

**MINUTES OF A PILOT BOARD MEETING AND A REGULAR MEETING OF THE  
BOARD OF NAVIGATION AND CANAL COMMISSIONERS OF THE  
BROWNSVILLE NAVIGATION DISTRICT OF CAMERON COUNTY, TEXAS HELD  
JANUARY 05, 2022 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, including sitting as the Port of Brownsville Pilot Board, on **Wednesday, January 05, 2022, at 5:30 p.m.** The following individuals were present and absent:

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

**ABSENT:** John Reed

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

**STAFF MEMBERS:** Melinda Rodriguez  
Ariel Chavez  
Chief Carlos Garcia  
Tony Rodriguez  
Margie Recio  
Karina Franco  
Jose Herrera  
Blanca Melguizo

**OTHERS PRESENT:** Rev. Andreas Lewis  
Nancy and Jorge Gaytan  
Mike Furgatch  
Scott Terry  
Kevin Garcia  
Captain Chris Urbanovsky  
Victor Villarreal  
Brent Moore  
Jorge de la Colina

**1. Meeting Called To Order**

The Chairman called the meeting to order at 5:37 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.

The Chairman then announced that the Board would take up the Pilot Board Agenda.

## **PILOT BOARD MATTERS**

### **1. Consideration and ACTION on to recommission Captain Jonathan P. Willett.**

Captain Urbanovsky addressed the Board and apologized for Captain Willett's absence. Commissioner Guerra moved to approve Captain Willett's recommissioning, Commissioner Wood seconded, and the motion passed unanimously.

Commissioner Cowen then excused himself from the meeting temporarily.

The Chairman then announced that the Board would adjourn the Pilot Board portion of the meeting and resume with the District agenda.

### **2. Public Audience**

No person registered to address the Board.

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

#### **a. Receive Port Monthly Operations Summary Report**

The reports were in the board agenda packet.

## **CONSENT AGENDA**

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

- a. Approval of the Minutes of the Regular Board Meeting of December 15, 2021.
- b. Approval to authorize payments over \$25,000.00:
  1. HDR Engineering, the amount of \$77,763.17, for Cargo Dock 3 Phase I Design.

Commissioner Wood moved to approve all consent agenda items, Commissioner Guerra seconded, with the suggestions to correct an error in the minutes listing him as present twice, and the motion passed unanimously.

Commissioner Cowen then re-entered the meeting.

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

Mr. Rodriguez addressed the Board regarding the following items:

#### **1. Motus Energy LLC (Authority to Negotiate)**

Motus Energy LLC a current lessee under BND contract #3964 & #4026 is requesting Authority to Negotiate an additional location of 15.67 acres to be identified as Motus T3 for a term of 5 years with five renewal options of five-years each. Purpose clause: Terminal Operations for liquid bulk commodities, Cryogenic storage for gas commodities, Micro LNG production, Petroleum refined products and component storage, storage refined motor fuels, multi lane truck racks and railcar loading rack. Commissioner Wood moved to approve the Authority to Negotiate for a new lease for Motus Energy, LLC, Commissioner Guerra seconded, and the motion passed unanimously.

#### **2. Motus Energy LLC (Authority to Negotiate)**

Motus Energy LLC (Motus T1 & T2) a current lessee under BND contract #3964 & #4026 is requesting Authority to Negotiate an additional location for a one-year lease. Property of interest

is located on the corner south of Ostos Road and east of the South Port Connector Road (across from the Motus T2 Terminal). Commissioner Guerra moved to approve the Authority to Negotiate for a new lease for Motus Energy LLC, Commissioner Wood seconded, and the motion passed unanimously.

### **3. Texas A&M University System (New Lease)**

The Texas A&M System has announced the creation of the Texas A&M Rio Grande Valley Advance Manufacturing Innovation (RAMI) Hub. The RAMI Hub will offer critical Workforce Development Training Courses to enhance the skills needed for employers at the Port of Brownsville and the surrounding region. The initiative is funded with \$10,000,000 appropriation by the Texas Legislature. Staff has been working with the Texas A&M University System to establish a training facility to launch the RAMI Hub initiative at the Port of Brownsville Port Staff has been working on a lease for the former Alamo Fireworks building now owned by the BND. The building is 5,000 square feet on approximately two (2) acres and would be for the use and benefit of the Texas A&M Engineering Extension Services (TEES). All of the improvements to the building will be at Texas A&M's sole cost. The initial term of the lease agreement will be for 24 months commencing on January 1, 2022. There is an option to renew the lease term for 36-months. Commissioner Guerra moved to approve a new lease for Texas A&M University System, Commissioner Cowen seconded, and the motion passed unanimously.

