

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND  
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF  
CAMERON COUNTY, TEXAS HELD JULY 05, 2023 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, July 05, 2023 at 5:30 p.m.** The following individuals were present and absent:

**PRESENT:** Esteban Guerra, Chairman  
Ralph Cowen  
John Wood

**ABSENT:** John Reed  
Sergio Tito Lopez

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

**STAFF MEMBERS:** Miguel Barajas  
Melinda Rodriguez  
Ariel Chavez  
Michael Davis  
Karina Franco  
Chief William Dietrich  
Arturo Gomez  
Jorge Montero  
Memo Rico  
Janie Velasquez  
Zeus Yanez

**OTHERS PRESENT:** Rev. Andreas Lewis  
Jorge De La Colina  
Kevin Garcia  
Norma Torres  
Ginger Adamiak  
Ashley Wolfe  
Abby Houghton

**1. Meeting Called To Order**

The Chairman called the meeting to order at 5:34 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**

Norma Torres addressed the Board and introduced new OmniTRAX team members that will be working with the Port.

**3. Receive Director's Report**  
**a. Directors Report**

The Board received the reports.

**CONSENT AGENDA**

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

- a. Approval of the Minutes of the Regular Board Meeting of June 14, 2023.
- b. Approval to authorize payments over \$25,000.00:
  1. Core & Main, the amount of \$57,286.77, for the Waterline Replacement Project;
  2. EquipmentShare, the amount of \$36,562.63, Rental of Equipment for projects in the Port area;
  3. HDR Engineering Inc., the amount of \$67,001.03, for Channel Deepening project – Construction Phase Support;
  4. Koppers, Inc., the amount of \$160,547.30, for Patio 22/West Plains Railroad crossing Project;
  5. RLB Contracting, Inc., the amount of \$923,220.00, for 2022 Placement Areas 5B, 7&8 improvements; and
  6. TD American Limestone, LLC, the amount of \$234,428.33, for Crush Limestone – Patio 22 expansion project.

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

**5. Consideration and ACTION on Leases, Assignments, Negotiations, Easements, Subleases, and Contracts in General:**

Mrs. Rodriguez addressed the Board regarding the following items:

**1. Ternium USA Inc. (Option to Lease)**

Ternium USA Inc. seeks an Option to Lease on 166.63 acres for an initial term of one year commencing on July 5, 2023, and expiring on July 4, 2024 with an option to renew the term for an additional year (July 5, 2024 – July 4, 2025). Commissioner Wood moved to approve an Option to Lease for Ternium USA Inc., Commissioner Cowen seconded, and the motion passed unanimously.

**2. Nustar Logistics, L.P. (Authority to Negotiate – Easement)**

Nustar Logistics, L.P. a current lessee under multiple BND lease agreement, Easements and Right of way agreements has requested an Easement for the purpose of installing a 10" refined products pipeline from their leased site to the Sunoco site. Commissioner Wood moved to approve the

Authority to Negotiate an easement as presented, Commissioner Cowen seconded, and the motion passed unanimously.

3. CEMEX Construction Materials South, LLC (**Authority to Negotiate**)

CEMEX Construction Materials South, LLC has requested a new lease for approximately 10 acres located at the corner of Chemical Road and Hwy 48. The proposed term of the new lease would be for five years with one renewal option of five years. Commissioner Wood moved to approve the Authority to Negotiate a lease as presented, Commissioner Cowen seconded, and the motion passed unanimously.

4. Ouroboros Land Enterprise, LLC (**Authority to Negotiate**)

Ouroboros Land Enterprise, LLC is interested in leasing approximately 530 acres located at SH 550 frontage. Staff requested authority to negotiate an option to lease. Representatives of Ouroboros Land Enterprise addressed the Board and answered questions regarding their proposed project. After discussion, Commissioner Cowen moved to approve the Authority to Negotiate for an option to lease with Ouroboros Land Enterprise, LLC, Commissioner Wood seconded, and the motion passed unanimously.

**6. Consideration and ACTION on execution of Conservation Easement for the Rio Grande LNG, LLC and Rio Bravo Pipeline Company, LLC.**

Mr. Campirano addressed the Board requesting authorization on execution of Conservation Easement for the Rio Grande LNG, LLC and Rio Bravo Pipeline Company, LLC. The Rio Grande LNG, LLC and the Rio Bravo Pipeline projects have received the Department of Army Section 404/Section 10 Permit for the construction of these projects at the Port of Brownsville. One of the conditions of the permit includes a Compensatory Wetland Mitigation Plan. The purpose is for providing compensation for adverse impacts to waters of the United States. The Conservation Easement is for approximately 1,500 acres of land required under the Compensatory Wetland Mitigation Plan necessary to meet the requirements of the Section 404/Section 10 Permit. Mr. Irwin noted that approval should be conditioned upon payment as provided under the BIH Agreement. Commissioner Wood moved for approval of the Conservation Easement, conditioned on payment as provided under the BIH Agreement, Commissioner Cowen seconded, and the motion passed unanimously.

