

**THE STATE OF TEXAS §
BROWNSVILLE NAVIGATION DISTRICT §
COUNTY OF CAMERON §**

Esteban Guerra, Chairman
John Wood, Secretary
Sergio Tito Lopez, Commissioner

Ralph Cowen, Vice Chairman
John Reed, Commissioner

Eduardo A. Campirano, Port Director and CEO

**PILOT BOARD MEETING AND REGULAR BOARD MEETING
OF THE BROWNSVILLE NAVIGATION DISTRICT**

Notice is hereby given that the Board of Commissioners of the Brownsville Navigation District will meet on **Wednesday, July 19, 2023** in the Board Room located at 1000 Foust Road, Brownsville, Cameron County, Texas. The Board of Commissioners will convene in a **Pilot Board Meeting at 5:30pm and Regular Board Meeting** to commence immediately after the conclusion of the Pilot Board Meeting.

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PILOT MEETING: 5:30P.M.

1. Consideration and ACTION on acknowledgment of a new Deputy Pilot candidate Gene Rufino Tuttle Jr.

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REGULAR MEETING: *commencing immediately after the conclusion of the Pilot Board*

1. Call to Order.

INVOCATION

PLEDGE OF ALLEGIANCE

2. Public Audience.
If you wish to address the Board of Commissioners during the Public Audience portion of today's meeting about either an **item on this agenda or other issue**, please print your name and the agenda item or topic of discussion you wish to address on the Sign-In-Sheet located at the Reception Desk.

In accordance with BND Policy, only those persons who have signed up on the list shall be heard. The speaker must limit remarks to three minutes. The Board shall allot no more than 30 minutes for the Public Audience portion of the meeting. Complaints and concerns for which other channels of resolution are provided shall be directed through those channels. If the Chairman of the Board determines that a person has not attempted to resolve a matter administratively, the person shall be directed to the appropriate individual for attempted resolution before bringing the matter to the Board. A complaint against specific employees or officers of the BND shall be heard in a Closed Meeting, as authorized by the *Texas Government Code Title 5 – Sections 551.074(1) and (2)*. If your topic concerns a complaint

against a specific employee or officer, please note this on the sign-in sheet. You must make your points on issues in a constructive and courteous fashion pursuant to *Robert's Rules of Order*.

- 3. Reports:
 - Port Monthly Operations Summary Report 1

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CONSENT AGENDA ITEMS

All Consent Agenda Items listed are considered to be routine by the BND Commission and will be approved in one motion. There will be no separate discussion of these items unless at least one BND Commissioner so requests, in which event the item will be removed from the Consent Agenda and considered separately in the Regular Agenda.

- 4. Consideration and ACTION on the following Consent Agenda Items:
 - a) Approval of the Minutes of the Regular Board Meeting of July 5, 2023. 8
 - b) Approval to authorize payments over \$25,000.00. 14

	Vendor	Purpose	Amount	
1	HDR Engineering, Inc.	Channel Improvement Project and Phase 2 Design Repackaging	\$69,526.75	15
2	Koppers Inc.	Patio 22 / Dock 13 entrance railroad crossing project	\$29,842.00	25
3	T.D. American Limestone, LLC	Crush Limestone – Patio 22 Expansion project	\$44,211.35	29

- 5. Consideration and ACTION on Stevedore and Freight Handler’s License Renewal Application for: Schaefer Stevedoring, Inc. (MS) 30

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PRESENTATION

- 6. Presentation of District’s Investment Report for the quarter ended June 30, 2023. (ZY) 34

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ACTION ITEMS

- 7. Consideration and ACTION to acknowledge receipt of the independent audits of the financial statements of the Brownsville Navigation District and the “Retirement Plan for Employees of the Brownsville Navigation District” for Fiscal Year Ended December 31, 2022. (ZY) 37

8. Consideration and ACTION on Leases, Assignments, Negotiations, Easements, Subleases, and Contracts in General: (MR)

1.	White Tipped Dove LLC (New Lease)	38
2.	Bluewing One, LLC (License Agreement)	41
3.	Bluewing One, LLC (Amendment – License Agreement)	43
4.	Eolic Green Ammonia LLC (Authority to Negotiate – Option)	45

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BIDS/AGREEMENTS/PURCHASES

- 9. Consideration and ACTION to authorize the Port Director and CEO to execute Receipt and Release Affidavit on Oil Dock #5 Damage Repairs by R.M. Walsdorf, Inc. on behalf of Kirby Inland Marine, L.P. (MS) 48
- 10. Consideration and ACTION to Authorize Port Staff to Purchase TX5 Tensar Geo Grid from the Sole Source Vendor GeoSolutions, Inc. (JH) 64
- 11. Consideration and ACTION to accept proposal from Millennium Engineers Group, Inc. on geotechnical analysis and report for the Dredged Material Placement Area No. 8 modifications, and to authorize the Port Director & CEO to sign the proposal for this report. (AC) 68

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EXECUTIVE SESSION:

- 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).
- 13. Possible ACTION on matters or items discussed in Executive Session.
 - 1. Consideration and possible action on Settlement Agreement and Mutual Release; Cause No. 19-32800-sgj7 United States Bankruptcy Court for the Northern District of Texas.
- 14. Adjournment.

NOTE: The Board of Commissioners reserves the right to discuss any items in Executive Session whenever authorized under the Texas Open Meetings Act, Chapter 551, Title 5 of the *Texas Government Code*.

NOTE: The Brownsville Navigation District does not discriminate on the basis of disability in the admission of, access to, treatment of, or employment in its programs, activities, or public meetings. Any individual with a disability in need of an accommodation is encouraged to contact the Director of Human Resources by Monday, no later than 5:00 P.M., to make proper arrangements.

I certify that a copy of the July 19, 2023 Agenda of items to be considered by the Brownsville Navigation District Commission was posted on the Bulletin Area at the BND Building on July 14, 2023. I further certify that the Agenda was posted on the BND's website and can be downloaded by accessing: www.portofbrownsville.com.



**Eduardo A. Campirano, Port Director & CEO
Brownsville Navigation District**