### **4. Tree Energy Solutions BV (Option to Lease)**

Tree Energy Solutions BV seeks an Option to Lease for 80 acres of land space for an initial period of one year with an option to extend initial term for additional periods of one year each up to a maximum term of three year. Purpose clause: Co2 Import/Export Terminal. Commissioner Wood moved to approve the Option to Lease for Tree Energy Solutions BV, Commissioner Guerra seconded, and the motion passed unanimously

### **5. VMK Equipment Series (New Lease)**

VMK Equipment Series seeks a new lease for a 3.61-acre tract located on 3600 North Chemical Rd. VMK Equipment Series has purchased the assets of BND lessee TM Cruillas, LLC (Contract #3945). Purpose clause: sand, gravel, cement, ready-mix concrete. Commissioner Guerra moved to approve the New Lease for VMK Equipment Series, Commissioner Cowen seconded, and the motion passed unanimously.

### **6. Industrial Asset Leasing, LLC (New Lease)**

Industrial Asset Leasing, LLC (part of Forza Group) seeks a new lease for a 22.81-acre tract and two buildings located at 40881 State Highway 48. The lease is to take effect January 2, 2022, for five years with four additional options of five years each. Purpose clause: Steel Manufacturing and Supply. Commissioner Wood moved to approve the new lease for Industrial Asset Leasing, LLC, and to authorize execution and delivery of the lease when the complete, signed package is received, Commissioner Cowen seconded, and the motion passed unanimously.

**6. Consideration and Action to approve the adoption of the “Resolution to Authorize a Joint and Contracted Election” in regard to the May 7, 2022 General Election. (Examinas y tomar medidas acerca de una decision sobre la adopcion de “Resolution para Autorizar una Eleccion Conjunta y Contractado en relacion con Eleccion General el 7 de mayo 2022.**

Ms. Recio addressed the Board requesting approval on the adoption of the “Resolution to Authorize a Joint and Contracted Election” in regard to the May 7, 2022 General Election. This Resolution accomplishes an important purpose for the election. It states the Board’s intention to participate jointly in the election with other entities also having a May 7<sup>th</sup> election, thereby giving the District’s Election Administrator the authority to negotiate the election parameters with them. This Resolution also gives the District’s Election Administrator the authority to negotiate a contract for the election with Cameron County Election Office. Staff has already met with Remi Garza, the Cameron County Elections Administrator and he is planning to hold the District’s election and will put together an election contract. Once the contract is received, it will be submitted to the Port Director and the District’s legal counsel for review and then to the Board for consideration of approval at a future meeting. The District has two seats that are up for election at the May 7, 2022 General Election. Commissioner Wood moved to approve this Resolution to Authorize a Joint and Contracted Election for the May 7, 2022 General Election, Commissioner Cowen seconded, and the motion passed unanimously.

**7. Consideration and Action to rescind the December 1, 2021 award of the purchase of a portable Security Guardhouse to PortaKing Building Systems.**

Chief Garcia addressed the Board requesting authorization to rescind the December 1, 2021 award of the purchase of a portable Security Guardhouse to PortaKing Building Systems. On December 1, 2021, the BND Board of Commissioners approved the purchase of a portable security guardhouse for the South Port Connector Road/Hwy 4 entrance to PortaKing in the amount of \$104,068.56. A requisition to issue a purchase order was not requested so that BND Staff could continue to explore less expensive options. BND Staff was able to identify a vendor, Panel Built Inc. of Blairsville, GA for such a purchase in the amount of \$48,388.51. Commissioner Guerra moved to rescind the award to PortaKing in the amount of \$104,068.56, Commissioner Cowen seconded, and the motion passed unanimously.