**7. Consideration and ACTION to reject any and all proposals submitted to the Port of Brownsville for Professional Video Production Services for the Port of Brownsville RFP #PVP-160623.**

Mr. Yanez addressed the Board requesting to reject any and all proposals submitted to the Port of Brownsville for Professional Video Production Services for the Port of Brownsville RFP #PVP-160623. BND staff solicited proposals for Professional Video Production Services for the Port of Brownsville through the BidNet electronic platform. On June 27, 2023, the project closed. Four (4) proposals with 3 being over the \$50,000 threshold triggering additional procurement

requirements. As all procurements above \$50,000 require board approval to solicit and notification of such solicitations to be placed in the newspaper, staff recommends that all proposals be rejected.

Mr. Irwin noted that Items 7 and 8 could be considered together. Chairman Guerra announced that Items 7 and 8 would be considered at the same time.

**8. Consideration and ACTION to authorize Port Staff to advertise for proposals for Professional Video Production Service of the Business Park.**

Staff requested authorization for Port Staff to advertise for proposals for Professional Video Production Service of the Business Park. BND Staff is seeking authorization to advertise for proposals for Professional Video Production including aerial and promotional footage for the business park.

After discussion, Commissioner Cowen moved to reject any and all proposals received for Professional Video Production Services and to authorize advertisement of proposals for the same services for the Port's business park and to authorize staff to open the received proposals.

**9. Consideration and ACTION to utilize an interlocal contract for Wireless & VOIP Telecommunications Equipment & Services for the Port of Brownsville.**

Mr. Yanez addressed the Board requesting authorization to utilize an interlocal contract for Wireless & VOIP Telecommunications Equipment & Services for the Port of Brownsville. As part of their due diligence, staff performed an audit of the District's Verizon wireless service account. Through conversations with Verizon wireless service representatives, the Port's current wireless service provider, Staff was able to identify a plan that will better serve the Port's operations while also achieving cost savings. Verizon offers the Verizon Frontline plan, a plan that provides advanced network and technology services to qualified organizations. This plan offers priority and preemption capabilities at no additional monthly cost. The Frontline plan prioritizes network access, ensuring the Port gets the necessary network priority and preemption when the network may be congested due to predictable overloads or unexpected emergencies. Verizon uses preemption during peak demand and emergency situations to automatically reallocate network resources to designated users. In rare instances when the wireless network is fully utilized, preemption will activate to provide Port personnel access to the network with minimal interruption. These services will be obtained through a Texas Department of Information Resources ("DIR") contract that ensures compliance with District and State procurement requirements. Procurement Services request to invoke the "Interlocal contract for cooperative purchasing" clause under Local Government Code Section §791.025 # DIR-TELE-CSTA-003 to procure these services. Commissioner Cowen asked questions regarding the contract and about the Port's fiber and phone service. Discussion followed. Commissioner Cowen moved to approve the use of Interlocal contract # DIR-TELE-CSTA-003 for Wireless & VOIP Telecommunications Equipment & Services to transition the Port of Brownsville to the Verizon Frontline Plan, Commissioner Wood seconded, and the motion passed unanimously.

**10. Consideration and ACTION on Resolution adopting an Advance Funding Agreement with the Texas Department of Transportation for construction of the SH 48 Acceleration & Deceleration lanes project and designating a Project Manager.**

Mr. Campirano addressed the Board requesting approval on Resolution adopting an Advance Funding Agreement with the Texas Department of Transportation for construction of the SH 48 Acceleration & Deceleration lanes project and designating a Project Manager. BND Staff has been

working with the Texas Department of Transportation (TxDOT) on an Advanced Funding Agreement (AFA) for the construction of the SH 48 Acceleration & Deceleration Lanes project at the proposed entrances to the Rio Grande LNG lease site near Port Isabel. The Advance Funding Agreement (AFA) must be executed between the BND and the State for this work to take place. BND must adopt a Resolution or Ordinance approving the proposed AFA, which resolution will become part of the AFAs. In order to initiate the construction phase of the project, the State requires execution of the Resolution. Commissioner Wood moved to adopt the resolution approving the Advance Funding Agreements with the State of Texas for the SH 48 Acceleration & Deceleration lanes project, and designate the BND Director of Engineering, Mr. Ariel Chavez II, P.E./R.P.L.S. as the Local Government (LG) Responsible Person in Charge (RPIC) and Project Manager (PM) for this endeavor, Commissioner Cowen seconded, and the motion passed unanimously.

**11. Consideration and ACTION on engaging Korn Ferry, an executive search firm.**

The Board considered an agreement to engage Korn Ferry, an executive search firm, to provide professional executive search firm services to the Board of Commissioners. Commissioner Cowen moved to approve the engagement agreement, 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 deliberate the purchase, exchange, lease, or value of real property; 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).**

There was none.

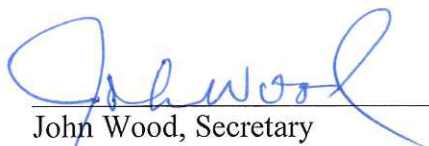
**13. Possible action on matters or items discussed in Executive Session.**


There was none.

**14. Adjournment.**

Commissioner Cowen moved to adjourn the meeting, Commissioner Wood seconded, and the meeting was adjourned by unanimous consent at 6:35 p.m.

ATTEST

  
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John Wood, Secretary

  
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Esteban Guerra  
Chairman of the Board