

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND  
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF  
CAMERON COUNTY, TEXAS HELD NOVEMBER 03, 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, November 03, 2021 at 5:30 p.m.** The following individuals were present and absent:

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

**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  
Ariel Chavez  
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  
Nellie Perez  
Jorge de la Colina  
Albert Perez  
Landon Overby

**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.

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## **2. Public Audience**

No person registered to address the Board.

## **3. Receive Director's Report**

The reports were in the agenda packet. A general discussion followed. Mr. Campirano then introduced Mr. Montero, who reported on two media awards recently received by the BND.

## **CONSENT AGENDA**

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

- a. Approval of the Minutes of the Regular Board Meeting of October 20, 2021.
- b. Approval to authorize payments over \$25,000.00:
  1. Southmost Regional Water Authority, the amount of \$141,181.00, for 2022 Assessment Fees; and
  2. Vulcan Materials Company, the amount of \$27,231.30, for Crushed Limestone for Port Maintenance.

Commissioner Guerra moved to approve all consent agenda items, Commissioner Cowen 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. Brownsville Public Utilities Board (Sale of Easement)**

Brownsville Public Utilities Board current lessee under BND #3817 leases 0.014-acre tract (SH48 with West ROW Line of Chicago Gardens drain ditch) from BND for the purpose of locating of utilities to provide utility service to BND and its tenants' facilities. This lease expired on September 30, 2020, and BPUB would like to replace the lease with a permanent utility easement. Commissioner Reed moved to approve the easement to Brownsville Public Utilities Board, Commissioner Cowen seconded, and the motion passed unanimously.

#### **2. Mark Lee & Andres Delgadillo dba Juan's Electric (Authority to Negotiate)**

Juan Delgadillo, d/b/a Juan's Electric current lessee under BND #4029, 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 2485 Fisherman's Place. The lessee is requesting the new lease agreement to be under his sons' names – Mark Lee & Andres Delgadillo. Purpose clause: Electrical, refrigeration, sales & repairs. Commissioner Wood moved to approve the authority to negotiate for Mark Lee & Andres Delgadillo dba Juan's Electric, Commissioner Reed seconded, and the motion passed unanimously.

### **6. Consideration and Action authorizing Port Director & CEO to sign amended Subordination Agreement with First National Capital, LLC regarding an extension of credit by Scrap Metal Services, LLC.**

Mr. Campirano addressed the Board requesting authorization to sign an amended Subordination Agreement with First National Capital, LLC regarding an extension of credit by Scrap Metal

Services, LLC. Scrap Metal Services, LLC (All Star Metals) is securing credit for its operations at the Port of Brownsville. The amended agreement is needed so that Scrap Metal Services can close on the loan and receive the loan proceeds. The amended agreement contains language that in the event of default by lessee, First National Capital, LLC may (a) abandon the equipment in place, (b) conduct an auction or other sale of equipment on site, or (c) remove the equipment provided that it adheres to the provisions of the agreement in section 1. thru 4. of the agreement. This language is similar to provisions in other subordination agreements approved in the past. Legal Counsel has reviewed the agreement and concurs that it is ready for consideration by the BND Commission. Commissioner Cowen moved to approve the amended Subordination Agreement, Commissioner Wood seconded, and the motion passed unanimously.

**7. Consideration and Action to approve selection and payment for the services provided by recommended renewal of medical, dental, vision, life, short-term and long-term disability insurance providers for all BND employees.**

Mr. Martinez addressed the Board requesting approval of selection and payment for the services provided by recommended renewal of medical, dental, vision, life, short-term and long-term disability insurance providers for all BND employees. The District's insurance benefits renewal date for medical, dental, vision, life, short-term and long-term disability insurances is January 1, 2022. Mr. Landon Overby from Bowen Milette, and Britt, the insurance consultant has reviewed a proposal for the medical insurance, and the District will continue coverage for the dental, vision, life, short-term and long-term disability insurance providers for 2022 with the continued guaranteed rates. Specifically, medical coverage would be continued with Blue Cross Blue Shield; short term and long term disability with Sun Life; and life insurance, dental insurance and vision insurance with Guardian Insurance Company. Commissioner Reed moved to approve the recommendations provided with the advisement of Mr. Overby to accept the renewal proposals as stated and approve payments for all insurance services mentioned in this item, Commissioner Wood seconded, and the motion passed unanimously.