**8. Consideration and Action to award the purchase of a Portable Security Guardhouse for the South Port Connector Road to Panel Built Incorporation of Blairsville, GA.**

Chief Garcia addressed the Board requesting authorization to award the purchase of a Portable Security Guardhouse for the South Port Connector Road to Panel Built Incorporation of Blairsville, GA. Staff anticipates the opening of the South Port Connector Road in January of 2022. A portable guardhouse is necessary for Police and Security Officers to work from as to conduct the screenings of all persons entering the Port of Brownsville. A proposal was obtained from Panel Built Incorporation of Blairsville, GA. with contract #GS07F0186X in the amount of \$38,988.51 for the guardhouse and \$9,400.00 for shipping for a total amount of \$48,388.51 through the United States General Services Administration (Federal Supply Schedule Sources). Commissioner Wood moved to award the purchase of the Portable Security Guardhouse to Panel

Built Incorporation of Blairsville, GA. in the amount of \$48,388.51, Commissioner Guerra seconded, and the motion passed unanimously.

**9. Consideration and Action to authorize Port Staff to advertise for bids for Geogrid and to open bids thereof.**

Mr. Herrera addressed the Board requesting authorization for Port Staff to advertise for bids for Geogrid and to open bids thereof. The District purchases Geogrid for construction of patio storage areas and the maintenance of existing facilities. This material is purchased as needed, and the District does not guarantee any level of purchasing. Commissioner Guerra moved to advertise for bids for geogrid, and to open bids thereof, Commissioner Cowen seconded, and the motion passed unanimously.

**10. Consideration and Action on Proposal by HDR Engineering, Inc. on professional engineering services for design phases of the Cargo Dock #3 Reconstruction project, and to authorize the Port Director & CEO to execute a Task Order in conformance with the revised proposal.**

Mr. Campirano addressed the Board requesting acceptance or rejection of proposal by HDR Engineering, Inc. on professional engineering services for design phases of the Cargo Dock #3 Reconstruction project, and to authorize the Port Director & CEO to execute a Task Order in conformance with the revised proposal. On June 16, 2021, BND tenant American Cement Advisors' (ACA) consultant HDR Engineering, Inc. (HDR) and BND Staff presented to BND Commissioners a study by HDR of BND's Cargo Dock #3 to determine the alternatives to the rehabilitation or reconstruction of the dock. On July 21, 2021, BND Staff presented HDR's Report to BND Commissioners with the recommendation to demolish the existing dock and rebuild it as a dock on steel pilings with pre-cast concrete beams and deck, and BND Commissioners authorized the Port Director to solicit a proposal from HDR for engineering design services. On August 18, 2021, BND Commissioners authorized the Port Director and CEO to accept the proposal from HDR on work related to Tasks 001 (Project Management and Controls – Data Collection), 002 (Geotechnical and Site Investigation) and 003 (Master Plan) of the Cargo Dock #3 Development Plan, which HDR successfully completed and BND Staff presented to BND Commissioners on December 1<sup>st</sup>, 2021. On December 7, 2021, HDR submitted a revised proposal for the remaining final design tasks for his project, namely, 004-Permitting and Regulatory, 005-Demolition Package, 006-Pile Procurement Package and 007-Dock Package, with the addition of Task 008-Project Management and Controls (design phases). HDR proposes to perform these remaining tasks for a fee not to exceed \$1,201,670.00. As with the previous proposal, this proposal is only for the final design of Phase 1 which comprises the demolition and reconstruction of the existing Cargo Dock #3, and does not include final design of Phase 2, which comprises the expansion of Cargo Dock #3 to 706 ft. Commissioner Wood moved to accept the proposal from HDR Engineering, Inc. for the design phases engineering services for the Cargo Dock #3 Reconstruction project for a fee amount not to exceed \$1,201,670.00, Commissioner Cowen seconded, and the motion failed to pass, Commissioners Wood and Cowen voting "aye" and Commissioners Guerra and Chairman Lopez 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).

The Board did not adjourn into executive session.

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

There was no executive session.

**13. Adjournment.**

Commissioner Guerra moved to adjourn the meeting, Commissioner Cowen seconded, and the meeting was adjourned by unanimous consent at 6:18 p.m.

ATTEST



\_\_\_\_\_  
Esteban Guerra, Secretary

  
\_\_\_\_\_  
Sergio Tito Lopez  
Chairman of the Board