Operation Lone Star for law enforcement software and equipment. Operation Lone Star is a State of Texas grant program to enhance interagency border security operations. The program provides grants for law enforcement equipment and technology that benefit the border security. If the Port of Brownsville Police & Security Department is awarded a grant, it would purchase a software program that includes modules for Computer Aid Dispatching, Records Management System (TX NIBRS integrated), Mobile (E Citations) and Interfacing (State Query) with state and federal CJIS databases. The grant application total is \$150,000.00 which includes the software program and hardware such as servers, laptops, and servers. The grant funds would increase the capacity of the Port of Brownsville Police & Security Department and the Harbor Master's Office with the integration and automation of all dispatched calls, including input and access of real-time information, statistics, and decrease response time by using command line control and dispatch for multiple agencies. The enhanced data collection, data analysis, and case tracking would also

advance both department's casework, reports, trainings and certifications, and compliance requirements. Discussion followed regarding the Stonegarden grant program. Chief Garcia noted that he would look into whether the Port would be eligible for funding under the program. Commissioner Guerra moved to authorize Port Staff to proceed to file an application with the State of Texas Operation Lone Star Program through the state's e-Grants online system, Commissioner Cowen seconded, and the motion passed unanimously.

9. Consideration and Action to award the bid for environmental cleanup services at the former Marine Metals site and to authorize payment of invoice once received.

Mrs. Recio addressed the Board requesting to award bid for environmental cleanup services at the former Marine Metals site and to authorize payment of invoice once received. The District solicited sealed quotes for environmental cleanup services at the former Marine Metals site. The bid packet and notice were posted on the District's website and was sent to three vendors. JW Rentals dba Environmental Evolutions National, Witt O'Brien, and Naturegroup. Responses were due on October 14, 2021, at 10 am. One response was received by JW Rentals dba Environmental Evolutions National in an estimated amount of loads w/>2500 totaling to \$56,302.50 and loads w/<2500 totaling to \$58,302.00. After reviewing the scope of services, it was determined that an area, specifically 100 cubic yards of debris, would be omitted from the proposal so that additional testing may be performed. This area will require the removal of eligible trash items prior to the sampling of the oily wastewater within the area. Therefore, the revised quote after reducing the scope of services, is in the amount of \$38,472 for the removal, transportation and disposal of environmentally affected items such as various 55-gallon drums, roll off containers and storage tanks. Commissioner Guerra moved to award the bid to JW Rentals dba Environmental Evolutions National for environmental cleanup services at the former Marine Metals site, to issue a Purchase Order in the amount of \$38,472 and to authorize payment of invoice once received, Commissioner Wood seconded, and the motion passed unanimously.

10. Consideration and Action to authorize BND Staff to issue purchase order for pipe and materials for the Patio #22 East Side Entrance Driveway and Drainage project to the lowest responsive bidder.

Mr. Martinez addressed the Board requesting authorization for BND Staff to issue purchase order for pipe and materials for the Patio #22 East Side Entrance Driveway and Drainage project to the lowest responsive bidder. As previously presented, BND Staff has been working with BND Lessee Gulf Stream Marine (GSM), with OmniTRAX/BRG (OmniTRAX) and with their consultant AECOM Technical Services, Inc. (AECOM) on various components of the Pesqueria/Patio 22 and South Rail Yard Expansion project, one of which has been 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 BND Maintenance staff is scheduled to install the improvements, which will facilitate movement of windmill blades between Cargo Dock 16 and Patio #22. The driveway as designed will require Reinforced Concrete Pipe (RCP) and other materials for proper and positive storm water run-off. The Limestone and GeoGrid materials that will be used for the driveway will come from the annual contract the District has with those suppliers. On October 6, 2021, BND Commissioners authorized BND Staff to Advertise for Bids on the pipe and drainage materials for said Pesqueria/Patio 22 and South Rail Yard Expansion project. The Invitation to Bid was published with a target Bid Opening date of October 19, 2021. The District received one bid, from Core & Main, in the amount of \$299,567.20. Commissioner Reed moved to authorize BND Staff to issue a Purchase Order for the Patio #22 East Side Entrance Drainage Materials as required for

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the Patio #22 East Side Entrance Driveway and Drainage project, and to place the order for said materials, Commissioner Cowen seconded, and the motion passed by a vote of 4-1, Commissioner Guerra voting “nay”.

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.

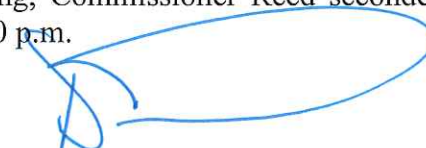
13. Adjournment.

Commissioner Guerra moved to adjourn the meeting, Commissioner Reed seconded, and the meeting was adjourned by unanimous consent at 6:30 p.m.

ATTEST

EGuerra.

Esteban Guerra, Secretary



Sergio Tito Lopez
Chairman of the Board