**8. Consideration and Action to authorize Port Staff to advertise for bids on a Cisco Firepower Firewall and Service for Security Data Access for BND Domain Access Data.**

Mr. Martinez addressed the Board requesting authorization to advertise for bids on a Cisco Firepower Firewall and Service for Security Data Access for BND Domain Access Data. This Cisco Firepower Firewall will increase security and protect our network and data from inbound and outbound hacking and malware threats. The Port currently has a Cisco Meraki Firewall MX80 which has been in place for over six years but is designated for a smaller organization and with growth more protection is needed. Along with the Cisco Firepower Firewall the Port will get the 24/7 defense service that will help monitor any possible threats to the network or data at all hours of the day or night. With the current environment of malware and ransomware, the Port must upgrade protection in order to take precautionary measures to avoid these situations. This will also increase protection with entities that Port staff have to connect with through the network such as, Klein, Incode, Promiles, and any bank that Staff connects with for financial transactions. Commissioner Guerra moved to authorize Port Staff to prepare an invitation to Bid on the Cisco Firepower Firewall and service for security data access for BND domain access data as per specifications to be published 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.

**9. Consideration and Action to authorize Port Staff to advertise for bids on Cisco Catalyst Switch Upgrade Project.**

Mr. Martinez addressed the Board requesting permission to advertise for bids on the Cisco Catalyst Switch Upgrade Project. The Port currently has 30 switches in the south side and shrimp basin that connect the security system cameras throughout the port. These switches have been in place for over ten years, and they are at end of life because there are no more firmware updates available for them. These switches are now becoming a security risk since there is no longer support for them. Port Staff will replace these switches with the Cisco Catalyst 3650-48FD-L Network Switch, which is a next generation, enterprise-class access-layer switch that provides the foundation for full convergence between wired and wireless on a single platform. Commissioner Guerra moved to authorize Staff to prepare an invitation to Bid on the Cisco Catalyst Switch Upgrade Project (30 switches) as per specifications to be published in the local newspaper as required by BND Purchasing Procedures and to open bids once they are received, Commissioner Wood seconded, and the motion passed unanimously.

**10. Consideration and Action on the Grantee/Operator's Agreement between the Brownsville Navigation District Foreign Trade Zone No. 62 and Motus T1 LLC (formerly Maverick Brownsville Terminal).**

**11. Consideration and Action on the Grantee/Operator's Agreement between the Brownsville Navigation District Foreign Trade Zone No. 62 and Motus T2 LLC (formerly Maverick Fuel Oil Terminal).**

Mr. Rodriguez addressed the Board requesting consideration of the Grantee/Operator's Agreements between the Brownsville Navigation District Foreign Trade Zone No. 62 and Motus T1 LLC and Motus T2 LLC. Motus T1 LLC and Motus T2 LLC will be the new terminal operators of Maverick Brownsville Terminal & Maverick Fuel Oil Terminal, and they are requesting to become Operators of FTZ No. 62. This will allow them to take over the storage tanks from Maverick Brownsville Terminal and Maverick Fuel Oil Terminal. The purpose of their operation is to store and transfer liquid bulk products. Commissioner Reed moved to approve Motus T1 LLC and Motus T2 LLC to be Operators of FTZ No. 62, Commissioner Wood seconded, and the motion passed unanimously.

**12. 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).**

The Chairman then announced that the time was 6:17 p.m., and that the Board would adjourn into executive session.

The Chairman then announced that the time was 6:50 p.m., and that the Board had reconvened in

open session.

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

There was none.

**14. Adjournment.**

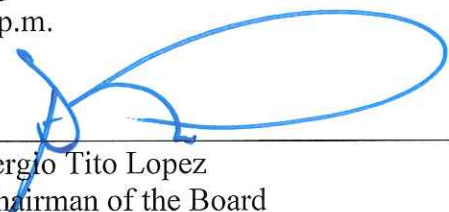
Commissioner Guerra moved to adjourn the meeting, Commissioner Reed seconded, and the meeting was adjourned by unanimous consent at 6:50 p.m.

ATTEST



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Esteban Guerra, Secretary



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Sergio Tito Lopez  
Chairman of the Board